

NORTH CAROLINA

The twelfth of the original thirteen Colonies, North Carolina was organized as a single district in 1790.¹ Congress for the first time in 1794 reorganized a state into multiple districts, in this case Wilmington, New Bern and Edenton.² One judge presided over all three. That system was nullified in 1797,³ only to be reconstituted in different form in 1801 with the Districts of Albemarle, Pamptico, and Cape Fear.⁴ The Act of 1801 was repealed a year later,⁵ only to have the same three districts reappear once again.⁶ In 1872, the state received its second judgeship when it was reorganized into the Eastern and Western Districts, with one judge in each.⁷ The Middle District was added in 1927, also with a new judgeship.⁸

Under the terms of the authorization for NC.ED.03 as a temporary position, the first vacancy on the court would not be filled. This occurred in 1975 with the retirement of Judge Butler, at which time NC.ED.01, the state's original judgeship, ended. NC.ED.05 also was a temporary slot, but it was converted to permanent in 1990.⁹ NC.WD.02 was created as a temporary position, as President Wilson certified that Judge Boyd (NC.WD.01)—who satisfied the conditions for retirement—was unable to discharge his duties yet refused to leave the bench. Upon Judge Boyd's death in 1935, NC.WD.01 ended and the second seat on the court became the permanent line.¹⁰ NC.WD.06 was created as a temporary position,¹¹ with the stipulation that the first vacancy occurring on the court 10 or more years after the confirmation of the initial occupant would not be filled.

¹Act of June 4, 1790, 1 STAT. 126.

²Act of June 9, 1794, 1 STAT. 396 (see the succession line of Judge Stokes). Another obvious rarity in this jurisdictional reorganization is that instead of directional names for the districts, Congress provided that they be named after the cities in which court would be held. See also Hewlett W. Croquette, *The United States Judges of North Carolina* (New Bern, NC: Historical Society of Eastern North Carolina, 1978).

³Act of March 3, 1797, 1 STAT. 518.

⁴Act of March 3, 1801, 2 STAT. 123.

⁵Act of March 8, 1802, 2 STAT. 132.

⁶Act of April 29, 1802, 2 STAT. 162.

⁷Act of June 4, 1872, 17 STAT. 215.

⁸Act of March 2, 1927, 44 STAT. 1339.

⁹Act of December 1, 1990, 104 STAT. 5089.

¹⁰See Deborah J. Barrow, Gary Zuk, and Gerard S. Gryski, *The Federal Judiciary and Institutional Change* (Ann Arbor: University of Michigan Press, 1996), 118.

¹¹Act of November 2, 2002, 116 Stat. 1758. This position remained unfilled at the close of the 108th Congress.

North Carolina is in the Fourth Circuit and has twelve judgeships: four each in the Eastern, Middle, and Western Districts.

Statutory History		
<i>Seat</i>	<i>Legislation</i>	<i>Authority</i>
NC.ED.01	Act of June 4, 1790	1 STAT. 126
NC.ED.02	Act of May 19, 1961	75 STAT. 80
NC.ED.03	Act of June 2, 1970	84 STAT. 294
NC.ED.04	Act of October 20, 1978	92 STAT. 1629
NC.ED.05	Act of July 10, 1984	98 STAT. 333
NC.MD.01	Act of March 2, 1927	44 STAT. 1339
NC.MD.02	Act of May 19, 1961	75 STAT. 80
NC.MD.03	Act of October 20, 1978	92 STAT. 1629
NC.MD.04	Act of December 1, 1990	104 STAT. 5089
NC.WD.01	Act of June 4, 1872	17 STAT. 215
NC.WD.02	Act of February 25, 1919	40 STAT. 29
NC.WD.03	Act of May 19, 1961	75 STAT. 80
NC.WD.04	Act of October 20, 1978	92 STAT. 1629
NC.WD.05	Act of November 2, 2002	116 STAT. 1758

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
NC.ED.01.01	Stokes, John	August 3, 1790	October 12, 1790	Deceased	Federalist

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
NC.ED.01.02	Sitgreaves, John	December 20, 1790	March 4, 1802	Deceased	Federalist
NC.ED.01.03	Potter, Henry	January 26, 1802	December 20, 1857	Deceased	Jeffersonian Democrat
NC.ED.01.04	Biggs, Asa	May 3, 1858	April 23, 1861	Resigned	Democrat
NC.ED.01.05	Brooks, George Washington	January 22, 1866 ¹²	January 6, 1882	Deceased	Unionist
NC.ED.01.06	Seymour, Augustus Sherrill	February 21, 1882	February 19, 1897	Deceased	Republican
NC.ED.01.07	Purnell, Thomas Richard	May 5, 1897	December 19, 1908	Deceased	Republican
NC.ED.01.08	Connor, Henry G.	May 25, 1909	November 23, 1924	Deceased	Democrat
NC.ED.01.09	Meekins, Isaac Melson	January 17, 1925	February 13, 1945	Retired	Republican
NC.ED.01.10	Gilliam, Donnell	May 15, 1945	March 16, 1959	Retired	Democrat
NC.ED.01.11	Butler, Algernon L.	August 28, 1959	August 2, 1975	Retired	Republican
NC.ED.02.01	Larkins, John D., Jr.	August 21, 1961	July 8, 1979	Retired	Democrat
NC.ED.02.02	Britt, William Earl	May 21, 1980	December 7, 1997	Retired	Democrat
NC.ED.02.03	Dever, James C., III	April 28, 2005	Active	Active	Republican

¹²Recess appointment, August 19, 1865.

