

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 526
SENATE BILL 735

AN ACT TO AMEND CHAPTER 338, PRIVATE LAWS OF 1909, AND CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE RECORDER'S COURT OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection c of Section 3 of Chapter 338, Private Laws of 1909, is hereby rewritten to read as follows:

"Sec. c. The recorder shall hold daily sessions of the court, except Sundays and legal holidays, at the City Hall in the City of Charlotte, beginning at an hour set by the recorder, but not later than 9:30 o'clock A. M. and continuing until the business of the court is disposed of. Provided, however, the Saturday sessions of said court shall be held in the discretion of the recorder. No judgment entered by the recorder shall be changed except within fifteen (15) days after entry of the same by the recorder."

Sec. 2. Subsection i of Section 3 of Chapter 338, Private Laws of 1909, is hereby amended by striking out the words "in courts of justices of the peace (except that sections one" in line 3 of said subsection, by striking out lines 4, 5 and 6 of said subsection, and by striking out so much of line 7 thereof as reads as follows, "and five shall not apply to the said recorder's court)," and by inserting in lieu thereof the following: "in the Superior Court, so far as the same may reasonably be applied in the sound judgment and discretion of the recorder (except that trial by jury shall not be afforded in said recorder's court),".

Sec. 3. Subsection i of Section 3 of Chapter 338, Private Laws of 1909, is further amended by adding at the end of said subsection the following:

"The recorder of said court shall have the same power and authority in connection with the rendering of judgments absolute or the remission or reduction of appearance bonds as that granted to Judges of the Superior Court, notwithstanding the amount of said bond, from which an appeal to the Superior Court can be taken only on matters of law or gross abuse of discretion."

Sec. 4. Subsection k of Section 3 of Chapter 338, Private Laws of 1909, is hereby amended by striking out the words "a faithful minute of all warrants or precepts issued by him and of all his judicial proceedings" immediately following the word "kept", in line 5 and immediately preceding the period, in line 6 of said subsection, and substituting in lieu thereof the following:

"by a stenographer employed and paid by the City of Charlotte, a record of the proceedings had in open court, transcribed and typewritten into books furnished by the

City of Charlotte, which daily minute shall be in addition to the official records required to be kept by the clerk of said court relating to orders and judgments of the recorder and all other records pertaining to each case, provided that in addition to all other clerical and administrative duties imposed upon the clerk of said court by the general law applicable to clerks of municipal recorders' courts or by ordinances or rules adopted by the governing body of the City of Charlotte, by whom the clerk and his assistants are appointed and to whom the clerk is accountable, it shall be the duty of said clerk, or his authorized assistant, to attend all sessions of said court, open the court for business, administer oaths, record all judgments and carry out the judicial orders of the court recorder."

Sec. 5. Section 53 of Chapter 366, Public-Local Laws of 1939, is hereby amended by striking out the period at the end of the first paragraph of said Section and inserting immediately following the word "council" the following:

"or during absence from duty caused by bona fide illness or physical disability not to exceed fifteen (15) days for any one confining illness or other physical disability, or on official business approved by the city council. The city council may appoint more than one vice-recorder and one or more assistant clerks in order to insure uninterrupted operation of the court."

Sec. 6. Subsection (1) of Section 53 of Chapter 366, Public-Local Laws of 1939 is hereby amended by changing the period to a comma, immediately following the word "court" and inserting immediately following the comma and immediately preceding the word "The", in line 12 of said subsection the following:

"including the supervision and prosecution of all bond forfeitures ordered by the recorder, after the clerk of said court has issued and has served the procedural notice set forth in the General Statutes of North Carolina. When the recorder orders a bond forfeited in said court, it shall then become the duty and the responsibility of the clerk and solicitor of said court to carry out those orders according to the General Statutes applicable thereto."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 14th day of May, 1959.