

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1190
HOUSE BILL 1221

1 AN ACT TO EXTEND THE DISTRICT COURT SYSTEM TO SEVENTEEN ADDITIONAL
2 COUNTIES, TO MAKE CERTAIN ADDITIONS AND REVISIONS TO GENERAL
3 STATUTES CHAPTER 7A ("THE JUDICIAL DEPARTMENT"), TO REPEAL, REVISE,
4 OR TRANSFER VARIOUS SECTIONS OF GENERAL STATUTES CHAPTER 7
5 ("COURTS"), AND FOR OTHER RELATED PURPOSES.

6

7 The General Assembly of North Carolina do enact:

8

9 **Section 1.** G.S. 7A-6(a) is amended by deleting from the first sentence the words "a
10 reporter" and inserting in lieu thereof the words "one or more reporters"; by deleting from the
11 second and third sentences the word "reporter" and inserting in lieu thereof the word
12 "reporters"; and by deleting the last sentence. G.S. 7A-6(c) is amended by inserting after the
13 word "clerk" in line four the words "each district court prosecutor,".

14 **Sec. 2.** G.S. 7A-11 is amended by inserting at the end of subsection (a) a sentence
15 to read as follows: "Before entering upon the duties of his office, the clerk shall take the oath of
16 office prescribed by law.", and by deleting subsection (b).

17 **Sec. 3.** G.S. 7A-16 is amended by rewriting the last sentence of the first paragraph
18 to read as follows: "Before entering upon the duties of his office, a judge of the Court of
19 Appeals shall take the oath of office prescribed for a judge of the General Court of Justice."

20 **Sec. 4.** G.S. 7A-42 is renumbered G.S. 7A-40, and the following new section is
21 inserted immediately thereafter:

22 **"G.S. 7A-41. Superior Court Divisions and Districts: judges; assistant solicitors.** The
23 counties of the state are organized into four judicial divisions and 30 judicial districts, and each
24 district has the counties, the number of regular resident superior court judges, and the number
25 of full-time assistant solicitors set forth in the following table:

Judicial Division	Judicial District	Counties	No. of Resident Judges	No. of Full-time Asst. Solicitors
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	1	1
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1	1
	3	Carteret, Craven, Pamlico, Pitt	1	2
	4	Duplin, Jones, Onslow, Sampson	1	2
	5	New Hanover, Pender	1	2
	6	Bertie, Halifax, Hertford, Northampton	1	1
	7	Edgecombe, Nash, Wilson	1	2

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1	8	Greene, Lenoir, Wayne	1	2
2	Second	Franklin, Granville,	1	1
3		Person, Vance, Warren		
4	10	Wake	2	4
5	11	Harnett, Johnston,	1	2
6		Lee		
7	12	Cumberland, Hoke	2	4
8	13	Bladen, Brunswick,	1	1
9		Columbus		
10	14	Durham	1	2
11	15	Alamance, Chatham,	1	3
12		Orange		
13	16	Robeson, Scotland	1	2
14	Third	Caswell, Rockingham	1	2
15		Stokes, Surry		
16	18	Guilford	3	5
17	19	Cabarrus, Montgomery	2	3
18		Randolph, Rowan		
19	20	Anson, Moore,	1	2
20		Richmond, Stanly		
21		Union		
22	21	Forsyth	2	4
23	22	Alexander, Davidson,	1	2
24		Davie, Iredell		
25	23	Alleghany, Ashe,	1	1
26		Wilkes, Yadkin		
27	Fourth	Avery, Madison,	1	1
28		Mitchell, Watauga,		
29		Yancey		
30	25	Burke, Caldwell,	1	3
31		Catawba		
32	26	Mecklenburg	3	6
33	27	Cleveland, Gaston,	2	5
34		Lincoln		
35	28	Buncombe	2	2
36	29	Henderson, McDowell	1	2
37		Polk, Rutherford,		
38		Transylvania		
39	30	Cherokee, Clay,	1	1
40		Graham, Haywood,		
41		Jackson, Macon, Swain		

42 In a district having more than one regular resident judge, the judge who has the most
 43 continuous service on the superior court is the senior regular resident superior court judge. If
 44 two judges are of equal seniority, the oldest judge is the senior regular resident judge. In a
 45 single judge district, the single judge is the senior regular resident judge.

