

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 941
HOUSE BILL 1137

AN ACT TO PROVIDE FOR A JURY IN THE RECORDER'S COURT OF BLADEN COUNTY AND TO REGULATE THE DRAWING OF SAME, WHEN ONE IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. The defendant or the prosecuting attorney representing the State, in a criminal action, in the Recorder's Court of Bladen County, of which said court has final jurisdiction, may demand and have a jury who shall hear the same.

Sec. 2. In a criminal action a trial by jury must be demanded at the time the case is called for trial, and if neither party demands a jury at such time, both parties shall be deemed to have waived a trial by jury.

Sec. 3. Six jurors shall constitute a jury in the Bladen County Recorder's Court, but by consent of both parties, a lesser number may constitute a jury.

Sec. 4. When a demand is made for a jury trial, the Judge of Recorder's Court of Bladen County shall immediately set a date for the trial of 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, to be determined by the Judge of Recorder's Court of Bladen County, who shall be summoned by the Sheriff or any other lawful officer of Bladen County, and directed to appear at the time and place set for trial of said action.

Sec. 5. The Clerk of the Board of Commissioners of Bladen County shall forthwith upon demand of the Clerk of the Recorder's Court of Bladen County, furnish the jury box that is now provided for drawing jurors in the Superior Court of Bladen County, and the jury so drawn from the jury box shall constitute and be the jury for any term of Recorder's Court of Bladen County when a jury is demanded, as set out in Section 1 of this Act.

Sec. 6. 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, or his assistant or deputy, shall proceed in the presence of the parties to draw from the jury summoned the names of six persons to constitute a jury for the trial of the issue.

Sec. 7. Each party shall be entitled to three pre-emptory challenges of the persons draws for jurors.

Sec. 8. 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 or other lawful officer of Bladen County, from the bystanders, being freeholders, within the county in order to complete the jury.

Sec. 9. The jury shall be sworn and empanelled by the clerk or his assistant or deputy, who shall record its verdict in his docket.

Sec. 10. All persons summoned to serve as jurors as provided for in this Act who appear for the trial of action shall receive a fee and mileage as provided for jurors who are summoned to serve as such in the Superior Court of Bladen County.

Sec. 11. The Clerk of Recorder's Court of Bladen County is hereby authorized and empowered to excuse from jury duty any person or persons for just cause, prior to the convening of the term of court for which person or persons are required to serve as jurors.

Sec. 12. In order to provide sufficient funds for the payment of the fees of the persons summoned to serve as jurors under provision of this Act, the party convicted or adjudged to pay the cost 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 jury fees as provided in this Act. If a sufficient amount to pay said juror is not collected as provided for in this Section the remainder shall be paid from the General Fund of Bladen County.

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. 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 16th day of June, 1961.