

ACTS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA.

AT THE

Session of 1834-35.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

.....

1835.

CHAPTER XIV.

An ACT to provide for the holding of a Superior Court in the County of Yancy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, Judges required to hold said courts as provided by act of Assembly.
That the Judges of the Superior Courts of Law and Equity for the State of North Carolina be, and they are hereby required, to hold superior courts in and for the county of Yancy, at the times appointed in an act passed at the last session of the General Assembly, entitled "An act to regulate the times of holding the superior courts in the sixth judicial circuit." And that said superior courts for the county of Yancy aforesaid, be, and the same is hereby invested with all the powers and jurisdiction exercised and enjoyed by all other superior courts in all other counties of this State.

II. *Be it further enacted,* That all causes, civil and criminal, arising in the county of Yancy, of which, by the laws of this State, the superior courts have jurisdiction, and all appeals from the County Court of Yancy, may and shall come within the jurisdiction of the said Superior Courts of Yancy. Jurisdiction of the court.

CHAPTER XV.

An ACT concerning Divorces.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, Courts of Equity may have jurisdiction in granting divorces.
That from and after the passage of this act, the Courts of Equity in this State shall and may have concurrent jurisdiction with the Superior Courts of Law, in granting divorces either from bed and board, or the bonds of matrimony, according to the rules, regulations and restrictions, which now govern the Courts of Law in allowing divorces; and the Judges of the said Courts of Law and Equity shall have power to issue writs of sequestration, and such other process, as the nature of the case may render necessary, conformably to the rules of law, and the course of equity proceeding; any law, usage or custom to the contrary notwithstanding.

CHAPTER XVI.

An ACT vesting the power to authorize the erection of Gates across public roads, in the several County Courts.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, County courts may authorize the erection of gates.
That hereafter the several Courts of Pleas and Quarter Sessions in this State, a majority of the Justices in the county being present, shall have full power to authorize, in the manner herein prescribed, the erection of gates across public roads in their respective counties.

II. *Be it further enacted,* That any person or persons desirous to erect a gate across a public road, may file his petition in the Court of Pleas and Quarter Sessions of the county where such road lies; whereupon the Court shall order that publication shall be made until the next succeeding Court, at the Court House in some public place, that application has been made to the Court, to erect a gate across a public road, describing the place and the name of the petitioner; and that all persons interested in the convenient travelling or transportation on said road, have leave to appear and defend, demur, and plead to said petition; and if at the next succeeding Court it shall satisfactorily appear that such publication has been made as afore-

How to proceed in courts

DIVORCE AND ALIMONY:

CHAPTER LXXVI.

An ACT to divorce Ellena M. Cobb.

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 Ellena M. Cobb, of the county of Burke, be, and she is hereby declared to be divorced fully and absolutely from her husband, John Cobb; and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely, as if she never had been connected by the bonds of matrimony with her said husband John Cobb.

II. *Be it further enacted,* That this act shall take effect, from and after the ratification thereof.

CHAPTER LXXVII.

An ACT to divorce Mary B. Cabe from her husband Joseph Cabe.

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 B. Cabe, of the county of Haywood, be, and she is hereby declared to be divorced fully and absolutely from her husband Joseph Cabe; and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely as if she had never been connected by the bonds of matrimony, with her said husband Joseph Cabe.

II *Be it further enacted,* That this act shall take effect from and after the ratification thereof.

CHAPTER LXXVIII.

An ACT to divorce Mary T. Eppes from her husband Peter Eppes.

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 T. Eppes of Warren county, the wife of Peter Eppes, be and she is hereby declared to be separated and divorced from her husband the said Peter Eppes; and that she be entitled to all the rights, privileges and immunities of a feme sole, in as full and ample a manner, as if she had never been connected by the bonds of matrimony with the said Peter Eppes.

CHAPTER LXXIY.

An ACT to divorce Isabella A. Potter from her husband Robert Potter.

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 Isabella A. Potter of the county of Granville, the wife of Robert Potter, be, and she is hereby declared to be separated and divorced from her husband, the said Robert Potter; and that she be entitled to all the rights, privileges and immunities of a feme sole, in as full and ample a manner, as if she had never been connected by the bonds of matrimony with the said Robert Potter.

CHAPTER LXXX.

An ACT to divorce Peter Ambrose of Onslow County from his wife Thirza Ambrose.

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 Peter Ambrose of Onslow, be, and he is hereby declared to be divorced from his wife Thirza Ambrose, previous to their intermarriage Thirza Hatch, as fully and absolutely, as if he never had been connected with the said Thirza Ambrose in the bonds of matrimony.

CHAPTER LXXXI.

An ACT to divorce Susan P. Durham from her husband Archibald Durham.

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 Susan P. Durham of the county of Burke, be, and she is hereby declared to be divorced fully and absolutely from her husband Archibald Durham, and that she be restored to all

the privileges and immunities of a feme sole, and enjoy the same as amply and entirely, as if she never had been connected by the bonds of matrimony with her said husband Archibald Durham.

II. *And be it further enacted*, That the said Susan Durham shall hereafter be called and known by the name of Susan P. Shirley; any law to the contrary notwithstanding.

CHAPTER LXXXII.

An ACT to secure to Theresa Brownrigg such property as she may hereafter acquire.

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 Theresa Brownrigg of Wayne county; wife of Henry Brownrigg, be, and she is hereby entitled to hold, possess and enjoy, in her sole right, any estate, either real or personal, which she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her said husband; and she is hereby authorized to prosecute or defend any suit in her own name, in any court within this State, in the same manner as if she had never been married to the said Henry Brownrigg, any law to the contrary notwithstanding.

CHAPTER LXXXIII.

An ACT to regulate the Public Ferry at Edenton.

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 from and after the first day of April, one thousand eight hundred and thirty-five, the public ferry from the town of Edenton, across the Albermarle Sound, and the mouth of Chowan river to the shores of Washington and Bertie counties, shall be under the exclusive control and direction of the commissioners of the town of Edenton; that said commissioners shall, on twenty days notice in some Newspaper published at Edenton, let or lease out at public auction, to the highest bidder, said public ferry, and the public wharf or landing place at Edenton, for a term of years not less than four, nor exceeding six, on such terms as they may think conducive to the public interest and safety.

II. *Be it further enacted*, That said commissioners shall require of the person or company so leasing said ferry and wharf, to enter into a bond in the sum of five hundred dollars, with two good securities, for the faithful performance of the contract; which bond shall set forth in its provisions, the terms of the lease, the rates of ferriage, and such other provisions as may be deemed necessary to effect the purpose of this act.

III. *Be it further enacted*, That nothing in this act shall be so construed, as to impair the existing rights of any person to said ferry, nor to interfere with the carrying of passengers by the Steam boat now plying between Edenton and Plymouth; nor shall this act be so construed, as to prohibit the transportation of passengers or produce of any kind, by any boat propelled by steam or other mechanical power, which may be placed on said waters by any person or company: *Provided*, said person or company shall have first obtained the privilege of so doing from the commissioners aforesaid.

IV. *Be it further enacted*, That said commissioners shall have power and right, and it shall be their duty to cancel or annul any existing contract in relation to said ferry or public wharf, and lease the same out again in the manner prescribed in the first section of this act, to some other person or company, whenever they shall deem the public interest requires it: *Provided, however*, that in such case, the person or company so contracting, shall be compelled to take the boats and materials of the party, whose contract has been so cancelled or annulled at a fair valuation, to be fixed on or agreed upon by said commissioners, or such arbiters as the parties may agree upon themselves; and further to reimburse

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