

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 528
SENATE BILL 696

AN ACT TO AMEND VARIOUS SECTIONS OF GENERAL STATUTES CHAPTERS 17, 19, 20, 28, 30, 31, 32, 35, 36, 38, 39, 40 AND 41 TO CONFORM TO THE STRUCTURAL AND ORGANIZATIONAL PROVISIONS OF THE GENERAL COURT OF JUSTICE AS SET FORTH IN CHAPTER 7A.

The General Assembly of North Carolina do enact:

Section 1. G.S. 17-4(3) is amended by deleting the word "terms" and inserting in lieu thereof the word "sessions".

Sec. 2. G.S. 17-6(2) is amended by deleting the words "at term time" and inserting in lieu thereof the words "during a session".

Sec. 3. G.S. 17-41 is amended by deleting the words "justice of the peace" from line 8, the word "justice" from line 10, the word "justice" from line 11, the words "justice of the peace" from line 13, and the word "justice" from line 14, and by inserting in lieu of each such deletion the word "magistrate".

Sec. 4. G.S. 17-44 is amended by deleting the word "constable" from lines 4 and 6.

Sec. 5. G.S. 19-2 is amended by deleting the words "the city prosecuting attorney," from lines 2 and 3 and the words "city prosecuting attorney," from lines 4 and 5.

Sec. 6. G.S. 19-3 is amended by deleting the word "term" from lines 2 and 11 and by inserting in lieu of each such deletion the word "session"; by deleting the words "city prosecuting attorney, or" from lines 7 and 8; by deleting the words "city prosecuting attorney, or the" from lines 9 and 10; and by deleting the comma after "solicitor" in line 10.

Sec. 7. G.S. 19-10 is amended by deleting the words "public prosecutors or" in lines 1 and 2.

Sec. 8. G.S. 19-13(a) is amended by deleting the words "or prosecutor" from lines 2 and 5; and G.S. 19-15(a), G.S. 19-15(c), G.S. 19-19(a), and G.S. 19-19(c) are amended by deleting the words "or prosecutor" from each subsection.

Sec. 9. G.S. 19-21 is repealed.

Sec. 10. G.S. 19A-3 is amended by deleting the word "term" from line 4 and inserting in lieu thereof the word "session"; and G.S. 19A-4 is amended by deleting the word "term" from line 4 and inserting in lieu thereof the word "session".

Sec. 11. G.S. 20-9(g)(4)b is amended by deleting the words "county recorder's court or" in lines 10 and 11.

Sec. 12. G.S. 20-99(c) is amended in lines 8 and 9 by deleting the words "to docket the said certificate and index the same on the cross index of judgments" and inserting in lieu thereof "record the certificate in the same manner as a judgment".

Sec. 13. G.S. 20-114(a) is amended by deleting the words ", every marshal, deputy marshal, or watchman" from line 3; by deleting the words ", and every constable of any township," from line 5; and by deleting the words "justice of the peace" from line 9 and inserting in lieu thereof the word "magistrate".

Sec. 14. G.S. 28-67 is amended in line 3 by deleting "in term time" and inserting in lieu thereof "during a session of court".

Sec. 15. G.S. 28-70 is amended in lines 3 and 12 by deleting "term" and inserting in lieu thereof "session".

Sec. 16. G.S. 28-132 is amended by deleting "term" and inserting "session" in lieu thereof in line 5.

Sec. 17. G.S. 28-137 is amended in lines 2 and 3 by deleting "in term time" and inserting in lieu thereof "during a session of court".

Sec. 18. G.S. 28-138 is amended in line 3 by deleting "term" and inserting in lieu thereof "session".

Sec. 19. G.S. 28-147 is amended in line 3 by deleting "at term time" and inserting in lieu thereof "during a session of court".

Sec. 20. G.S. 28-165 is amended in line 4 by deleting "in term time" and inserting in lieu thereof "during a session of court".

Sec. 21. G.S. 30-16 is amended by deleting "justice of the peace" from line 6 and lines 13 and 14, and "justice" from lines 9 (twice) and 15, and inserting "magistrate" in lieu thereof in all instances.

Sec. 22. G.S. 30-17 and G.S. 30-19 are amended by deleting "justice of the peace" from each section and inserting "magistrate" in lieu thereof.

Sec. 23. G.S. 30-20 is amended by rewriting the first sentence thereof to read as follows: "Upon the application of the surviving spouse, or whenever it shall appear that a child is entitled to an allowance as provided by G.S. 30-17, the personal representative of the deceased shall apply to the clerk of superior court of the county in which the deceased resided to assign the inquiry to a magistrate of the county. The magistrate shall summon two persons qualified to act as jurors, who, having been sworn by the magistrate to act impartially as commissioners shall, with him, ascertain the person or persons entitled to an allowance according to the provisions of this Article, and determine the money or other personal property of the estate, and pay over to or assign to the surviving spouse and to the children, if any, so much thereof as they shall be entitled to as provided in this Article."

Sec. 24. G.S. 30-21 is amended in line 10 by deleting "justice" and inserting in lieu thereof "magistrate".

Sec. 25. G.S. 30-22 is repealed.

Sec. 26. G.S. 30-30 is amended in lines 4 and 5 by deleting "justice of the peace" and inserting in lieu thereof "magistrate".

Sec. 27. G.S. 30-31 is amended by deleting "justice" from lines 2 and 10, and inserting in lieu thereof "magistrate" in each instance.

Sec. 28. G.S. 31-11 is amended in line 4 by deleting "shall make a charge of fifty cents for the filing of such will, and".

Sec. 29. G.S. 31-33 is amended by deleting "term" in lines 12 and 14, and inserting in lieu thereof "session", in each instance.

Sec. 30. G.S. 32-17(2) is amended by deleting "documenut" from line 1, and inserting in lieu thereof "document".

Sec. 31. G.S. 35-2 (line 20), G.S. 35-4 (line 22), and G.S. 35-4.1 (line 23) are amended by deleting "term" and inserting in lieu thereof "session" in each instance.

Sec. 32. G.S. 35-20 is amended in line 14 by deleting "sueprior" and inserting in lieu thereof "superior".

Sec. 33. G.S. 35-44(c) is amended by deleting "term" from lines 6 and 14, and inserting in lieu thereof "session" and "during a session of court", respectively.

Sec. 34. G.S. 36-4.1(a) is amended in line 6 by deleting "at term time" and inserting in lieu thereof "during a session of court".

Sec. 35. G.S. 38-3(b) is amended in the caption and in line 4 by deleting "term" and inserting "session" in lieu thereof.

Sec. 36. G.S. 39-5 is amended by deleting "constable" from line 1.

Sec. 37. G.S. 40-19 is amended by deleting "at term" from line 4, and inserting in lieu thereof "during a session".

Sec. 38. G.S. 40-20 is amended by deleting "in term" from line 8, and inserting in lieu thereof "during a session".

Sec. 39. G.S. 41-11 is amended in paragraph three, lines 7 and 8, by deleting "in term" and inserting in lieu thereof "during a session of court", in each instance.

Sec. 40. All laws and parts of laws in conflict with this act are repealed.

Sec. 41. This act shall become effective October 1, 1971.

In the General Assembly read three times and ratified, this the 8th day of June, 1971.