

AN ACT RELATIVE 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...

Sec. 2. The Secretary of State is required to have a 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...

Sec. 3. The terms of the several Superior Courts of this State shall begin in each year at the times hereinafter stated, and shall continue to be held for two weeks (Sundays and legal holidays excepted)...

FIRST JUDICIAL DISTRICT.

Hertford county first Monday in March and October.

Hertford county, third Monday in March and October.

Gates, fourth Monday after the first Monday in March and October.

Chowan, sixth Monday after the first Monday in March and October.

Perquimans, eighth Monday after the first Monday in March and October.

Pasquotank, tenth Monday after the first Monday in March and October.

Camden, twelfth Monday after the first Monday in March and October.

Currituck, fourteenth 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.

Hyde, fourth Monday after the third Monday in September and February.

Beaufort, sixth Monday after the third Monday in September and February.

Ft. Smith, eighth Monday after the third Monday in September and February.

Edgecombe, tenth 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.

Craven, third Monday after the fourth Monday in September and February.

Moore, fifth Monday after the fourth Monday in September and February.

Greene, seventh Monday after the fourth Monday in September and February.

Carteret, ninth Monday after the fourth Monday in September and February.

Wilson, eleventh Monday after the fourth Monday in September and February.

FOURTH JUDICIAL DISTRICT.

Robeson county on the fourth Monday in August and February.

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

Moore, fourth Monday after the fourth Monday in August and February.

Brunswick, sixth Monday after the fourth Monday in August and February.

New Hanover, eighth Monday after the fourth Monday in August and February.

Sampson, tenth Monday after the fourth Monday in August and February.

Duplin, twelfth 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.

Montgomery, fourth Monday after the second Monday in August and February.

Stanly, sixth Monday after the second Monday in August and February.

Union, eighth Monday after the second Monday in August and February.

Anson, tenth Monday after the second Monday in August and February.

Richmond, twelfth Monday after the second Monday in August and February.

Cumberland, fourteenth 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.

Franklin, fourth Monday after the second Monday in August and February.

Johnston, sixth Monday after the second Monday in August and February.

Wake, eighth Monday after the second Monday in August and February.

Nash, tenth Monday after the second Monday in August and February.

Halifax, twelfth Monday after the second Monday in August and February.

Northampton, fourteenth Monday after the second Monday in August and February.

SEVENTH JUDICIAL DISTRICT.

Gulford county, the first Monday in March and September.

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

Caswell, fourth Monday after the first Monday in March and September.

Forsyth, sixth Monday after the first Monday in March and September.

Orange, eighth Monday after the first Monday in March and September.

Graham, tenth Monday after the first Monday in March and September.

Randolph, twelfth Monday after the first Monday in March and September.

Alamance, fourteenth Monday after the first Monday in March and September.

EIGHTH JUDICIAL DISTRICT.

Bavie county, the first Monday in April and September.

Rowan, third Monday in April and September.

Davidson, second Monday after the third Monday in April and September.

Forsythe, fourth Monday after the third Monday in April and September.

Stokes, sixth Monday after the third Monday in April and September.

Ferry, eighth Monday after the third Monday in April and September.

Yadkin, tenth Monday after the third Monday in April and September.

NINTH JUDICIAL DISTRICT.

Polk county, the first Monday in March and September.

Rutherford, third Monday in March and September.

Cleveland, second Monday after the third Monday in March and September.

Lincoln, fourth Monday after the third Monday in March and September.

Guilford, sixth Monday after the third Monday in March and September.

Rockwell, eighth Monday after the third Monday in March and September.

Cabarrus, tenth Monday after the third Monday in March and September.

TENTH JUDICIAL DISTRICT.

Catawba county, first Monday in March and September.

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

Caldwell, 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.

Ashe, third Monday in April and September.

Watauga, second Monday after third Monday in April and September.

Mitchell, fourth Monday after third Monday in April and September.

