

ACTS

PASSED BY THE

CENTRAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA,

AT THE

SESSION OF 1827-28.

RALEIGH:

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1828.

deed, bill of sale or power of attorney being exhibited in the Court of Pleas and Quarter Sessions of the county where such lands lie, or in which the purchaser of such slave or slaves may reside, or the person empowered to sell such slaves may reside, or to one of the judges of the Supreme Court or of the Superior Courts of this State, shall be ordered to be registered with the certificates thereto annexed; and such deeds, bills of sale or power of attorney, with the certificates thereto annexed, having been registered pursuant to such order in the county where such lands lie, or in which the purchaser of such slave or slaves may reside, or in which the person empowered to sell such slaves shall reside, shall be valid in law to convey, or to empower to convey, all the estate and title which such person or persons may or shall have in any such lands or slaves, thereby conveyed and authorised to be conveyed, and shall be received in evidence in any Court of Law or Equity within this State without further proof thereof.

Such instruments, when registered, to be valid

II. *And be it further enacted*, That where any of the parties making such conveyance of lands, or power of attorney for the conveyance of land as aforesaid, may be a feme covert, the private examination of such feme covert touching her voluntary assent to the execution of said deed or power of attorney in like manner, as the probate and acknowledgment thereof are directed in the preceding section, being in like manner endorsed thereon, and affixed thereto, and accompanied by the same certificate of the Governor or Secretary of State, as the case may be, shall, on being exhibited to one of the judges of this State, or to the Court of Pleas and Quarter Sessions of the county where the land is situate, be ordered to be registered, and shall have the same effect as if made before said judge or Court in person.

Manner of proceeding if any of the parties be a feme covert.

III. *And be it further enacted*, That every power of attorney made in any of the United States other than in this State, or in any of the Territories thereof, or in the District of Columbia, proved or acknowledged in the manner set forth in the first section, accompanied by the certificate therein required, may, on being exhibited to any of the judges of this State, or in a Court of Pleas and Quarter Sessions in this State, be ordered to be registered.

Conditions on which powers of attorney, made in other states or territories, are to be registered.

CHAPTER XIX.

An act giving the Superior Courts of Law exclusive jurisdiction in all cases of Divorce.

WHEREAS the numerous applications for divorce and alimony, annually presented to the General Assembly, consume a considerable portion of time in their examination, and consequently retard the investigation of more important subjects of legislation; and whereas such applications might be adjudicated by other tribunals with much less expenditure to the State, and more impartial justice to individuals: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,

Sup'r C'ts to have sole and original jurisdiction. That the Superior Courts of Law shall have sole and original jurisdiction in all cases of application for divorce; and the said Courts are hereby authorised and empowered to divorce from bed and board, and from the bonds of matrimony, whenever they may be satisfied, upon due evidence presented, of the justice of such application; any law, usage or custom to the contrary notwithstanding.

Rule to which applications are subject. II. *And be it further enacted*, That all applications for other causes than those specified in the act of one thousand eight hundred and fourteen, entitled "An act concerning divorce and alimony," shall be subject to the rules and regulations provided in said act for the cases therein mentioned.

Appeal may be made to the Supreme Court. III. *Be it further enacted*, That in every case of an application for a divorce, and a final judgment thereon by a Superior Court, it shall be lawful for the party against whom such judgment is rendered, to appeal therefrom to the Supreme Court, whose duty it shall be, according to the facts ascertained in the Superior Court, to make such decree thereon as shall be just.

Appeal may be granted in certain cases without bond or security. IV. *And be it further enacted*, That when an appeal shall be prayed from the judgment of the Superior Court, it shall be lawful to grant such appeal without bond or security, if the situation of the party appellant shall render it necessary, for the purposes of justice, that an appeal should be thus prosecuted.

Offending party not to marry again. V. *And be it further enacted*, That no defendant or party offending, who shall be divorced from the bonds of matrimony, under the provisions of any act of the General Assembly of this State, shall ever be permitted to marry again; and if he or she shall offend against the true intent and meaning of this act, he or she shall be guilty of all the pains and penalties which are now inflicted by law upon persons guilty of bigamy.

CHAPTER XX.

An act making it the duty of Sheriffs, Coroners and Constables to serve all notices required to be given in proceedings at law or in equity.

Sheriff to serve notices. *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 shall be the duty of the sheriff of every county in this State, by himself or his lawful deputy, to serve all notices that may be tendered or delivered to him, or that are or may be required to be given in any cause, motion or proceeding, either at law or in equity, as well for commencing as for proceeding in the same, until the same shall be ended; and in case the sheriff in any county in this State in which such notice is to be served, shall be a party or interested in the proceeding as aforesaid, that then it shall be the duty of the coroner of the county, for which said sheriff was appointed, to serve all such notices that are to him tendered or delivered.

In case the sheriff be interested, coroner to serve notice. II. *Be it further enacted*, That it shall be the duty of all constables, in each and every county in this State, within their respective counties, or upon any bay, river, or creek adjoining their counties, to serve all notices that shall be to them tendered or de-

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