

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 44
SENATE BILL 34

1 AN ACT TO AMEND VARIOUS SECTIONS OF THE GENERAL STATUTES TO TAKE
2 INTO ACCOUNT THE EXISTENCE OF THE COURT OF APPEALS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G S. 1-84 is amended by deleting the words "Supreme Court" and
7 inserting in lieu thereof the words "Appellate Division" wherever the former appears, and by
8 deleting the word "term" in the third sentence, and inserting in lieu thereof the word "session".

9 **Sec. 2.** G.S. 1-235 is amended by deleting from the first sentence the words "clerk
10 of the Supreme Court," and inserting in lieu thereof the words "appropriate clerk of the
11 Appellate Division,"; by deleting from line 3 the words "that court" and inserting in lieu thereof
12 the words "one of the courts of that Division,"; and by deleting from the last sentence the words
13 "Supreme Court" and inserting in lieu thereof the words "appellate court".

14 **Sec. 3.** G.S. 1-270 is amended by deleting the words "Supreme Court" and inserting
15 in lieu thereof the words "Appellate Division" wherever the former appears.

16 **Sec. 4.** G.S. 1-284 is amended by inserting in the first line after the word "clerk" the
17 words "or appropriate official of the trial tribunal."; by deleting from the first sentence the
18 words "clerk of the Supreme Court" and inserting in lieu thereof the words "appropriate clerk
19 of the Appellate Division"; by inserting after the word "clerk," in the second sentence the words
20 "or appropriate official of the trial tribunal,"; and by deleting from the last sentence the words
21 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

22 **Sec. 5.** G.S. 1-285 is amended by deleting the words "Supreme Court" and inserting
23 in lieu thereof the words "Appellate Division" wherever the former appears.

24 **Sec. 6.** G.S. 1-287 is amended by deleting from the second sentence the words
25 "clerk of the Supreme Court" and inserting in lieu thereof the words "appropriate clerk of the
26 Appellate Division".

27 **Sec. 7.** G.S. 1-287.1 is amended by deleting the words "Supreme Court" and
28 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

29 **Sec. 8.** G.S. 1-288 is amended by deleting the words "Supreme Court" and inserting
30 in lieu thereof the words "Appellate Division" wherever the former appears.

31 **Sec. 9.** G.S. 1-296 is amended by deleting from the last line the words "Supreme
32 Court" and inserting in lieu thereof the words "Appellate Division".

33 **Sec. 10.** G. S.1-297 is amended by deleting from the third sentence the words
34 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

35 **Sec. 11.** G.S. 1-298 is amended by deleting from the last line the words "Supreme
36 Court" and inserting in lieu thereof the words "Appellate Division".

37 **Sec. 12.** G.S. 1-500 is amended by deleting the words "Supreme Court" and
38 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

39 **Sec. 13.** G.S. 1-529 is amended by deleting from the first sentence the words
40 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

41 **Sec. 14.** G.S. 5-2 is amended by deleting from the first sentence the words
42 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

1 **Sec. 15.** G.S. 5-3 is amended by deleting the words "Supreme Court" and inserting
2 in lieu thereof the words "Appellate Division".

3 **Sec. 16.** G.S. 5-6 is rewritten to read as follows:

4 **"G.S. 5-6 Courts and officers empowered to punish.** Every justice of the peace, referee,
5 commissioner, judge of a court inferior to the superior court, magistrate, or judge, justice, or
6 clerk of the General Court of Justice, or member of the board of Commissioners of each
7 county, or member of the Utilities Commission or Industrial Commission, has the power to
8 punish for contempt while sitting for the trial of causes or while engaged in official duties."

9 **Sec. 17.** G.S. 6-4 is amended by deleting from the first line the words "The clerks
10 of the Supreme, superior and criminal courts." and inserting in lieu thereof the words "The
11 clerks' of the General Court of Justice and of inferior courts,".

