



State of Tennessee  
Department of State  
**Tennessee State Library and Archives**  
403 Seventh Avenue North  
Nashville, Tennessee 37243-0312

**JUSTICE OF THE PEACE COMMISSIONS  
1856-1966  
RECORD GROUP 289**

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**MICROFILM ONLY**

## SCOPE AND CONTENT

Record Group 289, Justice of the Peace Commissions, 1856-1966, contains commissions by the governor for Justices of the Peace who were locally elected. These records measure about 11 linear feet and are recorded in 48 volumes. These records were maintained by the Secretary of State and were found in good condition. They were received directly from the Secretary of State's office and the Records Center on a continuous basis throughout the history of the Tennessee State Library and Archives. There are no restrictions on the use of these records.

The volumes are arranged chronologically and contain a name index in the front of most volumes unless otherwise noted in the container list. Beginning with volume 43, the arrangement is by county, then chronological. Additional Justice of the Peace commissions can be found in Record Group 195, Tennessee Civil & Military Commissions, 1796-1976 and in *Roster of Tennessee County Magistrates, 1966-1972*. This listing is found in the TSLA library collection and is arranged by county. It includes the name, address, and the district represented.

The volumes have been microfilmed and the originals disposed of. There is no RDA pertaining to these records.

## **BRIEF HISTORY OF JUSTICES OF THE PEACE**

The office of Justice of the Peace originated in England during the first year of King Edward the Third, about the year 1327, according to *The Duty and Authority of Justices of the Peace in the State of Tennessee* published in 1810 by John Haywood. The Tennessee Constitution, Article VI, section 1 and 15, provided that the position of Justice of the Peace be elected according to districts for a term of six years. The elected individual received a commission by the governor. These records reflect those commissions. The current Tennessee constitution does not include section 15. In 1959, a general act established General Sessions courts which altered some of the authority of a Justice of the Peace in most Tennessee counties. Where there is a General Sessions court, the Justice of the Peace is divested of most of his judicial powers according to *Urban Justice, Municipal Courts in Tennessee* by Richard G. Sheridan.

The subject matter of the Justice of the Peace is defined as having power over misdemeanor cases. The Justice of the Peace has the authority to hear and determine all small offenses and all charges of vagrancy. Small offenses against the state include various acts for which the maximum penalty does not exceed \$50 and for which no imprisonment may be inflicted. The Justice of the Peace has no jurisdiction to hear felony cases. The position evidently became controversial throughout the country because it was generally an unsalaried position, and income was based on the fines collected from the cases heard in the court. T. L. Howard discusses this controversy in his article "The Justice of the Peace System in Tennessee" in the *Tennessee Law Review*, Vol. 13, 1934. Albert Ewing, Jr. traces the roots of the position of Justice of the Peace from its creation in English law, to America, and finally to Tennessee in his *Tennessee Law Review* article, Vol. 21, 1950, "Justice of the Peace-Bedrock of Democracy."

**CONTAINER LIST**  
**RG 289**

**MF. ROLL # 1**

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**VOLUME #: JUSTICE OF THE PEACE COMMISSIONS**

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1. 1856-1863, Justice of the Peace. Chronological by County.  
1856-1861, Commissioner of Deeds. Chronological by State.
2. 1869- D. W. C. Senter, Governor. Alphabetical then chronological.
3. 1871- John C. Brown, Governor. No name index.

**MF. ROLL # 2**

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4. 1871-1874, John C. Brown, Governor. Alphabetical then chronological.
5. 1872-1875, John C. Brown, Governor.
6. 1875-1879, James. D. Porter and Albert S. Marks, Governor.

**MF. ROLL # 3**

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7. 1876- James D. Porter, Governor.
8. 1879-1882, Albert S. Marks and Alvin Hawkins, Governor.

**MF. ROLL # 4**

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9. 1882- Alvin Hawkins, Governor.
10. 1882- Alvin Hawkins, Governor.

**MF. ROLL # 5**

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11. 1882- Alvin Hawkins, Governor.
12. 1882- Alvin Hawkins, Governor.

**MF. ROLL # 6**

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13. 1882-1886, Alvin Hawkins and William B. Bates, Governor.
14. 1886-1889, William B. Bates and Robert L. Taylor, Governor.

**MF. ROLL # 7**

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15. 1888- Robert L. Taylor, Governor.
16. 1888- Robert L. Taylor, Governor.

**MF. ROLL # 8**

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17. 1888- Robert L. Taylor, Governor.
18. 1888- Robert L. Taylor, Governor.

**MF. ROLL # 9**

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- 19. 1889-1892, Robert L. Taylor and John P. Buchanan, Governor.
- 20. 1892-1897, John P. Buchanan, Peter Turney, and Robert L. Taylor, Governor.

**MF. ROLL # 10**

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- 21. 1894- Peter Turney, Governor.
- 22. 1894- Peter Turney, Governor.

**MF. ROLL # 11**

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- 23. 1894- Peter Turney, Governor.
- 24. 1894- Peter Turney, Governor.

**MF. ROLL # 12**

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- 25. 1897-1900, Robert L. Taylor and Benton McMillin, Governor.
- 26. 1900- Benton McMillin, Governor.

**MF. ROLL #13**

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- 27. 1900- Benton McMillin, Governor.
- 28. 1900- Benton McMillin, Governor.

**MF. ROLL #14**

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- 29. 1900-1901, Benton McMillin, Governor.
- 30. 1901-1906, Benton McMillin and John I. Cox, Governor.

**MF. ROLL # 15**

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- 31. 1906- John I. Cox, Governor. No name index.
- 32. 1906- John I. Cox, Governor. No name index.

**MF. ROLL #16**

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- 33. 1906- John I. Cox, Governor. No name index.

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**VOLUME #:**           **JUSTICE OF THE PEACE COMMISSIONS**

34. 1906-1909, John I. Cox and Malcolm R. Patterson, Governor.

**MF. ROLL # 17**

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35. 1909-1912, Malcolm R. Patterson and Ben W. Hooper, Governor.

36. 1912- Ben W. Hooper, Governor.

**MF. ROLL # 18**

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37. 1912- Ben W. Hooper, Governor.

38. 1912- Ben W. Hooper, Governor. No name index.

**MF. ROLL # 19**

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39. 1912- Ben W. Hooper, Governor. No name index.

40. 1912-1915, Ben W. Hooper and Tom C. Rye, Governor.

**MF. ROLL # 20**

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41. 1915-1918, Tom C. Rye, Governor.

42. 1918-1930, Tom C. Rye, Alfred A. Taylor, Austin Peay, H. H Horton, Governor.  
Entered by county.

**MF. ROLL # 21**

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43. 1930-1936, Henry Horton, Governor. Entered by county.

44. 1936-1942, Hill McCallister, Gordon Browning and Prentice Cooper, Governor.  
Entered by county.

45. 1942-1948, Prentice Cooper and Jim McCord, Governor. Entered by county.

**MF. ROLL # 22**

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46. 1948-1953, Jim McCord, Gordon Browning, and Frank G. Clement, Governor.  
Entered by county.

47. 1954-1960, Frank G. Clement and Buford Ellington, Governor. Entered by county.

48. 1960-1966, Buford Ellington and Frank G. Clement, Governor. Entered by county.