

ACTS

PASSED BY

THE GENERAL ASSEMBLY

OF

THE STATE OF NORTH-CAROLINA,

At its Session,

COMMENCING ON THE 15TH OF NOVEMBER, 182^d.



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1825.

II. *And be it further enacted by the authority aforesaid,* ^{No fee to prosecuting officer.} That no prosecuting officer shall be entitled to charge a fee in any such case.

CHAPTER XVII.

An Act to extend the right of reviving actions, where the Plaintiff or Defendant may die pending the suit.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That no suit, to which an executor or administrator is party, Plaintiff or Defendant, shall abate ^{No suit to, abate by the death of an ex'r or adm'r.} by the death of such executor or administrator, but the same may be revived by, or against the administrator *de bonis non*, of such deceased party, as the same may be revived, by the existing law, by or against an executor upon the death of his testator, Plaintiff or Defendant, in any action.

II. *Be it further enacted,* That where any final judgment shall be had, by, or in the name of any executor or administrator, in such case, an administrator *de bonis non* may sue forth a *scire facias*, and take execution upon such judgment. ^{Cases where final judgment is had.}

CHAPTER XVIII.

An Act to amend an Act, entitled "An Act concerning Divorce and Alimony," passed in the year 1814.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the said recited act as requires twelve months to elapse after the filing of the petition for divorce or alimony, before any decree shall be made; and so much of said act as imposes a tax of ten pounds to be paid by the party cast, be, and the same is hereby repealed. ^{Parts of the former act repealed.}

II. *Be it further enacted,* That if the party exhibiting his or her petition under the said act, shall make oath at the time of filing the same, that he or she is not worth the sum of two hundred dollars, bond for the payment of the costs of such suit shall not be required from such party. ^{Cases in which a bond shall not be required.}

CHAPTER XIX.

An Act to amend an Act passed in the year 1818, entitled "An Act laying duties on Sales at Auction of Merchandize."

Whereas a practice prevails among auctioneers of this State, of setting up at auction one piece, article or parcel of merchandize, and by the price obtained for such piece, article or parcel, regulate the price at which other ^{Preamble.}

and assigns, and the title to said lot is hereby confirmed to the said James Longgon, his heirs and assigns, his disability of alienage at the time of said purchase to the contrary notwithstanding.

CHAPTER CXXXV.

An Act to divorce Violet W. Lindsay, of Lincoln County, from her husband Samuel W. Lindsay.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Violet W. Lindsay, of Lincoln county, be, and she is hereby divorced from the bonds of matrimony with her husband Samuel W. Lindsay, late of Mecklenburg county, in as full and ample a manner as if the same had never been entered into, and that she be, and is hereby discharged from all duties, obligations and engagements as wife to said Samuel W. Lindsay aforesaid.

CHAPTER CXXXVI.

An Act to divorce Mary Wilson, of the County of Buncombe, from her husband James Hawkins.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Mary Wilson (formerly Mary Hawkins) of the county of Buncombe, be, and she is hereby divorced from the bands of matrimony from her husband James Hawkins, as absolutely and completely, to all intents and purposes, as though a marriage had never been solemnized between the said parties; any law to the contrary notwithstanding.

CHAPTER CXXXVII.

An Act to divorce Lewis Tomberau, now of Wake County, from his wife Nancy.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Lewis Tomberau, of Wake county, be, and he is hereby divorced from the bands of matrimony with his wife Nancy, in as full and ample a manner as if the same had never been entered into, and that he be, and is hereby discharged from all duties, obligations and engagements as husband to said Nancy.

CHAPTER CXXXVIII.

An Act to restore to credit William Milton, of Rutherford County.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Milton, of Rutherford county, be, and he is hereby restored to the rights and privileges of a citizen, in as full and ample a manner as if he had never forfeited his right by a conviction, and he is hereby declared capable to depose and testify in any court of record within this State, and before any jurisdiction whatever; any law to the contrary notwithstanding.

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