46 Senior regular resident judges and regular resident judges possess equal judicial
 47 jurisdiction, power, authority and status, but all duties placed by the Constitution or statutes on
 48 the resident judge of a judicial district, including the appointment to and removal from office,
 49 which are not related to a case, controversy, or judicial proceeding and which do not involve
 50 the exercise of judicial power, shall be discharged by the senior regular resident judge. A senior
 51 regular resident superior court judge in a multi-judge district, by notice in writing to the

1 Administrative Officer of the Courts, may decline to exercise the authority vested in him by
2 this Section, in which event such authority shall be exercised by the regular resident judge next
3 senior in point of service or age, respectively.

4 Full-time assistant solicitors are not authorized under this Section until January 1, 1971."

5 **Sec. 5.** G.S. 7A-61 is amended by inserting after the first sentence the following:
6 "Effective January 1, 1971, the solicitor shall also represent the State in juvenile cases in which
7 the juvenile is represented by an attorney."

8 **Sec. 6.** G.S. 7A-63 is amended by deleting "G.S. 7A-133" in line two, and inserting
9 in lieu thereof "this subchapter."

10 **Sec. 7.** G.S. 7A-95 is amended by the insertion of the following sentence at the end
11 of subparagraph (c): "If stenotype, shorthand, or stenomask equipment is used, the orginal
12 tapes, notes, discs or other records are the property of the State, and the clerk shall keep them in
13 his custody."

14 **Sec. 8.** G.S. 7A-102.1 is amended by inserting in line two of subsection (a), after
15 the word "State", a comma and the words "secretaries to superior court judges and solicitors,"
16 and by deleting from the first sentence of subsection (b) the words "office of the clerk of the
17 superior court" and inserting in lieu thereof the words "Judicial Department".

18 **Sec. 9.** G.S. 7A-103 is amended by deleting from the first sentence the words "and
19 the Department of Administration."

20 **Sec. 10.** G.S. 7A-133 is amended as follows:

21 (a) In the first sentence delete the words "and full-time assistant prosecutors"
22 and in the table heading delete the words "Full-Time Assistant Prosecutors"
23 and the numbers under this heading, effective January 1, 1971;

24 (b) In the table, increase from "3" to "4" the number of judges to which the 25th
25 Judicial District is entitled, effective the first Monday in December, 1966;
26 increase from "6" to "7" the number of judges to which the 18th and 26th
27 judicial districts are entitled, effective the first Monday in December, 1968;
28 increase from "3" to "4" the number of full-time assistant prosecutors to
29 which the 18th and 26th judicial districts are entitled; and increase from "0"
30 to "1" the number of full-time assistant prosecutors to which the 14th
31 judicial district is entitled;

32 (c) In the table, delete the present minimum and maximum quotas of magistrates
33 for Stanly, Anson, Richmond, Moore, Duplin, Beaufort, Onslow, Pitt,
34 Johnston, Harnett, and Guilford counties, and insert the following quotas in
35 lieu thereof:

"Duplin	9	10
Stanly	5	6
Anson	4	5
Richmond	5	6
Moore	5	6
Beaufort	4	5
Onslow	8	10
Pitt	9	11
Johnston	10	12
Harnett	7	9
Guilford	17	22."

47 (d) In the table increase from "1" to "2" the number of full-time assistant
48 prosecutors for the 27th Judicial District;

49 (e) In the table, insert consecutively by judicial district numbers, the following
50 allowances of judges and magistrates, and additional seats of court:

51 Magistrates Add. Seats

1	"District	Judges	County	Min.-Max.	of Court
2					
3	17	4	Caswell	2-3	
4			Rockingham	4-8	Reidsville
5					Eden
6					Madison
7			Stokes	2-3	
8			Surry	4-6	Mt. Airy
9	19	5	Cabarrus	4-7	Kannapolis
10			Montgomery	2-3	
11			Randolph	4-6	
12			Rowan	4-8	
13	22	4	Alexander	2-3	
14			Davidson	5-7	Thomasville
15			Davie	2-3	
16			Iredell	4-6	Mooresville
17	23	2	Alleghany	1-2	
18			Ashe	2-3	
19			Wilkes	4-6	
20			Yadkin	2-3	
21	28	4	Buncombe	6-10	"

22 (f) Session Laws of 1967, this Section effective January 1, 1971, is repealed.

