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Virginia Magistrates' Manual

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VIRGINIA MAGISTRATES' MANUAL

Prepared under a Grant from
the Division of Justice and Crime Prevention

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PREFACE

The General Assembly abolished the Justice of the Peace system in Virginia, effective January 1, 1974. Following this action the Division of Justice and Crime Prevention authorized and funded the preparation of this Manual in order to educate newly appointed magistrates and to assist former justices of the peace in their transition to the office of magistrate. Final responsibility for educating magistrates in the proper performance of their office is charged to the general district courts and the Executive Secretary of the Supreme Court of Virginia. It is envisioned that this educational process will be a continuing one, accordingly, this Manual is arranged in a ring-bound binder to facilitate insertion of additional material which will be distributed from time to time.

The preparation of this Manual was aided greatly by the existence of the Virginia Justices' of the Peace Manual published in 1967 by the Association of Justices of the Peace of Virginia and the Institute of Government, University of Virginia. This Manual follows the general organization of the Justice of the Peace Manual but reflects major developments in the law that have occurred since 1967, as well as the statutory changes enacted in establishing the Magistrate system.

A major portion of the credit for the publication of this Manual must go to the Association of Virginia Magistrates. The officers of the
Association were prime movers in the initiation of the project, pushed it tirelessly, and were always available for consultation. Appreciation is also expressed to the Attorney General's Office which offered information on the legislative intent behind many of the statutes defining the magistrate's power. The Attorney General's Office was also responsible for reviewing and authorizing final approval of this Manual.

The newly appointed magistrates of Virginia have waited patiently for the publication of this Manual, and it is the hope of those who had a hand in its preparation that this patience will be rewarded. Heeding Blackstone's Commentary that "it is necessary that the magistrate should understand his business; and have not only the will, but the power also (under which must be included the knowledge) of administering legal and effectual justice," it is hoped that this Manual will further the administration of justice.

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