

Appendix 1: The Courts of Johnston County and the Eleventh District, 1755-Present

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In addition to research that examines the evolution of courts in North Carolina at a macro level, significant benefits await those who pursue more intimate study. In this appendix to *A Brief History of Judicial Reform and the District Court in North Carolina*, we sharpen our gazes on the early high courts of Johnston County and the hodgepodge of lower courts prior to the establishment of the Eleventh Judicial District. Such a narrow focus enables lawyers and the public alike to consider in finer detail how the District Court came to be.

THE EARLIEST YEARS

Johnston County's founding in 1746 affords it prime placement in North Carolina's judicial history. Johnston justice grew initially under the General Court System, established in 1670 by the Lords Proprietors, which held jurisdiction over civil actions above £50 (approximately \$10,000 today¹) and criminal actions when punishment could entail "loss of life or member." The General Court held sessions in three circuits, at Bath, New Bern, and Newton (present-day Wilmington), with general sessions in Edenton.²

In 1755, the newly established Supreme Courts of Justice funneled justice-seeking Johnstonsians solely to New Bern. Divided into five districts—in Edenton, Enfield, New Bern, Salisbury, and Wilmington, —the judicial system in North Carolina attempted to reach peak efficiency by primarily servicing the needs of local communities. Simmering revolutionary sentiment in the colony and elsewhere on the Atlantic, however, meant that attempts at a speedy pursuit of justice faced major roadblocks in subsequent years.

From 1772-1778, sparring between the colonies and the royal government of England paralyzed the administration of justice in Johnston County and North Carolina. Courts of Oyer and Terminer (to hear and determine) tried only the most heinous crimes, but no civil cases over £50 could be tried during the six-year period.³ Independence and statehood for North Carolina saw Johnston County return to umbrella of the New Bern District Superior Court. In 1806, the county seat of Johnston, Smithfield, erected a new superior court to serve the county. It remained the highest court in Johnston County until the Constitution of 1868.

A SIMILAR STORY

Attempts at reform from 1868 to the mid-twentieth century (see "A Myriad of Changes") had tremendous impact on Harnett, Johnston, and Lee counties. These three locales were to compose the newly-minted Eleventh Judicial District as laid out by the Judicial Department Act of 1965.⁴

¹ All currency approximations were completed using Alan Eliassen's "Historical Currency Conversions," available online at: <https://futureboy.us/fsp/dollar.fsp>.

² George Stevenson & Ruby D. Arnold, *North Carolina Courts of Law and Equity Prior to 1868*, ARCHIVES INFORMATION CIRCULAR, July 1973, at 9.

³ *Id.*

⁴ N.C. GEN. STAT. §7A-131 (1965).

Not much had changed in the area since the eighteenth century. A report dispatched by the Court Commission found the area “moderately populated, characterized by the absence of large towns.”⁵ In large part, the Court systems of each county reflected the report’s sentiment. Lee County had a Superior Court, a county recorder’s court (Sanford), and one mayor’s court. Harnett County operated one Superior Court and two recorder’s courts of similar jurisdiction.⁶

The lower courts of Johnston County presented a clearer picture of the reformers’ challenge. In the early 1960s, the county had five municipal recorder’s courts (in Smithfield, Benson, Clayton, Kenly, and Selma) and a recorder’s and domestic relations court that serviced the county *writ large*.⁷ Additionally, mayor’s courts operated in Pine Level, Four Oaks, and Princeton, handling cases in excess of 120 per year.⁸

The on-the-ground administration of justice in Harnett, Johnston, and Lee counties came from an assortment of jurists and was supplied by a variety of financial practices. Johnston had the largest number of justices of the peace with 29, Harnett with 23, and Lee with 9. As was the case with justices of the peace throughout the state, “most information furnished [to the report] on the civil cases is estimated, . . . obtained by personal interview with the justices of the peace who are most active in these counties.” The Clerk of Superior Court docketed only one-third to one-half of all civil cases.⁹ Furthermore, only four out of the eight total recorder’s court judges held a background in the legal profession.¹⁰

In addition to varying jurisdictions and procedures, each court had separate financial practices.