23 **Sec. 11.** G.S. 7A-140 is amended by rewriting the last paragraph to read as follows:

24 "Before entering upon his duties, each district judge, in addition to other oaths prescribed
25 by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

26 **Sec. 12.** G.S. 7A-160 is amended in line ten by inserting after the fourth sentence
27 the following: "The prosecutor shall also represent the State in juvenile cases in which the
28 juvenile is represented by an attorney."

29 **Sec. 13.** G.S. 7A-170 is amended by rewriting the second sentence to read as
30 follows: "Before entering upon the duties of his office, a magistrate shall take the oath of office
31 prescribed for a magistrate of the General Court of Justice."

32 **Sec. 14.** G.S. 7A-180 is amended by rewriting subparagraph "(3)" to read as
33 follows: "(3) Immediately sets up and thereafter maintains, under the supervision of the
34 Administrative Office of the Courts, an office of uniform consolidated records of all judicial
35 proceedings in the superior court division and the district court division of the General Court of
36 Justice in his county. Those records shall include civil actions, special proceedings, estates,
37 criminal actions, juvenile actions, minutes of the court and all other records required by law to
38 be maintained. The form and procedure for filing, docketing, indexing, and recording shall be
39 as prescribed by the Administrative Officer of the Courts notwithstanding any contrary
40 statutory provision as to the title and form of the record or as a method of indexing"; and by
41 deleting subparagraph (4) and renumbering subparagraphs (5), (6), (7), and (8) as
42 subparagraphs (4), (5), (6) and (7), respectively.

43 **Sec. 15.** G.S. 7A-182 is amended by inserting at the end of subsection (b) the
44 following sentence: "An assistant or deputy clerk assigned to a seat of district court described
45 in this subsection shall have the same powers and authority as if he were acting in his own
46 county."

47 **Sec. 16.** G.S. 7A-192 is amended by deleting the period at the end of the second
48 sentence and inserting in lieu thereof a comma and the words "including causes transferred
49 from the superior court to the district court under the provisions of this chapter."

50 **Sec. 17.** G.S. 7A-193 is amended by deleting "Chapter 1" in lines two and four, and
51 inserting in lieu thereof "Chapters 1 and 1A".

1 **Sec. 18.** G.S. 7A-198 is amended by the insertion of the following sentence at the
2 end of subparagraph (c): "If stenotype, shorthand, or stenomask equipment is used, the original
3 tapes, notes, discs, or other records are the property of the state, and the clerk shall keep them
4 in his custody."

5 **Sec. 19.** G.S. 7A-213 is amended by rewriting the fifth sentence to read as follows:
6 "After service of the magistrate summons on the defendant, the clerk gives written notice of the
7 assignment to the plaintiff."

8 **Sec. 20.** G.S. 7A-217 is amended by adding the following subparagraph at the end
9 thereof: "(4) In summary ejectment cases only, service as provided in G.S. 42-29 is also
10 authorized."

11 **Sec. 21.** G.S. 7A-224 is amended by rewriting the second and third sentences
12 thereof to read as follows: "The judgment so rendered is a judgment of the district court, and is
13 recorded and indexed as are judgments of the district and superior court generally."

14 **Sec. 22.** G.S. 7A-228 is amended by rewriting the third sentence to read as follows:
15 "Appeal is perfected by serving written notice thereof on all other parties and by filing written
16 notice with the clerk of superior court within 10 days after rendition of judgment."

17 **Sec. 22 1/2.** G.S. 7A-258(a) is amended by adding a sentence thereto, to read as
18 follows: "A motion to transfer to another division may also be made if all parties to the action
19 or proceeding consent thereto, and if the judge deems the transfer will facilitate the efficient
20 administration of justice."

21 **Sec. 23.** G.S. 7A-271(a) is amended by deleting the word "or" at the end of
22 subparagraph (3), changing the period at the end of subparagraph (4) to a semicolon, inserting
23 the word "or", and adding a new subparagraph, to read as follows:

24 "(5) When a misdemeanor conviction is appealed to the superior court for trial de
25 novo, to accept a guilty plea to a lesser-included or related charge".

26 **Sec. 24.** G.S. 7A-271 is amended by renumbering subsection (b) as subsection(c),
27 and inserting a new subsection (b), to read as follows:

28 "(b) The jurisdiction of the superior court over misdemeanors appealed from the district
29 court to the superior court for trial de novo is the same as the district court had in the first
30 instance."

