

is presented. Unless the said claim or demand is so presented within ninety days, and unless suit is brought within twelve months thereafter, any action thereon shall be barred.”

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, 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. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification, subject to the provisions of Sections 1 through 3 hereof.

In the General Assembly read three times and ratified, this the 9th day of June, 1965.

S. B. 537

CHAPTER 877

AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF NORTH CAROLINA TO AUTHORIZE WITHIN THE APPELLATE DIVISION OF THE GENERAL COURT OF JUSTICE AN INTERMEDIATE COURT OF APPEALS.

*The General Assembly of North Carolina do enact:*

Section 1. Article IV of the Constitution of North Carolina is amended as follows:

(a) Section 5 is rewritten to read as follows:

“Sec. 5. Appellate Division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals.”

(b) Immediately after Section 6, and before Section 7, a new “Section 6A” is inserted, to read as follows:

“Sec. 6A. Court of Appeals. The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.”

(c) In Section 10, immediately after subsection (1) and before subsection (2), a new subsection “(2)” is inserted, to read as follows:

“(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.”, and the present subsections (2) through (5) are renumbered “(3)” through “(6)” respectively.

(d) Section 14 is rewritten to read as follows:

“Sec. 14. Terms of Office and Election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals, and regular judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.”

(e) The caption and first sentence of subsection (1) of Section 15 is rewritten to read as follows:

“Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by Joint Resolution of two-thirds of both houses of the General Assembly.”

Sec. 2. The amendments set out in Section 1 of this Act shall be submitted to the qualified voters of the State at a general election to be held on the Tuesday next after the first Monday in November, 1965. Voting on these amendments shall be conducted under the laws now governing general elections in this State.

Sec. 3. In such election the voters favoring these amendments shall vote ballots on which shall be printed the words: “FOR constitutional amendments authorizing the General Assembly to create a Court of Appeals in the Appellate Division of the General Court of Justice”; and those opposed shall vote ballots on which shall be printed the words: “AGAINST the constitutional amendments authorizing the General Assembly to create a Court of Appeals in the Appellate Division of the General Court of Justice.”

Sec. 4. If a majority of the votes cast thereon in such general election be in favor of the amendments, the Governor shall certify the amendments under the Great Seal of the State to the Secretary of State, who shall enroll the amendments so certified among the permanent records of his office, and the amendments so certified shall be in full force and effect from and after the date of certification.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 9th day of June, 1965.