

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 269  
SENATE BILL 95

A BILL TO BE ENTITLED AN ACT TO REPEAL VARIOUS OBSOLETE SECTIONS OF GENERAL STATUTES CHAPTER 6 (COSTS) AND TO REVISE VARIOUS OTHER SECTIONS OF CHAPTER 6 TO ACCORD WITH THE PROVISIONS OF CHAPTER 7A (JUDICIAL DEPARTMENT).

The General Assembly of North Carolina do enact:

**Section 1.** G.S. 6-1 is rewritten to read as follows: "To the party for whom judgment is given, costs shall be allowed as provided in Chapter 7A and this chapter."

**Sec. 2.** G.S. 6-4 is rewritten to read as follows: "When costs are not paid by the party from whom they are due, the clerk of superior court shall issue an execution for the costs, and attach a bill of costs to each execution. The sheriff shall levy the execution as in other cases."

**Sec. 3.** G.S. 6-7 is rewritten to read as follows: "The clerk of superior court shall enter in the case file, after judgment, the costs allowed by law."

**Sec. 4.** G.S. 6-14 is amended by deleting all the words after "State Treasurer" and inserting in lieu thereof the words "upon properly drawn warrants."

**Sec. 5.** G.S. 6-17 is amended by deleting all words after "Attorney General" and inserting in lieu thereof the words "to certify the amount of such costs to the Treasurer who shall pay them upon properly drawn warrants."

**Sec. 6.** G.S. 6-18 is amended by deleting subparagraph (3), and renumbering subparagraphs (4) and (5) as (3) and (4), respectively.

**Sec. 7.** G.S. 6-33 is amended by rewriting the first sentence to read as follows: "On appeal from a magistrate or any court of the General Court of Justice, if the appellant recovers judgment, he shall recover the costs of the appeal and also those costs he ought to have recovered below had the judgment of that court been correct."

**Sec. 8.** G.S. 6-40 is rewritten to read as follows: "When a prisoner is sent from one county to another to be held for trial, or for any other cause or purpose, the county from which he is sent shall pay his jail expenses, unless they are collected from the prisoner."

**Sec. 9.** G.S. 6-47 is amended by deleting from line one the words ", mayor, or a justice of the peace,".

**Sec. 10.** G.S. 6-48 is amended by changing the semi-colon to a period, and deleting all thereafter.

**Sec. 11.** G.S. 6-49 is amended by deleting "prosecutor" in lines 6, 12, 14, 17, and 18 and inserting in lieu thereof "prosecuting witness"; by deleting "prosecutor's" in line 13, and inserting in lieu thereof "prosecuting witness's;" by deleting ", court or justice of the peace" from line four; by deleting ", court or justice" from line seven; and by deleting "or justice" from line fourteen.

**Sec. 11.1.** G.S. 6-50 is rewritten to read as follows: "Every such prosecuting witness may be adjudged not only to pay the costs, but he shall also be imprisoned for the willful nonpayment thereof, when the judge before whom the case was tried shall adjudge that the prosecution was frivolous or malicious."

**Sec. 12.** G.S. 6-53 is amended by deleting the last sentence thereof.

**Sec. 13.** G.S. 6-60 is rewritten to read as follows: "No solicitor shall direct that more than two witnesses be subpoenaed for the State to prove a single material fact, nor shall the State or defendant in any such prosecution be liable for the fees of more than two witnesses to prove a single material fact, unless the court, upon satisfactory reasons appearing, otherwise directs. And no witness subpoenaed in a criminal action shall be paid by the State for attendance in more than one case for any one day."

**Sec. 14.** G.S. 6-62 is amended by changing the comma after "require" in line five to a period, and deleting all thereafter.

**Sec. 15.** G.S. sections 6-2, 6-5, 6-6, 6-8, 6-9, 6-10, 6-11, 6-12, 6-16, 6-27, 6-34, 6-35, 6-36, 6-37, 6-38, 6-39, 6-41, 6-42, 6-43, 6-44, 6-45, 6-46, 6-52, 6-54, 6-55, 6-56, 6-58, 6-59, 6-61, 6-63, 6-64, 6-65, and all other laws and clauses of laws in conflict with this act are repealed.

**Sec. 15.1.** The title of Chapter 6 of the General Statutes is hereby changed to "Liability for Court Costs".

**Sec. 16.** Partial Invalidity. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Sec. 17.** This act shall become effective October 1, 1971.

In the General Assembly read three times and ratified, this the 30th day of April, 1971.