12 **Sec. 18.** G.S. 6-6 is amended by inserting in the second line the words "judges of
13 the Court of Appeals," after the words "Supreme Court,".

14 **Sec. 19.** G.S. 6-33 is amended by deleting from the first sentence the words
15 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

16 **Sec. 20.** G.S. 6-34 is amended by deleting the words "Supreme Court" and inserting
17 in lieu thereof the words "Appellate Division" wherever the former appears

18 **Sec. 21.** G.S. 6-38 is amended by deleting from the first line the words "Supreme
19 Court" and inserting in lieu thereof the words "Appellate Division".

20 **Sec. 22.** G.S. 8-55 is amended by deleting from the first sentence the words "If any
21 justice of the peace, magistrate of police, mayor of a town, or judge of the Supreme or superior
22 courts" and inserting in lieu thereof the words "If any justice, judge or magistrate of the General
23 Court of Justice, or justice of the peace, or mayor of a town".

24 **Sec. 23.** G.S. 8-83 is amended by inserting in subsection (7) the words "judge of the
25 Court of Appeals," after the words "justice of the Supreme Court,".

26 **Sec. 24.** G.S. 8-84 is amended by inserting in subparagraphs (2) and (3) the words
27 "judge of the Court of Appeals," after the words "justice of the Supreme Court".

28 **Sec. 25.** G.S. 11-7.1 is rewritten to read as follows:

29 **"G.S. 11-7.1. Who may administer oaths of office.** (a) Except as otherwise specifically
30 required by statute, an oath of office may be administered by:

- 31 (1) justice, judge, magistrate, clerk, assistant clerk, or deputy clerk of the
32 General Court of Justice;
33 (2) The Secretary of State;
34 (3) A judge or clerk of a court inferior to the superior court, including justices of
35 the peace;
36 (4) A notary public.

37 (b) The administration of an oath by any judge of the Court of Appeals prior to the
38 ratification of this section is hereby validated."

39 **Sec. 26.** G.S. 14-241 is amended by deleting from the third line the words
40 "Supreme Court reports" and inserting in lieu thereof the words "Appellate Division Reports".

41 **Sec. 27.** G.S. 15-18 is amended by deleting the words "The Chief Justice and the
42 associate justices of the Supreme Court, the judges of the superior court, judges of criminal
43 courts," and inserting in lieu thereof the words "Any justice, judge, or magistrate of the General
44 Court of Justice,".

45 **Sec. 28.** G.S. 15-21 is amended by deleting the words "justice of the Supreme
46 Court, or by any judge of the superior court, or of a criminal court" and inserting in lieu thereof
47 the words "justice, judge, clerk, or magistrate of the General Court of Justice, or any judge of a
48 criminal court".

49 **Sec. 29.** G.S. 15-22 is amended by deleting from the last sentence the words
50 "justice of the Supreme Court" and inserting in lieu thereof the words "justices or judges of the
51 Appellate Division".

1 **Sec. 30.** G.S. 15-48 is amended by deleting from the first sentence the words "judge
2 of the Supreme, superior, or criminal courts" and inserting in lieu thereof the words "justice or
3 judge of the General Court of Justice, or any judge of a criminal court".

4 **Sec. 31.** G.S. 15-49 is amended by deleting from the first sentence the words "Any
5 justice of the Supreme Court, or any judge of the Superior court or of any criminal court," and
6 inserting in lieu thereof the words "any justice, judge, or magistrate of the General Court of
7 Justice, or any judge of a criminal court,".

8 **Sec. 32.** G.S. 15-85 is amended by deleting the words "judge of the Supreme or
9 Superior court" and inserting in lieu thereof the words "justice or judge of the General Court of
10 Justice."

11 **Sec. 33.** G.S. 15-102 is amended by rewriting subsection (1) to read as follows:

12 "(1) Any justice or judge of the General Court of Justice, in all cases."