31 **Sec. 25.** G.S. 7A-273 is amended by deleting from subparagraph (5) the words
32 "peace and".

33 **Sec. 26.** G.S. 7A-288 is amended by inserting the words "in writing" in line three,
34 in the second sentence, after the word "clerk", and by deleting the fourth sentence, which reads:
35 "An appeal may be withdrawn within 20 days after notice of appeal is given, or 10 days before
36 the next criminal session of superior court convenes, whichever is later."

37 **Sec. 27.** G.S. 7A-291 is amended in subparagraph (5) by inserting the words "peace
38 and" after the words "State, and".

39 **Sec. 28.** G.S. 7A-304 (a) is amended in subparagraph (1) by inserting the words
40 "and subpoenas" after the words "including citations".

41 **Sec. 29.** G.S. 7A-304 (b) is amended by deleting the following words from lines
42 three through seven: "if an appeal from the district court to the superior court is withdrawn
43 within 20 days after notice of appeal is given, or 10 days before the next criminal session of
44 superior court convenes, whichever is later, only the district court costs shall be assessed, and
45 further,"

46 **Sec. 30.** G.S. 7A-307 (b) is rewritten to read as follows: "(b) The facilities fee and
47 eight dollars (\$8.00) of the General Court of Justice fee shall be paid at the time of filing of the
48 first inventory. If the sole asset of the estate is a cause of action, the ten dollars (\$10.00) shall
49 be paid at the time of the qualification of the fiduciary."

50 **Sec. 31.** G.S. 7A-308 (a) is amended in subparagraph (12) by changing the fee for
51 preparation of copies from ".10" to ".50", and by rewriting subparagraph (8) to read as

1 follows: "(8) Taking an acknowledgment or administering an oath, or both, with or without
2 seal, each certificate (except that oaths of office shall be administered to public officials
3 without charge).....1.00."

4 **Sec. 31 1/2.** G.S. 7A-311(a) is amended by inserting "by the sheriff" after "sales" in
5 line one of subparagraph (3), by deleting subparagraph (5), and by renumbering subparagraph
6 (6) as subparagraph (5).

7 **Sec. 32.** G.S. 7A-312 is amended by rewriting the first sentence to read as follows:
8 "A juror in the General Court of Justice, including a coroner's juror, but excluding a juror in a
9 special proceeding, shall receive eight dollars (\$8.00) per day.", and by deleting the words "in
10 lieu of daily mileage" in the second sentence.

11 **Sec. 33.** G.S. 7A-313 is amended in line three by deleting "two dollars (\$2.00)" and
12 inserting in lieu thereof "three dollars (\$3.00)".

13 **Sec. 34.** G.S. 7A-314 is amended by changing the period at the end of the second
14 sentence to a comma, and adding "except that a witness required to remain overnight at the site
15 of the trial shall be furnished subsistence in lieu of daily mileage."

16 **Sec. 34 1/2.** G.S. 7A, Article 28, is amended by inserting a new Section to read as
17 follows:

18 **"G.S. 7A-317.1. Disposition of fees in counties with unincorporated seats of court.**
19 Notwithstanding any other provision of this Article, if a municipality listed in G.S. 7A-133 as
20 an additional seat of district court is not incorporated, the arrest, facilities, and jail fees which
21 would ordinarily accrue thereto, shall instead accrue to the county in which the unincorporated
22 municipality is located."

23 **Sec. 35.** G.S. 1-282 is amended by deleting from the last sentence the colon and the
24 words in the proviso thereafter and inserting in lieu thereof a period after the word "approved"
25 and a sentence as follows: "If it appears that the case on appeal cannot be served within the
26 time prescribed above, the trial judge may, for good cause and after reasonable notice to the
27 opposing party or counsel, enter an order or successive orders extending the time for service of
28 the case on appeal and of the counterclaim or exceptions to the case on appeal. The initial order
29 of extension must be entered prior to expiration of the statutory time for service of the case on
30 appeal, and any subsequent order of extension must be entered prior to the expiration of the
31 time allowed by the preceding order, and all additional time or times granted in such order or
32 orders of extension must terminate within sufficient time to enable appellant to docket the
33 record on appeal in accordance with the requirements of the rules of the appellate court."

