

General Court of North Carolina ^[1]

General Court of North Carolina

by Louis P. Towles, 2006

The General Court of North Carolina was formed as an outgrowth of a grant of powers by the English Crown to the lords Proprietors ^[2] of Carolina ^[3] in 1663 and 1665. The Proprietors were charged by these charters to establish "justice unto courts, sessions, and form of judicature, and manners of procedure therein." In compliance, the Proprietors through their Fundamental Constitutions ^[4] attempted to establish a system of manorial, precinct ^[5], and governmental courts to apply justice, but the lack of population, funding, and order in the early colony delayed implementation.

The General Court, composed of the governor ^[6] and his deputies, was an extension of the council and operated in the 1600s as the primary law court as well as the high court of the colony. Minor cases from precinct and magistrate courts were carried over to this court, and important criminal and civil actions, including equity, were initiated here. In the 1680s the jurisdiction of the General Court was temporarily eclipsed by the appearance of an intermediary court, the Court of Albemarle, under the governor's direction. This newly appointed body absorbed much of the original prerogative of the General Court, leaving the high court as little more than a court of last appeal.

The General Court, despite its necessity, was unpopular because of the politics sometimes involved in the appointment of its chief justice and the clerkships they controlled. The court was not one of those reaffirmed by the new state of North Carolina in 1777, and the state delayed nearly three decades before finally accepting a supreme court ^[7] of final jurisdiction.

References:

Robert J. Cain, ed., *Records of the Executive Council, 1664-1734* (1984).

Mattie Erma Edwards Parker, ed., *North Carolina Higher Court Records, 1670-1696* (1968).

William S. Price Jr., ed., *Higher Court Records of North Carolina, 1701-1708* (1974).

Additional Resources:

"Sketch of the Judicial History of North Carolina." *The Revised statutes of the State of North Carolina, passed by the General Assembly at the session of 1836-7 Volume II*. Raleigh [N.C.]: Turner And Hughes. 1837. p. 527-532.
<https://digital.ncdcr.gov/Documents/Detail/revised-statutes-of-the-state-of-north-carolina-passed-by-the-general-assembly-at-the-session-of-1836-7-including-an-act-concerning-the-revised-statutes-and-other-public-acts-passed-at-the-same-session-...-v.2/2691256?item=2846353> ^[8]

"Colonial and State Records Documents by North Carolina. General Court."
<https://docsouth.unc.edu/csr/index.html/creators/csr10081> ^[9]

The North Carolina Court System Home Page: <http://www.nccourts.org> ^[10]

Subjects:

[American Revolution \(1763-1789\)](#) ^[11]

[Colonial period \(1600-1763\)](#) ^[12]

[Law and legal history](#) ^[13]

Authors:

[Towles, Louis P.](#) ^[14]

From:

[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[15]

1 January 2006 | Towles, Louis P.

Source URL: <https://ncpedia.org/general-court-north-carolina>

Links

^[1] <https://ncpedia.org/general-court-north-carolina> ^[2] <https://ncpedia.org/lords-proprietors> ^[3] <https://ncpedia.org/carolina> ^[4] <https://ncpedia.org/fundamental-constitutions> ^[5] <https://ncpedia.org/precincts> ^[6] <https://ncpedia.org/government/governorship> ^[7] <https://ncpedia.org/supreme-court-north-carolina> ^[8] <https://digital.ncdcr.gov/Documents/Detail/revised-statutes-of-the-state-of-north-carolina-passed-by-the-general-assembly-at-the-session-of-1836-7-including-an-act-concerning-the-revised-statutes-and-other-public-acts-passed-at-the-same-session-...-v.2/2691256?item=2846353> ^[9] <https://docsouth.unc.edu/csr/index.html/creators/csr10081> ^[10] <http://www.nccourts.org> ^[11] <https://ncpedia.org/category/subjects/us-revolution> ^[12] <https://ncpedia.org/category/subjects/colonial-period> ^[13] <https://ncpedia.org/category/subjects/laws> ^[14] <https://ncpedia.org/category/authors/towles-louis-p> ^[15] <https://ncpedia.org/category/entry-source/encyclopedia->