13 **Sec. 34.** G.S. 15-103 is amended by rewriting that part of the sentence which
14 precedes the semicolon to read as follows: "Any justice or judge of the General Court of Justice
15 has power to fix and take bail for persons committed to prison charged with crime in all cases;".

16 **Sec. 35.** G.S. 15-179 is amended by deleting from the first line the words "Supreme
17 Court" and inserting in lieu thereof the words "Appellate Division".

18 **Sec. 36.** G.S. 15-180 is amended by deleting the words "Supreme Court" and
19 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

20 **Sec. 37.** G.S. 15-183.1 is amended by deleting from the first sentence the words
21 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

22 **Sec. 38.** G.S. 15-184 is amended by deleting the words "Supreme Court" and
23 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

24 **Sec. 39.** G.S. 15-185 is amended by deleting the words "Supreme Court" and
25 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

26 **Sec. 40.** G.S. 15-186 is amended by deleting the words "Supreme Court" and
27 inserting in lieu thereof the words "Appellate Division".

28 **Sec. 41.** G.S. 17-6 is amended by rewriting subparagraph (1) to read as follows:

29 "(1) To any one of the justices or judges of the Appellate Division."

30 **Sec. 42.** G.S. 17-8 is amended by deleting the words "When the Supreme or
31 superior court, or any judge of either," and inserting in lieu thereof the words "When the
32 Appellate Division or Superior Court Division, or any judge of either division,".

33 **Sec. 43.** G.S. 17-41 is amended by deleting from the last line the words "judge of
34 the Supreme or superior court" and inserting in lieu thereof the words "justice or judge of the
35 General Court of Justice".

36 **Sec. 44.** G.S. 35-48 is amended by deleting from the fourth paragraph the words
37 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

38 **Sec. 45.** G.S. 35-50 is amended by deleting the words "Supreme Court" and
39 inserting in lieu thereof the words "Appellate Division" wherever the former appears and by
40 deleting from the last line of the second paragraph the word "said", which directly precedes the
41 words "Supreme Court".

42 **Sec. 46.** G.S. 36-14 is amended by deleting the words "Supreme Court" and
43 inserting in lieu thereof the words "Appellate Division".

44 **Sec. 47.** G S. 40-19 is amended by deleting from the first sentence the words
45 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

46 **Sec. 48.** G.S. 43-11 is amended by deleting from the last sentence of sub-paragraph
47 (c) the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

48 **Sec. 49.** G.S. 43-17.1 is amended by deleting from the last sentence the words
49 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

50 **Sec. 50.** G.S. 45-21.34 is amended by deleting from the last line the words
51 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

1 **Sec. 51.** G.S. 45-21.35 is amended by deleting from the last line the words
2 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

3 **Sec. 52.** G.S. 47-1 is amended by deleting from the last sentence the words "The
4 several Justices of the Supreme Court, the several judges of the superior court, commissioners
5 of affidavits appointed by the Governor of this State, the Clerk of the Supreme Court, the
6 several clerks of the superior court, the deputy clerks of the superior court, the several clerks of
7 the criminal courts." and inserting in lieu thereof the words "The justices, judges, magistrates,
8 clerks, assistant clerks, and deputy clerks of the General Court of Justice, the judges and clerks
9 of courts inferior to the superior court, commissioners of affidavits appointed by the Governor
10 of this State,".

11 **Sec. 53.** G.S. 47-7 is amended by deleting from the second sentence the words
12 "judge of the superior court or justice of the Supreme Court." and inserting in lieu thereof the
13 words "justice or judge of the General Court of Justice,".

14 **Sec. 54.** G.S. 52-6 is amended by rewriting subparagraph (c) to read as follows:

15 "(c) Such certifying officer must be a justice, judge, magistrate, clerk, assistant clerk, or
16 deputy clerk of the General Court of Justice, or judge of a court inferior to the superior court, or
17 justice of the peace or the equivalent or corresponding officers of the state, territory, or foreign
18 country where the acknowledgement and examination is made."