34 **Sec. 36.** G.S. 7-42 is revised, renumbered, and transferred to Chapter 7A to read as
35 follows:

36 **"G.S. 7A-44. Salary and expenses of superior court judge.** A judge of the superior court,
37 regular or special, shall receive the annual salary set forth in the Budget Appropriations Act,
38 and in addition shall be allowed five thousand dollars (\$5,000.00) per year, payable monthly, in
39 lieu of necessary travel and subsistence expenses while attending court or transacting official
40 business at a place other than in the county of his residence and in lieu of other professional
41 expenses incurred in the discharge of his official duties. The Administrative Officer of the
42 Courts may also reimburse superior court judges, in addition to the above funds for travel and
43 subsistence, for travel and subsistence expenses incurred outside of the state for professional
44 education."

45 **Sec. 37.** G.S. 7-44 is amended in line three by inserting after the date "July 1, 1968"
46 the words "or July 1, 1969".

47 **Sec. 38.** G.S. 7-45(b) is amended by inserting after "July 1, 1968," in line two the
48 words and figures "or July 1, 1969,".

49 **Sec. 39.** G.S. 7-52 is revised, renumbered, and transferred to Chapter 7A, to read as
50 follows:

1 **G.S. 7A-48. Jurisdiction of emergency judges.** Emergency superior court judges have the
2 same power and authority in all matters whatsoever, in the courts which they are assigned to
3 hold, that regular judges holding the same courts would have. An emergency judge duly
4 assigned to hold the courts of a county or judicial district has the same powers in the district in
5 open court and in chambers as the resident judge or any judge regularly assigned to hold the
6 courts of the district would have, but his jurisdiction in chambers extends only until the session
7 is adjourned or the session expires by operation of law, whichever is later."

8 **Sec. 40.** G.S. 7-53 is revised, renumbered, and transferred to Chapter 7A, to read as
9 follows:

10 **"G.S. 7A-49. Orders returnable to another judge: notice.** When any special or emergency
11 judge makes any matter returnable before him, and thereafter he is called upon by the Chief
12 Justice to hold court elsewhere, he shall order the matter heard before some other judge, setting
13 forth in the order the time and place where it is to be heard, and he shall send copies of the
14 order to the attorneys representing the parties in such matter."

15 **Sec. 41.** G.S. 7-54, G.S. 7-55, G.S. 7-58, and G.S. 7-60 are rewritten, combined,
16 and transferred to Chapter 7A, to read as follows:

17 **"G.S. 7A-45. Special judges; appointment; removal; vacancies; authority.** (a) The
18 Governor may appoint eight special superior court judges. A special judge takes the same oath
19 of office and is subject to the same requirements and disabilities as is or may be prescribed by
20 law for regular judges of the superior court, save the requirement of residence in a particular
21 district. Initial appointments made under this Section shall be to terms of office beginning July
22 1, 1967, and expiring June 30, 1971. As the terms expire, the Governor may appoint successors
23 for terms of four years each.

24 (b) A special judge is subject to removal from office for the same causes and in the
25 same manner as a regular judge of the superior court, and a vacancy occurring in the office of
26 special judge is filled by the Governor by appointment for the unexpired term.

27 (c) A special judge, in any court in which he is duly appointed to hold, has the same
28 power and authority in all matters whatsoever that a regular judge holding the same court
29 would have. A special judge, duly assigned to hold the court of a particular county, has during
30 the session of court in that county, in open court and in chambers, the same power and
31 authority of a regular judge in all matters whatsoever arising in that judicial district that could
32 properly be heard or determined by a regular judge holding the same session of court.

33 (d) A special judge is authorized to settle cases on appeal and to make all proper orders
34 in regard thereto after the time for which he was commissioned has expired."

35 **Sec. 42.** G.S. 7-61.1 is revised, renumbered, and transferred to Chapter 7A, to read
36 as follows:

37 **"G.S. 7A-47. Powers of regular judges holding courts by assignment or exchange.** A
38 regular superior court judge, duly assigned to hold the courts of a county, or holding such
39 courts by exchange, shall have the same powers in the district in open court and in chambers as
40 the resident judge or any judge regularly assigned to hold the courts of the district has, and his
41 jurisdiction in chambers shall extend until the session is adjourned or the session expires by
42 operation of law, whichever is later."

