

# ACTS

OF THE

## General Assembly of Alabama,

PASSED AT THE

SESSION OF 1880-81,

HELD IN

THE CITY OF MONTGOMERY,

COMMENCING 2<sup>D</sup> TUESDAY IN NOVEMBER, 1880.

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*RUFUS W. COBB, Governor,*  
*JOHN D. RATHER, President of Senate.*  
*N. H. R. DAWSON, Speaker of House.*

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MONTGOMERY, ALA.:  
ALLRED & BEERS, STATE PRINTERS,  
1881.

must be discharged from such sentence on the payment of said costs, or any balance thereof, by the hire of such convict or otherwise, and the certificate of the judge or clerk of the court in which the conviction was had that the costs, or the residue thereof, after deducting the amount realized from the hire of the convict, have been paid, or that the hire or labor of the convict, as the case may be, amounts to a sum sufficient to pay the costs, shall be sufficient evidence to authorize such discharge.

Approved February 26, 1881.

No. 44.]

AN ACT

[s. 57.

To amend section 4109 of the Code, and to provide for its enforcement.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4109 of the Code of Alabama be amended so as to read as follows, to-wit: §4109 (3555).

Penalty for carrying concealed weapons.

*Carrying concealed weapons.*—Any person who carries concealed about his person, a bowie knife, or any other knife, or instrument of like kind or description, or a pistol, or fire arms of any other kind or description, or any air gun, must be fined, on conviction, not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months; *Provided,* That evidence, that the defendant has good reason to apprehend an attack, may be admitted in the mitigation of the punishment, or in justification of the offense.

Justification.

SEC. 2. *Be it further enacted,* That the grand juries of the several counties in this State shall have no discretion as to finding indictments for a violation of this act, whether a prosecutor appears or not; if the evidence justifies it, it shall be their duty to find and present the indictment.

SEC. 3. *Be it further enacted,* That the judges of the circuit and city courts shall give this act in special charge to the grand juries.

SEC. 4. *Be it further enacted*, That the fines under this act shall be collected in money only.  
Approved February 19, 1881.

No. 45.]

AN ACT

[H. B. 110.]

To amend section 2944 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2944 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§2944 (2595). *Value of each article to be assessed separately, with damages for its detention; judgment in such suits.*—Upon the trial of any cause for the recovery of property in specie, the jury must, if they find for the plaintiff, if practicable, assess the value of each article of the property separately, and also assess damages for its detention; if they find for the defendant, they must in like manner assess its value, and if in the possession of the plaintiff, assess the damages for its detention. Judgment against either party must be for the property sued for, or its alternate value, with damages for the detention to the time of the trial; *Provided*, That in suits where the title of the plaintiff is derived from a mortgage, the defendant may put in issue the amount due upon the mortgage, and may, upon the payment of the amount found to be due by the jury, besides costs, within thirty days thereafter, have the title and possession of the property.

Trials for recovery of property in specie and mode of ascertaining damages.

Approved February 8, 1881.

No. 46.]

AN ACT

[S. 204.]

To amend section 290 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 290 of the Code be so amended as to read as follows: The precinct inspectors, clerks and returning officers shall each be entitled to one dol-

Pay of inspectors and election officers.