The Criminal cost of recorder’s courts varies from \$10.45 to \$25.50 with \$.50 going to the local library fund in Johnston County and \$1 going to the local library fund in both Lee and Harnett Counties. Johnston County has a local law officers fund which is \$1 per case. The average minimum cost in the three counties is approximately \$18.50.¹¹

These practices produced somewhat surprising results for the court system. In fiscal year 1963, the recorder’s courts in Benson, Clayton, and Kenly took in a slight *profit* of \$1,879.97 (approximately \$14,500 today). Harnett County’s recorder’s courts topped their neighbor’s gains, raking in \$11,148.32 (approximately \$86,000 today).¹²

REFORM

The shift to the District Court in late 1968 reverberated across each county in the Eleventh Judicial District, with generally positive sentiment. “The organization of the new court system requiring much more uniformity of procedure, costs and operation for all levels of court indicates

⁵ GEORGE B. MAST, COURTS COMMISSION, A REPORT ON THE COURTS AND COURT BUSINESS OF THE ELEVENTH JUDICIAL DISTRICT 1 (1964).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 6.

⁹ *Id.* at 5.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 5.

¹² *Id.* at 11.

that a more efficient and satisfactory system will be possible,” declared the *Smithfield Herald*.¹³ Candidates for judge rushed to enter the November election that would determine the first four sitting judges of the District Court in Harnett, Johnston, and Lee counties. In total, eight Democrats filed for the May primary, and one Republican ran uncontested. Each Democrat to file had experience with the current hodgepodge: W. Pope Lyon, Elton Pridgen, and Lowry M. Betts, attorneys; C.P. Trader, E. Hughes Lamm, William I. Godwin, Woodrow Hill, and Robert B. Morgan, Sr.; each a judge on a municipal or county recorder’s court.¹⁴ On November 5, 1968, voters in the Eleventh Judicial District elected the “first four” judges to sit on the District Court. Those new judges, Robert B. Morgan, Sr. (Chief), W. Pope Lyon, William I. Godwin, and Woodrow Hill, took office on the first Monday in December of the same year.¹⁵ A new era of justice in Harnett, Johnston, and Lee counties had begun.

ROBERT B. MORGAN, SR.

Each of the initial judges to sit on the bench for the Eleventh District Court was a character in his own right, and each became well-known for his attitudes and habits. Chief Judge Robert B. Morgan, Sr. was no exception. A native of Kipling, NC, Judge Morgan received formal education at Wake Forest University and the Cumberland University School of Law in Knoxville, TN. Voters in Harnett County awarded him all but seven votes in his election as county recorder’s court judge in 1956.¹⁶ Upon his election as Chief District Court judge in 1968, Judge Morgan’s court became a shining example of court reformers’ deepest wish—a transformed body with noticeably more efficient operation.

Known as an affable jurist and avid fisherman by his peers,¹⁷ Judge Morgan—and his court—built an unspoken reputation as a lenient judge during sentencing. The Eleventh District Court sentenced almost one out of every five traffic convictions as “prayer for judgment continued,” a legal loophole that prevented the state from taking action against a driving license. In 1973, a Department of Motor Vehicles report identified 5.7 percent of the half a million traffic violations as a PJC. In the Eleventh Judicial District, however, that percentage swelled to 17.2 percent.¹⁸ Judge Morgan responded defensively: “Some of [the cases],” he said, “you have to give PJC to induce them to plead guilty...it would take too long [for defense]...you have a pretty good idea, especially in this area, because you know all the people.”¹⁹ Indeed, the friendly nature of jurists, attorneys, and citizens may have been unquenchable by the new District Court. “A defendant with 26 traffic violations,” reported the *Smithfield Herald*, “has been given six PJCs by Judge Morgan since 1971.”²⁰

¹³ *District Courts Will Produce Many Changes in December*, SMITHFIELD HERALD, March 5, 1968, at 1A [hereinafter *Many Changes*].