43 **Sec. 43.** G.S. 7-62 is revised, renumbered, and transferred to Chapter 7A, to read as
44 follows:

45 **"G.S. 7A-49.1. Disposition of motions when judge disqualified.** Whenever a judge before
46 whom a motion is made, either in open court or in chambers, disqualifies himself from
47 determining it, he may in his discretion refer the motion for disposition to the resident judge or
48 any judge regularly holding the courts of the district or of any adjoining district, who shall have
49 full power and authority to hear and determine the motion in the same manner as if he were the
50 presiding judge of the district in which the cause arose."

1 **Sec. 44.** G.S. 7-72 and G.S. 7-73 are revised, combined, and transferred to Chapter
2 7A, to read as follows:

3 **"G.S. 7A-49.2. Civil business at criminal sessions; criminal business at civil sessions.** (a)
4 At criminal sessions of court, motions in civil actions may be heard upon due notice, and trials
5 in civil actions may be heard by consent of parties. Motions for confirmation or rejection of
6 referees' reports may also be heard upon ten days notice and judgment may be entered on such
7 reports. The court may also enter consent orders and consent judgments, and try uncontested
8 civil actions and uncontested divorce cases.

9 (b) For sessions of court designated for the trial of civil cases only, no grand juries shall
10 be drawn and no criminal process shall be made returnable to any civil session."

11 **Sec. 45.** G.S. 7-73.1 is revised, renumbered, and transferred to Chapter 7A, to read
12 as follows:

13 **"G.S. 7A-49.3. Calendar for criminal trial sessions.** (a) At least one week before the
14 beginning of any session of the superior court for the trial of criminal cases, the solicitor shall
15 file with the clerk of superior court a calendar of the cases he intends to call for trial at that
16 session. The calendar shall fix a day for the trial of each case listed thereon. The solicitor may
17 place on the calendar for the first day of the session all cases which will require consideration
18 by the grand jury without obligation to call such cases for trial on that day. No case on the
19 calendar may be called for trial before the day fixed by the calendar except by consent or by
20 order of the court. Any case docketed after the calendar has been filed with the clerk may be
21 placed on the calendar at the discretion of the solicitor.

22 (b) All witnesses shall be subpoenaed to appear on the date listed for the trial of the
23 case in which they are witnesses. Witnesses shall not be entitled to prove their attendance for
24 any day or days prior to the day on which the case in which they are witnesses is set for trial,
25 unless otherwise ordered by the presiding judge.

26 (c) Nothing in this Section shall be construed to affect the authority of the court in the
27 call of cases for trial."

28 **Sec. 46.** G.S. 7-78, G.S. 7-80, and G.S. 7-83 are revised, combined, and transferred
29 to Chapter 7A, to read as follows:

30 **"G.S. 7A-46. Special sessions.** Whenever it appears to the Chief Justice of the Supreme Court
31 that there is need for a special session of superior court in any county, he may order a special
32 session in that county, and order any regular, special, or emergency judge to hold such session.
33 The Chief Justice shall notify the clerk of superior court of the county, who shall initiate action
34 under Chapter 9 of the General Statutes to provide a jury for the special session, if a jury is
35 required.

36 Special sessions have all the jurisdiction and powers that regular sessions have."

37 **Sec. 47.** G.S. 7-65 is revised, renumbered, and transferred to Chapter 7A, to read as
38 follows:

39 **"G.S. 7A-47.1. Jurisdiction in vacation or in session.** In any case in which the superior court
40 in vacation has jurisdiction, and all the parties unite in the proceedings, they may apply for
41 relief to the superior court in vacation, or during a session of court, at their election. The
42 resident judge of the judicial district and any special superior court judge residing in the district
43 and the judge regularly presiding over the courts of the district have concurrent jurisdiction in
44 all matters and proceedings in which the superior court has jurisdiction out of session:
45 Provided, that in all matters and proceedings not requiring a jury or in which a jury is waived,
46 the resident judge of the district and any special superior court judge residing in the district
47 shall have concurrent jurisdiction with the judge holding the courts of the district and the
48 resident judge and any special superior court judge residing in the district in the exercise of
49 such concurrent jurisdiction may hear and pass upon such matters and proceedings in vacation,
50 out of session or during a session of court."

