

## **Justices of the Peace** <sup>[1]</sup>

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by Jo White Linn, 2006

Justices of the Peace, or judges of record, were appointed in early colonial <sup>[2]</sup> North Carolina for certain county or borough districts to preserve the peace and ensure that the law and legal processes were thoroughly and expeditiously observed. Appointments of justices of the peace were made by governors on the recommendation of the Proprietary royal council of the colony, giving the post significant executive power. In colonial North Carolina, at least three justices of the peace had to be present for business to be conducted at the county court, or Court of Pleas and Quarter Sessions <sup>[3]</sup>, which met quarterly. The proceedings were recorded in the Minutes Books, frequently in great detail.

The justices of the peace exercised wide administrative and executive powers and were often the most visible governmental officials in the lives of North Carolinians prior to the Civil War <sup>[4]</sup>. Their actions are a matter of record in the counties whose records have survived. When the state's inferior courts were abolished in 1868, the justices of the peace retained their power to appoint county commissioners and oversee taxation; however, their usual duties became trying petty cases and solemnizing marriages. In the modern court system, justices of the peace are minor functionaries, dealing with local cases such as trespass and assault.

### **References:**

Paul M. McCain, *The County Court in North Carolina before 1750* (1954).

William S. Powell, *North Carolina through Four Centuries* (1989).

### **Subjects:**

Law and legal history <sup>[5]</sup>

### **Authors:**

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### **From:**

Encyclopedia of North Carolina, University of North Carolina Press. <sup>[7]</sup>

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