19 **Sec. 55.** G.S. 58-9.3 is amended by deleting from subparagraph (d) the words
20 "Supreme Court of North Carolina" and inserting in lieu thereof the words "Appellate Division
21 of the General Court of Justice".

22 **Sec. 56.** G.S. 75-10 is amended by deleting from the second sentence the words
23 "judge of the supreme or superior court," and inserting in lieu thereof the words "any justice or
24 judge of the Appellate or Superior Court Divisions,".

25 **Sec. 57.** G.S. 75-12 is amended by deleting from the first sentence the words "judge
26 of the Supreme or superior court," and inserting in lieu thereof the words "justice or judge of
27 the Appellate or Superior Court Division,".

28 **Sec. 58.** G. S. 84-1 is amended by deleting the words "justice of the supreme or
29 judge of the superior court," and inserting in lieu thereof the words "justice of the Supreme
30 Court, judge of the Court of Appeals, or judge of the Superior Court,".

31 **Sec. 59.** G.S. 84-2 is rewritten to read as follows:

32 "**G.S. 84-2 Persons disqualified.** No justice, judge, full-time solicitor, full-time assistant
33 solicitor, prosecutor, full-time assistant prosecutor, clerk, deputy or assist- ant clerk of the
34 General Court of Justice, nor register of deeds, nor sheriff, nor any justice of the peace shall
35 practice law. Persons violating this provision shall be guilty of a misdemeanor and fined not
36 less than two hundred dollars."

37 **Sec. 60.** G.S. 84-16 is amended by rewriting the third paragraph to read as follows:
38 "The honorary members shall be:

- 39 (1) The Justices and Judges of the Appellate and Superior Court Divisions of the
40 General Court of Justice;
41 (2) All former justices and judges of the above named courts resident in North
42 Carolina, but not engaged in the practice of law;
43 (3) The judges of the district courts of the United States and of the circuit court
44 of appeals resident in North Carolina."

45 **Sec. 61.** G.S. 84-28 is amended by deleting from subsections (e) and (f) of
46 subparagraph (3) the words "Supreme Court" and inserting in lieu thereof the words "Appellate
47 Division" wherever the former appears.

48 **Sec. 62.** G.S. 84-31 is amended by deleting from the first sentence the words
49 "supreme courts" and inserting in lieu thereof the words "appellate court division of the General
50 Court of Justice".

1 **Sec. 63.** G.S. 96-4 is amended by deleting from subparagraphs (n) and (o) the
2 words "Supreme Court" and inserting in lieu thereof the words "Appellate Division" wherever
3 the former appears.

4 **Sec. 64.** G.S. 98-14 is amended by deleting from subsection (6) the words
5 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

6 **Sec. 65.** G.S. 105-241.4 is amended by deleting from the third paragraph the words
7 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

8 **Sec. 66.** G.S. 105-266.1 is amended by deleting from subparagraph (d) the words
9 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

10 **Sec. 67.** G.S. 106-266.17 is amended by deleting from the last sentence the words
11 "Supreme Court of North Carolina" and inserting in lieu thereof the words "Appellate Division
12 of the General Court of Justice".

13 **Sec. 68.** G.S. 106-549.59 is amended by deleting from the last paragraph the words
14 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

15 **Sec. 69.** G.S. 113-206 is amended by deleting from subparagraph (d) the words
16 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

17 **Sec. 70.** G.S. 113-404 is amended by deleting the words "Supreme Court" and
18 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

19 **Sec. 71.** G.S. 115-87 is amended by deleting from the second paragraph the words
20 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

21 **Sec. 72.** G.S. 115-88 is amended by deleting from the last sentence the words
22 "Supreme Court" and inserting in lieu thereof the words "Appellate Division", and by deleting
23 the word "term" wherever it appears and inserting in lieu thereof the word "session".

