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PHILIP R. FREAS,
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Germantown, Philadelphia, Pa.

June 16-1m.

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ETC., ETC., ETC.

"REPUBLICAN"

Printed at the
"REPUBLICAN" OFFICE,
No. 23 Craven Street.
July 18-23-24

Important Article in the New Constitution.

JUDICIAL DEPARTMENT.

Section 1. The distinction between actions at law and suits in equity, and the forms of such actions and suits shall be abolished, and all such actions and suits shall be prosecuted in the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a civil action; and every action prosecuted by the people of the State, or a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.
Section 2. The power of the State shall be vested in a court for the trial of impeachments a Supreme Court, two courts of appeals, and courts of the peace and special courts.
Section 3. The court for the trial of impeachments shall be composed of a majority of the members of the General Assembly, and shall be organized at the first session after the ratification of this Constitution, and shall continue in office until the next session of the General Assembly.
Section 4. The judicial power of the State shall be vested in a court for the trial of impeachments a Supreme Court, two courts of appeals, and courts of the peace and special courts.
Section 5. The House of Representatives shall have the power to impeach any officer or officer of the State, and to try the same, and to remove from office any officer or officer of the State, who shall be found guilty of treason, bribery, or other high crimes, or of gross neglect of duty.
Section 6. The Senate shall have the power to try all impeachments, and to remove from office any officer or officer of the State, who shall be found guilty of treason, bribery, or other high crimes, or of gross neglect of duty.
Section 7. The Senate shall have the power to remove from office any officer or officer of the State, who shall be found guilty of treason, bribery, or other high crimes, or of gross neglect of duty.

EXISTING SUITS.

The following sections, numbered 1, 2, 3, 4, 5, relate exclusively to actions which have been commenced, and in which no final judgment has been rendered prior to the ratification of this act, as a part of the Code of Practice and Procedure.
Section 1. The clerks of the Superior Courts at the request of a party thereto, within six months from the ratification of a general act respecting the practice and procedure of the Superior Courts of this State, and on the payment of a fee of one dollar, shall enter on a separate docket, all suits, which, at the ratification of this act, shall have been commenced, or in which judgment has been rendered, in the late County Courts, Superior Courts of Law, and Courts of Equity, of their respective counties.

HOW SUCH SUITS PROCEEDED WITH.

Section 2. And every suit not so transferred within the time aforesaid, shall be abated and the Clerk of the Superior Court shall tax costs against the parties liable, and collect the same by the proper process.
Section 3. The said suits shall be proceeded in, and tried under the existing laws and rules applicable thereto. After final judgments shall be rendered therein, the Clerk shall enter such judgments on the execution docket required to be kept by him, and the subsequent proceedings shall be as provided for action hereafter to be commenced.

EXISTING JUDGMENTS NOT DORMANT.

Section 4. Existing judgments and decrees not dormant may in like manner be entered on the execution docket, and the subsequent proceedings shall be as is prescribed for actions hereafter to be commenced, as far as shall be compatible with the previous proceedings, and no lien acquired before the ratification aforesaid shall be lost by any change of process, occasioned by this act.

DORMANT JUDGMENTS.

Section 5. Judgments or decrees which are dormant at the ratification aforesaid, may be revived or enforced in the manner herein provided.
Section 6. In all actions hereafter commenced, founded on such contracts as are provided for in an Ordinance of the Convention of this State, entitled "An Ordinance respecting the jurisdiction of the Courts of this State," ratified on the 14th day of August, 1868, the summons shall be made returnable to the term of the Superior Court therein designated, and the subsequent proceedings shall be in accordance with the provisions of said act.

EXECUTIONS LEVIED ON PERSONAL PROPERTY.

Section 7. The late Sheriff of any County having in his hands any *fiere facias* execution, or in an Ordinance of the Convention of this State, entitled "An Ordinance respecting the jurisdiction of the Courts of this State," ratified on the 14th day of August, 1868, the summons shall be made returnable to the term of the Superior Court therein designated, and the subsequent proceedings shall be in accordance with the provisions of said act.

QUALIFICATION OF CLERKS.

Section 8. Every clerk of the Superior Court, before entering on the duties of his office, shall take and subscribe before some officer authorized by law to administer an oath, the oaths prescribed by law, and file the same with the Register of Deeds for the county.

FAILURE TO GIVE BOND.

Section 9. In any case a clerk shall fail to give bond and qualify as above directed, the chairman of the county commissioners of his county shall immediately inform the Judge of the judicial district thereof, who shall thereupon declare the office vacant, and fill the same, and the appointee shall give bond and qualify as above directed.

OFFICES - WHERE TO BE KEPT.

Section 10. He shall have an office in the courthouse, or other place provided by the county commissioners, in the county town of his county. He shall give duty attendance, in person or by deputy, at his office, daily, (Sundays and legal holidays excepted,) from 9 o'clock A. M., to three o'clock P. M., and longer when necessary for the dispatch of business.

TO RECEIVE OFFICIAL PAPERS, &c.