Yancey, sixth Monday after third Monday in April and September.

Madison, eighth Monday after third Monday in April and September.

Buncombe, tenth 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.

Jackson, fourth Monday after third Monday in April and September.

Haywood, sixth Monday after third Monday in April and September.

Transylvania, eighth Monday after third Monday in April and September.

Henderson, tenth Monday after third Monday in April and September.

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

Sec. 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 law...

Sec. 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, 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 therefor...

Sec. 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.

Sec. 4. In case any clerk shall fail to give bond as aforesaid, 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.

Sec. 5. 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 due 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.

Sec. 6. 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 clerk 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.

Sec. 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.

Sec. 8. The clerk shall keep the following books: 1. A docket of all writs of summons, or other original process issued by him, or returned to his office. This docket shall contain a brief note of every proceeding whatever, in each action, up to the final judgment inclusive.

Sec. 9. The books specified in the above section shall be supplied to the clerks of the several counties by the Secretary of State, at the expense of the State, and the Secretary shall, as soon as possible, transmit an account thereof to the chairman of the County Commissioners, in order that the price may be levied in the county taxes, and also the Auditor of public accounts, who shall add the same to the taxes of the respective counties, and receive and account for it as for other taxes.

Sec. 10. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly labeled, and file them in order of the date of the filing thereof.

Sec. 11. At every regular term of a Superior Court the Solicitor of the Judicial District shall inspect the files of the clerk and report to the court in writing. If any clerk, after being furnished with the necessary books, shall fail to keep them up as required by law, he shall be guilty of a misdemeanor, and the Solicitor shall cause him to be prosecuted for the same.

Sec. 12. No judgment shall be held to have become dormant by reason of any stay of execution thereon in obedience to any general or special orders issued by the General Assembly commanding the military District of which the State of North Carolina formed a part, and the time during which execution was so stayed, shall not be counted in determining any question respecting a judgment being dormant.

Sec. 13. Nothing in this act contained shall affect or impair any right given by an ordinance of the Convention of this State, entitled "An Ordinance respecting the jurisdiction of the Courts of this State," ratified the 14th day of March, 1868, in the cases to which it is applicable.

Sec. 14. Approved the 14th day of August, A. D., 1868. (Signed) JOS. W. HOLDEN, Speaker of the House of Representatives. (Signed) T. O. CALDWELL, President of the Senate.

Sec. 15. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly labeled, and file them in order of the date of the filing thereof.

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Important Article in the New Constitution.

ARTICLE IV. JUDICIAL DEPARTMENT.

Section 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished, and there shall be in this State a uniform system of procedure for the enforcement or protection of private rights, or the redress of private wrongs which shall be denominated a civil action, and every action brought by any person of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. The procedure in such actions shall be the fact as herein provided by order of court before a jury.

Section 2. Three commissioners shall be appointed by the General Assembly, to report to the General Assembly at its first session after this constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foregoing article, and the convention shall provide for the commissioners a reasonable compensation.

Section 3. The commissioners shall also report to the General Assembly as soon as practicable, a code of law for North Carolina. The Governor shall have power to fill vacancies in the office of a commissioner in a court for the trial of impeachments a Supreme Court, Superior courts, court of justices of the Peace and special courts.

Section 4. The court for the trial of impeachments shall be the senate; a majority of the members shall constitute a quorum, and the judgment shall not extend beyond removal from office and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Section 5. The House of Representatives shall have the power of impeachment. No person shall be impeached in a quorum of the House unless he has been indicted by the Grand Jury of the State, and no person shall be impeached in a quorum of the House unless he has been indicted by the Grand Jury of the State, and no person shall be impeached in a quorum of the House unless he has been indicted by the Grand Jury of the State.

Section 6. The State shall be divided into twelve judicial districts for each of which a judge shall be chosen, who shall hold a superior court in each county in said district at least twice in each year to continue for two weeks unless the business shall be sooner disposed of.

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