

Montgomery, John ^[1]

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by Marshall Hurley, 1991

d. May 1744

John Montgomery, chief justice, attorney general, and Assembly ^[2] member in colonial North Carolina, was appointed attorney general on 23 Aug. 1723 during the administration of Governor William Reed ^[3], although, according to *North Carolina Government, 1585–1979*, there is no evidence that Montgomery actually served at this time. Reappointed attorney general on 30 Nov. 1730, he was suspended from office on 30 Sept. 1734 by Governor George Burrington ^[4]. Burrington appointed John Hodgson to succeed Montgomery; however, Hodgson served only for the two months left in Burrington's term, if he actually served at all. Either Montgomery was restored to office by Burrington's successor, Governor Gabriel Johnston ^[5], or he never left the post. Montgomery remained attorney general until he was commissioned as chief justice by the Crown in March 1741. While attorney general, he was appointed (1732) deputy inspector and comptroller general for quitrents ^[6] for the colony.

He also served as Tyrrell County ^[7] representative to North Carolina's Third, Fourth, and Fifth Assembly (1738–41). As a legislator, he demonstrated leadership as chairman of the Committee of the Whole and of an important committee dealing with the transportation of the king's troops. In addition to his service in the Assembly, he was a justice of the peace for Chowan County ^[8] for two terms (March 1735 and 1739).

Montgomery continued as chief justice until his death. His will was probated in Chowan County ^[8] before Governor Johnston on 22 May 1744. He devised his estate to his wife, Anne Laster; the will made no mention of any children or other relatives. Montgomery was succeeded by Chief Justice Edward Moseley ^[9].

References:

Robert J. Cain, ed., *Records of the Executive Council, 1664–1734* (1984) and *1735–1754* (1988).

John L. Cheney, Jr., ed., *North Carolina Government, 1585–1979* (1981).

J. Bryan Grimes, ed., *Abstract of North Carolina Wills* (1910).

William L. Saunders, ed., *Colonial Records of North Carolina*, vol. 3 (1886). https://docsouth.unc.edu/csr/index.html/volumes/volume_03 ^[10] (accessed July 31, 2014).

Additional Resources:

Memorial from Nathaniel Rice, John Baptista Ashe, and John Montgomery concerning their dispute with George Burrington, September 16, 1732. William Saunders, ed., *The Colonial Records of North Carolina*, vol. 3 (Raleigh, N.C.: P. M. Hale, Printer to the State, 1886), pp. 356–368. Documenting the American South. University Library, The University of North Carolina at Chapel Hill, 2007. <https://docsouth.unc.edu/csr/index.html/document/csr03-0129> ^[11].

Subjects:

Colonial period (1600-1763) ^[12]

Biographies ^[13]

Judges ^[14]

Public officials ^[15]

Authors:

Hurley, Marshall ^[16]

Origin - location:

Chowan County ^[17]

Tyrrell County ^[18]

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1 January 1991 | Hurley, Marshall

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