Section 11. Immediately after he shall have given bond and qualified as aforesaid, he shall receive from the late Clerk of the County and Superior Courts, and Clerk and Master of the Court of Equity of the county all records, books, papers, money and property of their respective offices, and give receipts for the same; and if any such late clerk, or clerks and master, shall refuse or fail within a reasonable time after demand to deliver such records, books, papers, money and property, they shall be respectively liable on their official bonds for the value thereof, and be held guilty of a misdemeanor.

TO KEEP RECORDS, &c.

Section 12. He shall keep in bound volumes a complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the legal fees.

WILKES, fourth Monday after third Monday in March and September.

Calwell, sixth Monday after third Monday in March and September.
Burk, eighth Monday after third Monday in March and September.
McDowell, tenth Monday after third Monday in March and September.

ELEVENTH JUDICIAL DISTRICT.

Alleghany county, the first Monday in April and September.
Ash, third Monday in April and September.
Watauga, second Monday after third Monday in April and September.

TWELFTH JUDICIAL DISTRICT.

Clay county, the first Monday in April and September.
Cherokee, third Monday in April and September.
Macon, second Monday after third Monday in April and September.

OF THE QUALIFICATIONS AND GENERAL DUTIES OF CLERKS OF THE SUPERIOR COURTS.

Section 1. At the first meeting of the county commissioners of each county after the election or appointment of any Clerk of a Superior Court, it shall be the duty of the clerk to deliver to such commissioners a bond, with sufficient sureties, to be approved by them, as is now required by the law, payable to the State of North Carolina, and a condition to be void if he shall account for any [and] pay over according to law all monies and effects which have or may come into his hands by virtue or color of his office, and shall diligently preserve and take care of all books, records, papers and property which have come or may come into his possession, by virtue or color of his office, and shall in all things faithfully perform the duties of his office, as they are or hereafter may be prescribed by law.

BONDS HOW APPROVED, &c.

Section 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, and any commissioner dissenting may cause his dissent to be entered on record. Any commissioner approving a bond which he knows or believes to be insufficient, shall personally be liable, as if he was a surety thereto. The said bond acknowledged by the parties thereto, or proved by a subscribing witness, before the clerk of said county commissioners, as their presiding officer, registered in the office of the register of the county, in a separate book to be kept by him for the registration of official bonds, and the original with the approval thereof endorsed deposited with the register for safe keeping.

QUALIFICATION OF CLERKS.

Section 3. Every clerk of the Superior Court, before entering on the duties of his office, shall take and subscribe before some officer authorized by law to administer an oath, the oaths prescribed by law, and file the same with the Register of Deeds for the county.

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TO KEEP RECORDS, &c.

Section 7. He shall keep in bound volumes a complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the legal fees.

AN ACT

IN RELATION TO THE POWERS AND DUTIES OF CLERKS OF SUPERIOR COURTS.

The General Assembly of North Carolina do enact:
SECTION 1. That as this act will be incorporated in the general act respecting the practice and procedure of the courts, required to be reported to the General Assembly at its present session, by the commissioners appointed for that purpose, it will be printed in that general act and not elsewhere among the acts of this General Assembly, unless otherwise hereafter directed.

Section 2. The Secretary of State is required to have the third section of this act, and that portion relating to the Superior Court Clerks, printed at least weekly in four papers published in this State, and the sum necessary for that purpose, is hereby appropriated from any monies in the Treasury not otherwise appropriated.

FIRST JUDICIAL DISTRICT.

Carteret county first Monday in March and October.
Hertford, third Monday in March and October.
Gates, fourth Monday after the first Monday in March and October.

SECOND JUDICIAL DISTRICT.

Tyrell county the first Monday in September and February.
Washington, third Monday in September and February.
Martin, second Monday after the third Monday in September and February.

THIRD JUDICIAL DISTRICT.

Wayne county the first Monday in September and February.
Jones, third Monday in September and February.
Onslow, first Monday after the fourth Monday in September and February.

FOURTH JUDICIAL DISTRICT.

Hobson county on the fourth Monday in August and February.
Bladen, second Monday after the fourth Monday in August and February.

FIFTH JUDICIAL DISTRICT.

Harnett county the second Monday in August and February.
Moore, second Monday after the second Monday in August and February.

SIXTH JUDICIAL DISTRICT.

Granville county second Monday in August and February.
Warren, second Monday after the second Monday in August and February.

SEVENTH JUDICIAL DISTRICT.

Guilford county, the first Monday in March and September.
Rockingham, the second Monday after the first Monday in March and September.

EIGHTH JUDICIAL DISTRICT.

Davie county, the first Monday in April and September.
Rowan, third Monday in April and September.

NINTH JUDICIAL DISTRICT.

Folk county, the first Monday in March and September.
Rutherford, third Monday in March and September.

TENTH JUDICIAL DISTRICT.

Catawba county, first Monday in March and September.
Alexander, third Monday in March and September.

ELEVENTH JUDICIAL DISTRICT.

Iredell, second Monday after third Monday in March and September.

STATE OF NORTH CAROLINA.

OFFICE SECRETARY OF STATE,
Raleigh, August 22d, 1868.
I, Henry J. Menninger, Secretary of State, hereby certify that the foregoing is a true copy of the original act on file in my office.

J. MENNINGER,
Secretary of State.

Aug. 20-4w