24 **Sec. 73.** G.S. 115-179 is amended by deleting from the last sentence the words
25 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

26 **Sec. 74.** G.S. 135-1 is amended by inserting in the first sentence of subsection (10)
27 the words "judge of the Court of Appeals," after the words "justice of the Supreme Court".

28 **Sec. 75.** G.S. 143-62 is rewritten to read as follows:

29 **"G.S. 143-62. Law applicable to printing Appellate Division Reports not affected.**
30 "Nothing in this article shall be construed as changing or interfering with the method of
31 printing or contracting for the printing of the Appellate Division Reports as provided in G.S.
32 7A-6."

33 **Sec. 76.** G.S. 143-316 is amended by deleting the words "Supreme Court" and
34 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

35 **Sec. 77.** G.S. 147-77 is amended by deleting the words "clerk of the Supreme
36 Court," and inserting in lieu thereof the words "clerks of the Supreme Court and Court of
37 Appeals,"

38 **Sec. 78.** G.S. 156-88 is amended by deleting from the first paragraph the words
39 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

40 **Sec. 79.** G.S. 160-214 is amended by deleting the words "Supreme Court" and
41 inserting in lieu thereof the words "Appellate Division" wherever the former appears.

42 **Sec. 80.** G.S. 163-1 is amended by deleting from the first column of the table the
43 words "Justices of the Supreme Court" and inserting in lieu thereof the words "Justices and
44 Judges of the Appellate Division".

45 **Sec. 81.** G.S. 163-9 is amended by inserting in the first sentence the words ", judge
46 of the Court of Appeals," after the words "Supreme Court".

47 **Sec. 82.** G.S. 163-77 is amended by deleting from the third paragraph the words
48 "Supreme Court" and inserting in lieu thereof the words "Appellate Division".

49 **Sec. 83.** G.S. 163-106 is amended by inserting in subparagraph (c) the words
50 "Judges of the Court of Appeals," after the words "Justices of the Supreme Court," and by

1 inserting in subparagraph (d) the words "two or more vacancies for judge of the Court of
2 Appeals," after the words "Supreme Court,".

3 **Sec. 84.** G.S. 163-107 is amended in subparagraph (a) by deleting from the table
4 lines four, five, six, and seven of the first column and the information in the second column to
5 the right thereof and by inserting in lieu thereof in the first column the words "All Justices,
6 Judges, and Solicitors of the General Court of Justice" and in the second column the words
7 "One percent (1%) of the annual salary of the office sought".

8 **Sec. 85.** G.S. 163-111 is amended in subsection (1) of subparagraph (c) by deleting
9 from the table lines four, five, six, and nine and inserting in lieu thereof the words "Justices,
10 Judges, or Solicitors of the General Court of Justice,".

11 **Sec. 86.** G.S. 163-177 is amended by deleting from the table after the first colon
12 lines five, six, seven, and eight and inserting in lieu thereof the words "Justices, Judges, and
13 Solicitors of the General Court of Justice".

14 **Sec. 87.** G.S. 163-192 is amended by inserting in subsection (1) of subparagraph(a)
15 the words "judges of the Court of Appeals," after the words "justices of the Supreme Court,"
16 and by inserting in subsection (2) of subparagraph (b) the words "judges of the Court of
17 Appeals," after the words "justices of the Supreme Court,".

18 **Sec. 88.** G.S. 163-194 is amended by deleting from the table lines two, three, four,
19 and five and inserting in lieu thereof the words "Justices, Judges, and Solicitors of the General
20 Court of Justice".

21 **Sec. 89.** G.S. 114-8 is repealed.

22 **Sec. 90.** Partial Invalidity. If any provision of this Act or the application thereof to
23 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
24 applications of the Act which can be given effect without the invalid provision or application,
25 and to this end the provisions of this Act are declared to be severable.

26 **Sec. 91.** This Act shall become effective upon its ratification.

27 In the General Assembly read three times and ratified, this the 7th day of March,
28 1969.