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
NC.ED.03.01	Dupree, Franklin T., Jr.	December 11, 1970	December 31, 1983	Retired	Republican
NC.ED.03.02	Boyle, Terrence W.	April 24, 1984	Active	Active	Republican
NC.ED.04.01	Fox, James Carroll	September 29, 1982	January 31, 2001	Retired	Republican
NC.ED.04.02	Flanagan, Louise W. ¹³	July 17, 2003	Active	Active	
NC.ED.05.01	Howard, Malcolm J.	February 25, 1988	December 31, 2005	Retired	Republican
NC.ED.05.02	Vacant				
NC.MD.01.01	Hayes, Johnson Jay	January 9, 1928 ¹⁴	June 18, 1957	Retired	Republican
NC.MD.01.02	Stanley, Edwin M.	February 25, 1958 ¹⁵	December 23, 1971	Deceased	Republican
NC.MD.01.03	Ward, Hiram H.	June 28, 1972	August 19, 1988	Retired	Republican
NC.MD.01.04	Tilley, Norwood Carlton, Jr.	October 14, 1988	Active	Active	Republican

¹³First female district judge appointed from North Carolina.

¹⁴Recess appointment, April 6, 1927.

¹⁵Recess appointment, October 23, 1957.

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
NC.MD.02.01	Preyer, Lunsford Richardson	February 7, 1962 ¹⁶	September 19, 1963	Resigned	Democrat
NC.MD.02.02	Gordon, Eugene A.	May 27, 1964	July 12, 1982	Retired	Democrat
NC.MD.02.03	Bullock, Frank W., Jr.	December 10, 1982	August 1, 2006	Retired	Republican
NC.MD.02.04	Vacant				
NC.MD.03.01	Erwin, Richard Cannon ¹⁷	September 29, 1980	September 22, 1992	Retired	Democrat
NC.MD.03.02	Beaty, James A., Jr.	October 7, 1994	Active	Active	Democrat
NC.MD.04.01	Osteen, William L., Sr.	June 14, 1991	April 3, 2006	Retired	Republican
NC.MD.04.02	Vacant				
NC.WD.01.01	Dick, Robert Paine	June 7, 1872	July 1, 1898	Resigned	Republican
NC.WD.01.02	Ewart, Hamilton Glover	Unconfirmed recess appointment ¹	January 30, 1899	Not confirmed	Republican
NC.WD.01.03	Boyd, James Edmund	January 9, 1901 ¹⁹	August 21, 1935	Deceased	Republican

¹⁶Recess appointment, October 7, 1961.

¹⁷First African American district judge appointed from North Carolina.

¹⁸Recess appointment, July 13, 1898.

¹⁹Recess appointment, July 11, 1900.

Seat Histories					
<i>Position #</i>	<i>Name</i>	<i>Date of Confirmation</i>	<i>Date of Departure</i>	<i>Reason</i>	<i>Party</i>
NC.WD.02.01	Webb, Edwin Yates	November 5, 1919	March 1, 1948	Retired	Democrat
NC.WD.02.02	Henderson, David E.	Unconfirmed recess appointment ²	February 13, 1949	Not confirmed	Democrat
NC.WD.02.03	Warlick, Wilson	January 31, 1949	June 24, 1968	Retired	Democrat
NC.WD.02.04	McMillan, James B.	June 6, 1968	September 1, 1989	Retired	Democrat
NC.WD.02.05	Mullen, Graham C.	September 10, 1990	December 1, 2005	Retired	Republican
NC.WD.02.06	Vacant				
NC.WD.03.01	Craven, James Braxton, Jr.	August 9, 1961	June 29, 1966	Elevated to Fourth Circuit	Democrat
NC.WD.03.02	Jones, Woodrow W.	June 28, 1967	February 1, 1985	Retired	Democrat
NC.WD.03.03	Sentelle, David Bryan	October 16, 1985	September 9, 1987	Elevated to Fourth Circuit	Republican
NC.WD.03.04	Voorhees, Richard L.	October 14, 1988	Active	Active	Republican
NC.WD.04.01	Potter, Robert D.	October 29, 1981	May 1, 1994	Retired	Republican
NC.WD.04.02	Thornburg, Lacy H.	March 17, 1995	Active	Active	Democrat

²⁰Recess appointment, September 1, 1948.

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NC.WD.05.01	McKnight, Harold Brent	July 31, 2003	November 27, 2004	Deceased	
NC.WD.05.02	Whitney, Frank DeArmon	June 22, 2006	Active	Active	Republican
NC.WD.06.01	Conrad, Robert James, Jr.	April 28, 2005	Active	Active	Republican

