

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 460
SENATE BILL 225

AN ACT TO AMEND G.S. 50-10 TO ALLOW DIVORCE ACTIONS TO BE TRIED BY A JUDGE OR JURY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-10 is hereby rewritten to read as follows:

"§ 50-10. Material facts found by judge or jury; parties cannot testify to adultery; procedure same as ordinary civil actions. — The material facts in every complaint asking for a divorce or for an annulment shall be deemed to be denied by the defendant, whether the same shall be actually denied by pleading or not, and no judgment shall be given in favor of the plaintiff in any such complaint until such facts have been found by a judge or jury. The determination of whether there is to be a jury trial or a trial before the judge without a jury shall be made in accordance with G.S. 1A-1, Rules 38 and 39. On such trial neither the husband nor wife shall be a competent witness to prove the adultery of the other, nor shall the admissions of either party be received as evidence to prove such fact."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1973.