

NORTH CAROLINA GENERAL ASSEMBLY  
1959 SESSION

CHAPTER 1051  
SENATE BILL 487

AN ACT TO AMEND CHAPTER 602 OF THE PUBLIC-LOCAL LAWS OF 1913  
AND CHAPTER 482 OF THE PUBLIC-LOCAL LAWS OF 1939 AND  
REGULATING THE DEMAND FOR JURY TRIALS IN THE RECORDER'S  
COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 15 of Chapter 602 of the Public-Local Laws of 1913 of North Carolina is hereby repealed.

Sec. 2. Section 4 of Chapter 482 of the Public-Local Laws of 1939 of North Carolina is hereby repealed.

Sec. 3. The defendant or the prosecuting attorney representing the State, in any criminal action in the Recorder's Court of Harnett County, of which said court has final jurisdiction, or either party in any civil action, may demand and have a jury who shall hear the same.

Sec. 4. In a criminal action a trial by jury must be demanded at the time the case is called for trial and in a civil action a trial by jury must be demanded at the time of joining the issue of fact, or within ten days thereafter, and if neither party demands a jury at such time, both parties shall be deemed to have waived a trial by jury.

Sec. 5. Six jurors shall constitute a jury in the Harnett County Recorder's Court, but, by consent of both parties, a lesser number may constitute a jury.

Sec. 6. The Clerk of the Board of Commissioners of Harnett County shall forthwith, and biennially thereafter, furnish to the Clerk of the Harnett County Recorder's Court, a list of all qualified jurors of Harnett County, except those living in Averasboro Township.

The clerk of the Recorder's Court shall keep a jury box having two divisions, marked respectively No. 1 and No. 2, and having two locks, the keys to be kept by the clerk. He shall cause the names on the jury list to be written on small scrolls of paper of equal size, and to be placed in the jury box in the division marked No. 1, until drawn out for the trial of an issue, as required by law.

Sec. 7. When a demand is made for a jury trial, the Judge of the Recorder's Court of Harnett County shall immediately set a date for the trial of the same, but in no event shall said action be set to be heard earlier than one week from the date such demand is made, and the clerk of said court shall direct and supervise the drawing for the trial of those cases set of a sufficient number of jurors, who shall be summoned and directed to appear at the time and place set for the trial of said actions.

Sec. 8. The clerk of said court shall, immediately after the drawing of jurors, cause the Sheriff of Harnett County, or any other law enforcement officer of said county, to summon the jurors so drawn.

Sec. 9. At the time and place appointed if the trial be not further adjourned, and if adjourned, then at the time and place to which the trial shall be adjourned, the clerk of said court shall proceed in the presence of the parties to draw from the jurors summoned the names of six persons to constitute a jury for the trial of the issue.

Sec. 10. Each party shall be entitled to three preemptory challenges of the persons drawn for jurors.

Sec. 11. If a competent and indifferent jury is not obtained from the jurors drawn, as before specified, the judge may direct a sufficient number of persons to be summoned by the Sheriff of Harnett County in order to complete the jury.

Sec. 12. The jury shall be sworn and empanelled by the clerk who shall record its verdict in his docket.

Sec. 13. All persons summoned to serve as jurors in Section 7 who appear for the trial of actions shall receive a fee of five dollars (\$5.00). All other persons who are sworn and empanelled as jurors in the trial of any case shall receive the sum of five dollars (\$5.00) per day.

Sec. 14. In order to provide sufficient funds for the payment of the fees of the persons summoned to serve as jurors under the provisions of this Act, the party convicted or adjudged to pay the costs shall be taxed the sum of twenty dollars (\$20.00), and the same shall be collected by the clerk of said court in each and every case tried and disposed of before the jury, to be used for the payment of juror fees as provided in this Act.

Sec. 15. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.