¹⁴ *Eight Democrats File for Four Judge Jobs*, SMITHFIELD HERALD, February 23, 1968, at 2.

¹⁵ *Many Changes*, *supra* note 13.

¹⁶ *Obituary, Robert Bolton Morgan, Sr.*, NEWS & OBSERVER, August 8, 2008.

¹⁷ W. POPE LYON, DE JUDGE TELLS DE TALES 39, 41 (1986).

¹⁸ *District Court Judges “Most Lenient in State”*, SMITHFIELD HERALD, November 13, 1973, at 2.

¹⁹ *Id.*

²⁰ *Id.*

W. POPE LYON

Perhaps the most flamboyant member of the “first four” was Judge W. Pope Lyon of Smithfield. Allegedly the first person ever charged and convicted of running a red light in Johnston County,²¹ Judge Lyon was the youngest member of the group, and also the only new jurist without previous bench experience. His ascension to the District Court was, thus, the result of twelve years as a district attorney and solicitor in the Johnston County Recorder’s Court, in addition to his leadership as chairman of the committee constructed to study the needs of the new Eleventh District.²² Upon his retirement from the bench in 1984, Judge Lyon proceeded to craft a full-length book of stories with regard to his time as District Court judge, titled *De Judge Tells De Tales*. The semi-autobiography details with hokey humor his run-ins with inexperienced defendants, prideful lawyers, and his own occasional misunderstandings of the law.

WILLIAM I. GODWIN

Judge William I. Godwin “had the looks, bearing and manner of a typical movie or television journalist,” wrote Judge Lyon. “He was tall and handsome and had the air and even some of the mannerisms of Ronald Reagan.”²³ Judge Godwin, previously Mayor of Selma and judge on the Johnston County Recorder’s and Domestic Relations Court, handled the large majority of the Eleventh District’s juvenile cases and domestic disputes. His efficient manner led court authorities to christen his the best juvenile court in the state.²⁴ Judge Godwin was the first of the initial Eleventh District judges to retire (1975), returning to elected office as Selma’s mayor.

WOODROW HILL

The last of the original four District Court judges of the Eleventh District was Woodrow Hill of Dunn. Judge Hill, unlike his counterparts, had no formal legal education, but “lived and breathed politics.”²⁵ “Among his annoyances,” wrote Judge Lyon, “were the *Raleigh News & Observer*, young men with long hair, vagrants, and Buddy Jernigan [a political rival].” Indeed, Judge Hill’s disdain for vagrants appeared during his tenure as a recorder’s court judge—long before his election to the District Court. “Any and all tramps, vagrants, persons under suspicion who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public place,” he declared to the Dunn *Daily Record*.²⁶ Although a federal judge would strike down his decision,²⁷ Judge Hill remained a vanguard of conservative values throughout his duration on the recorder’s court and District Court benches.

Upon his death in 1994, the *Daily Record* produced a gleaming editorial for Judge Hill, which spoke to his disdain for “hippies.” “Judge Hill served during a difficult period in our history when many young people began living as hippies and rebellion against the establishment came

²¹ Lyon, *supra* note 17, at 12.

²² *Pope Lyon, C.P. Trader Seek District Judgeships*, SMITHFIELD HERALD, January 19, 1968, at 1.

²³ Lyon, *supra* note 17, at 46.

²⁴ SMITHFIELD HERALD, October 31, 1972.

²⁵ Lyon, *supra* note 17, at 43.

²⁶ RISA GOLUBOFF, VAGRANT NATION: POLICE POWER, CONSTITUTIONAL CHANGE, AND THE MAKING OF THE 1960S 176 (2016).