1 **Sec. 48.** G.S. 7-70.2 is revised, renumbered, and transferred to Chapter 7A, to read
2 as follows:

3 **"G.S. 7A-42. Sessions of superior court in cities other than county seats.**

4 "(a) Sessions of the superior court shall be held in each city in the State which is not a
5 county seat and which has a population of 35,000 or more, according to the 1960 federal
6 census.

7 (b) For the purpose of segregating the cases to be tried in any city referred to in
8 subsection (a), and to designate the place of trial, the clerk of superior court in any county
9 having one or more such cities shall set up a criminal docket and a civil docket, which dockets
10 shall indicate the cases and proceedings to be tried in each such city in his county. Such dockets
11 shall bear the name of the city in which such sessions of court are to be held, followed by the
12 word 'Division.' Summons in actions to be tried in any such city shall clearly designate the
13 place of trial.

14 (c) For the purpose of determining the proper place of trial of any action or proceeding,
15 whether civil or criminal, the county in which any city described in subsection (a) is located
16 shall be divided into divisions, and the territory embraced in the division in which each such
17 city is located shall consist of the township in which such city lies and all contiguous townships
18 within such county, such division of the superior court to be known by the name of such city
19 followed by the word "Division." All other townships of any such county shall constitute a
20 division of the superior court to be known by the name of the county seat followed by the word
21 "Division." All laws, rules, and regulations now or hereafter in force and effect in determining
22 the proper venue as between the superior courts of the several counties of the State shall apply
23 for the purpose of determining the proper place of trial as between such divisions within such
24 county and as between each of such divisions and any other county of the superior court in
25 North Carolina.

26 (d) The clerk of superior court of any county with an additional seat of superior court
27 may, but shall not be required to, hear matters in any place other than at his office at the county
28 seat.

29 (e) The grand jury for the several divisions of court of any county in which a city
30 described in subsection (a) is located shall be drawn from the whole county, and may hold
31 hearings and meetings at either the county seat or elsewhere within the county as it may elect,
32 or as it may be directed by the judge holding any session of superior court within such county;
33 provided, however, that in arranging the sessions of the court for the trial of criminal cases for
34 any county in which any such city is located a session of one week or more shall be held at the
35 county seat preceding any session of one week or more to be held in any such city, so as to
36 facilitate the work of the grand jury, and so as to confine its meetings to the county seat as fully
37 as may be practicable. All petit jurors for all sessions of court in the several divisions of such
38 county shall be drawn, as now or hereafter provided by law, from the whole of the county in
39 which any such city is located for all sessions of courts in the several divisions of such county.

40 (f) Special sessions of court for the trial of either civil or criminal cases in any city
41 described in subsection (a) may be arranged as by law now or hereafter provided for special
42 sessions of the superior court.

43 (g) All court records of all such divisions of the superior court of any such county shall
44 be kept in the office of the clerk of the superior court at the county seat, but they may be
45 temporarily removed under the direction and supervision of the clerk to any such division or
46 divisions. No judgment or order rendered at any session held in any such city shall become a
47 lien upon or otherwise affect the title to any real estate within such county until it has been
48 docketed in the office of the clerk of the superior court at the county seat as now or may
49 hereafter be provided by law; provided, that nothing herein shall affect the provisions of G.S. 1-
50 233 and the equities therein provided for shall be preserved as to all judgments and orders
51 rendered at any session of the superior court in any such city.

1 (h) It shall be the duty of the board of county commissioners of the county in which any
2 such city is located to provide a suitable place for holding such sessions of court, and to provide
3 for the payment of the extra expense, if any, of the sheriff and his deputies in attending the
4 sessions of court of any such division, and the expense of keeping, housing and feeding
5 prisoners while awaiting trial."

6 **Sec. 49.** G.S. 7-76 is renumbered and rewritten to read as follows:

7 **"G.S. 7A-96. Court adjourned by sheriff when judge not present.** If the judge of a superior
8 court shall not be present to hold any session of court at the time fixed therefor, he may order
9 the sheriff to adjourn the court to any day certain during the session, and on failure to hear from
10 the judge it shall be the duty of the sheriff to adjourn the court from day to day, unless he shall
11 be sooner informed that the judge for any reason cannot hold the session."

12 **Sec. 49 1/2.** G.S. 9-2 is amended by adding the following paragraph thereto:

13 "The custodians of the appropriate property tax and election registration records in each
14 county shall cooperate with the jury commission in its duty of compiling the list of jurors
15 required by this Section."

