

# PUBLIC ACTS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY,

AT THEIR SESSION WHICH COMMENCED ON MONDAY THE NINETEENTH  
OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-  
EIGHT, AND ENDED ON TUESDAY THE EIGHTH OF JANUARY,  
ONE THOUSAND EIGHT HUNDRED AND THIRTY-NINE.

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## ARSENAL.

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### CHAPTER I.

AN ACT vesting in the United States of America, jurisdiction over a certain tract of Land in the Town of Fayetteville, and County of Cumberland.

*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 the jurisdiction of the State of North-Carolina is hereby ceded to the United States of America, for the purpose of erecting and maintaining thereon Arsenals, Magazines, Dockyards, or other necessary buildings over all that tract, piece or parcel of land, situate, lying and being in the Town of Fayetteville, in the County of Cumberland, and bounded as follows: beginning at the South East corner of John Huske's lot, and running South along the Western boundaries of Adam street, nine chains and nineteen links to the North East corner of James Campbell's lot; thence West twenty-five chains and fifty links to a corner stone marked

Jurisdiction  
vested in the  
U. States.

## COURTS OF JUSTICE—JURORS.

## CHAPTER XV.

AN ACT to amend the twenty-seventh section of an Act,  
entitled "An Act concerning Courts of Justice,  
Practice, Pleas and Process."

*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 the several Courts of Pleas and Quarter Sessions in each County of this State, may, when they deem it necessary, cause to be drawn the names of forty-two persons, to serve as Jurors at the next succeeding Court, any law to the contrary notwithstanding.

Allows 42  
Jurors to be  
drawn.

[Ratified 7th January. 1839.]

## D I V O R C E S.

## CHAPTER XVI.

AN ACT concerning infant children whose parents shall be divorced.

*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 whenever any Superior Court of Law, or any Superior Court of Equity in this State, shall grant a divorce, whether from the bonds of matrimony, or from bed and board, if the parties divorced have any child or children under the age of twenty-one years, the said Courts may commit the custody and tuition of such child or children, either

Custody of the  
child or child-  
ren to be com-  
mitted either  
to father or  
mother.

Guardian.

to the father or mother, as the Court may think the interest of the child or children shall require; and, if any such child or children shall have any estate, real or personal, or be entitled to any such estate, the said Court shall and may appoint a fit and proper person or persons to take the care and management of such estate or estates, and the person or persons so appointed, shall enter into bond with security, as required of Guardians of Orphans, and shall have the same authority as Guardians, and be regulated in all respects by the law relative to Guardians of Orphans, so far as respects the property and rights of Orphans; but shall not have any care of, or authority over the person of such child or children, unless the person appointed to take the care and management of the estates of such child or children, be either the father or mother to whom the custody and tuition of the said child or children have been committed by the Court.

Temporary  
custody.

II. *And be it further enacted*, That the Court granting a divorce, may commit the custody of the infant child or children of the parties, in the first place, to one of the parties for a time, to be limited by the Court, and after the expiration of that time, to the other party.

[Ratified 7th January, 1839.]

## DUE BILLS.

### CHAPTER XVII.

AN ACT to explain and amend the eighty-sixth section of an Act passed at the session of eighteen hundred and thirty-six, one of the Revised Statutes, entitled  
*“An Act concerning crimes and punishments.”*

*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 it is hereby declared and enacted to have

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## DUE BILLS.

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