²⁷ *Smith v. Hill*, 285 F.Supp. 556, 559 n. 2 (E.D.N.C. 1968).

into vogue,” the newspaper determined. “He even sent longhaired defendants to the barber shop, probably a constitutionally shaky practice.”²⁸

THE PRESENT AND THE FUTURE

Today, the District Court remains a constant presence and force in the Eleventh Judicial District. Since 1968, the number of judges has increased, from four to twelve, to meet the expanding needs of Harnett, Johnston, and Lee counties. Some trends, however, bely new institutional challenges that encompass the whole of North Carolina. In 2012, the state ranked forty-fifth against other states in terms of per capita spending on the Judicial Branch.²⁹ Institutional knowledge continues to leave the court system as experienced employees retire. Specific to the Eleventh Judicial District is the recent retirement of longtime Clerk of Superior Court Will Crocker, who “probably knows more people by their first names in the [area] than any other one person.”³⁰ These issues will remain until new public servants emerge to address them.

This appendix has addressed in a brief overview the formation, establishment, early years, and challenges facing the Eleventh District of the North Carolina Judicial System. This approach may ironically posit an injustice to those who have worked to ensure the efficient and successful administration of justice in these counties. The District Court functions well only with their constant vigilance. Thus, despite the challenges facing the District Court in the Eleventh District and across the state, those who are continually invested in the successful and efficient administration of justice will ensure that present and future challenges are met with the vigor and enthusiasm of a new century.

²⁸ *Woodrow Hill—A No-Nonsense Judge with Common Sense*, DAILY RECORD, February 23, 1994, at 4A.

²⁹ NORTH CAROLINA JUDICIAL BRANCH, 2014-2015 ANNUAL REPORT 12 (2015).

³⁰ Lyon, *supra* note 17, at 88.

Appendix 2: List of District Court Judges for the Eleventh District

Robert B. Morgan, Sr. (Lillington)	Chief, 1968-1978
W. Pope Lyon (Smithfield).....	1968-1984
William I. Godwin (Selma).....	1968-1975
Woodrow Hill (Dunn).....	1968-1978
Elton C. Pridgen (Smithfield)	1975-1988; Chief, 1978-1988
William A. Christian (Sanford).....	1978-2000; Chief, 1988-2000
Kelly Edward Greene (Dunn)	1978-1987
Edward H. McCormick (Lillington)	1984-2004; Chief, 2000-2003
O. Henry Willis (Dunn)	1987-1992(?), 2009(?) -2010(?)
Tyson Yates Dobson, Jr. (Smithfield).....	1988-2002
Samuel S. Stephenson (Angier)	1988-2000
Albert A. Corbett, Jr. (Smithfield).....	1990-2013(?); Chief, 2003-2013(?)
Franklin F. Lanier (Buies Creek).....	1992-2004
Robert L. Anderson (Clayton)	1999-2001
Marcia K. Stewart (Smithfield).....	2000-2005
Jacquelyn L. Lee (Smithfield).....	2000-Present; Chief, 2013(?) -Present
Jimmy L. Love, Jr. (Sanford).....	2000-Present
Addie M. Harris-Rawls (Clayton).....	2001-Present
George R. Murphy (Smithfield).....	2002-2008(?)
Resson O. Faircloth, II (Lillington)	2004-Present
James B. Ethridge (Lillington).....	2004-2007
Robert W. Bryant, Jr. (Lillington)	2006-Present
R. Dale Stubbs (Smithfield).....	2007-Present
O. Henry Willis, Jr. (Dunn)	2007-Present
Charles Patrick Bullock (Coats).....	2008-2012
Paul A. Holcombe, III (Smithfield)	2009-Present
Charles Winston Gilchrist (Clayton)	2010-2012(?)
Caron H. Stewart (Smithfield)	2012-Present
Mary H. Wells (Smithfield)	2013-Present
Joy A. Jones (Smithfield).....	2013(?) -Present

Appendix 3: County Divisions in North Carolina within Present State Boundaries, 1740-1800

L. POLK DENMARK,

reprinted from George Stevenson & Ruby D. Arnold, *North Carolina Courts of Law and Equity Prior to 1868*, ARCHIVES INFORMATION CIRCULAR, July 1973, at 17.