16 **Sec. 50.** G.S. 11-11 is amended by deleting therefrom the oaths of "Judge of the
17 Supreme Court" and "Judge of the Superior Court" and inserting in lieu thereof the oath of
18 "Justice, Judge, or Magistrate of the General Court of Justice" which shall read as follows:

19 "I, _____, do solemnly swear (affirm) that I will administer
20 justice without favoritism to anyone or to the State; that I will not knowingly take, directly or
21 indirectly, any fee, gift, gratuity or reward whatsoever, for any matter or thing done by me or to
22 be done by me by virtue of my office, except the salary and allowances by law provided; and
23 that I will faithfully and impartially discharge all the duties of _____ of the
24 _____ Division of the General Court of Justice to the best of my ability and
25 understanding, and consistent with the Constitution and laws of the State; so help me, God."

26 **Sec. 51.** G.S. 11-11 is amended by rewriting the oath of the Clerk of the Supreme
27 Court to read as follows:

28 "I, _____, do solemnly swear that I will discharge the duties of the office of
29 Clerk of the Supreme Court without prejudice, affection, favor, or partiality, according to law
30 and to the best of my skill and ability, so help me, God."

31 **Sec. 51 1/2.** G.S. 15-116 is amended by inserting "and district" after the word
32 "superior" in line two.

33 **Sec. 52.** G.S. 84-16, as amended by Chapter 44 of Public Laws of 1969, ratified
34 March 7, 1969, is hereby further amended by rewriting subparagraph (1) of paragraph three to
35 read as follows: "(1) All justices, judges, full-time solicitors, and fulltime prosecutors of the
36 General Court of Justice who, at the time of their election or appointment, are members in good
37 standing of the North Carolina State Bar;".

38 **Sec. 53.** G.S. 115-99 is amended by adding the following sentences to the end
39 thereof: "This Section shall not apply in any county in which the district court has been
40 established. This Section is repealed effective January 1, 1971."

41 **Sec. 54.** G.S. 147-45 is amended as follows:

42 (a) in the table of paragraph one by deleting the words "Supreme Court Reports"
43 from the heading of the third column and inserting in lieu thereof the words
44 "Appellate Division Reports"; by deleting the number "10" from the third
45 column to the right of the words "Attorney General" and inserting in lieu
46 thereof the number "11"; by deleting the number "7" from the third column
47 to the right of the words "Industrial Commission" and inserting in lieu
48 thereof the number "8"; by inserting the words "Judges of the Court of
49 Appeals" after the words "Justices of the Supreme Court" and inserting "1
50 each" in the three columns to the right thereof; by inserting the words "Clerk
51 of the Court of Appeals" after the words "Clerk of the Supreme Court" and

19 **Sec. 55.** G.S. 147-51 is amended by deleting the first paragraph and, in the second
20 paragraph, by deleting the words "Supreme Court Reports" and inserting in lieu thereof the
21 words "Appellate Division Reports".

25 Sec. 57. Laws Repealed. (a) G.S. 7A-17, 7A-36, 114-10, and 114-11 are repealed.

(b) The following Sections of G.S. Chapter 7 are repealed: 7-40, 7-41, 7-43, 7-46, 7-47, 7-48, 7-49, 7-57, 7-59, 7-61, 7-63, 7-64, 7-66, 7-67, 7-68(a), 7-68.1, 7-68.2, 7-68.3, 7-68.4, 7-68.5, 7-68.6, 7-68.7, 7-68.8, 7-68.9, 7-69, 7-74, 7-77, 7-81, 7-82, 7-84, 7-85, 7-86, 7-87, 7-88, 7-92.1, 7-92.2, 7-92.3, 7-240, 7-241, 7-242, 7-296.1 through 296.18.

30 (c) G.S. Chapter 151 (Constables) is repealed effective January 1, 1971.

31 (d) All other laws and parts of laws in conflict with this Act are also repealed.

32 **Sec. 58.** Partial invalidity. If any provision of this Act or the application thereof to
33 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
34 applications of this Act which can be given effect without the invalid provision or application,
35 and to this end the provisions of this Act are declared to be severable.

36 **Sec. 59.** Effective Date. Except as otherwise provided in this Act, this Act shall
37 become effective July 1, 1969.

38 In the General Assembly read three times and ratified, this the 1st day of July, 1969.