

*PROPERTY OF
N. Y. TITLE & MORTGAGE CO.
NATURAL TITLE INSURANCE DEPT.*

PARK'S
ANNOTATED CODE
OF
THE STATE OF GEORGIA
"Laws, statutes, etc. (Collections)"
1914

**Embracing the Code of 1910 and Amendments and Additions
Thereto Made by the General Assembly in 1910, 1911, 1912,
1913, and 1914, Together with Complete Annotations
from the Judicial Decisions Through Those Contained
in the 139 Georgia Reports, 12 Georgia Appeals
Reports, 212 Federal Reporter, and 230
United States Supreme Court Reports**

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**Volume VI
PENAL CODE**

**ATLANTA
THE HARRISON COMPANY.
1918**

Carrying concealed weapons; carrying weapons to courts, etc.

in one count: See § 344, catchword **Indictment**.
Landlord need not have actual occupancy after tenant's departure at end

of term before crime of forcible detainer, instituted by prosecutor, irrelevant. (52 S. E. 147).

§ 346. (§ 340.) **Punishment for forcible entry or detainer.** Any person who shall be guilty of a forcible entry, or a forcible detainer, or both, shall be punished as for a misdemeanor; and the court before whom the conviction takes place shall cause restitution of possession of the premises to be made to the party aggrieved. If the party forcibly detaining lands and tenements, or those under whom he claims, shall have been in peaceable possession of the same for the space of three years or more, immediately preceding the filing of the complaint, he shall not be subject to the penalties of this section, nor shall the restitution of possession be made. The only questions to be submitted to and determined by the jury in trials for forcible entry, or forcible detainer, shall be the possession and the force, without regard to the merits of the title on either side.

Cobb, 812-813. Acts 1895, p. 63.

§§ 5398-5405, C. C.

Chain-gang sentence for a violation of section 345 is legal since the adoption by the legislature of section 1039 of the Penal Code of 1895 (section 1065 of this Code). 115/567 (2) (41 S. E. 1000).

Indictment may charge both forcible entry and forcible detainer in same count but, if charged, both must be proved. 99/692 (2) (26 S. E. 496);

see 74/816; 10 App. 664, 665 (73 S. E. 1079).

Pendency of civil action for forcible detainer, instituted by prosecutor, irrelevant. 105/657 (2) (31 S. E. 576).

Verdict may be for both offenses under indictment charging both, though evidence must warrant such verdict. 74/816.

ARTICLE 3.

Carrying Concealed Weapons; Carrying Weapons to Courts, Election Grounds, etc.; Carrying Pistols without License; Pointing Weapon at Another; and Furnishing Weapons to Minors.

§ 347. (§ 341.) **Carrying concealed weapons.** Any person having or carrying about his person, unless in an open manner and fully exposed to view, any kind of metal knucks, pistol, dirk, sword in a cane, spear, bowie-knife or any other kind of knives manufactured and sold for the purpose of offense and defense, shall be guilty of a misdemeanor.

Cobb, 848, 849. Acts 1882-3, p. 48. 1898, p. 60.

Basket: See **Charge, Concealed**.

Charge that "if the pistol was carried so exposed to view that it could readily be seen and recognized as a

pistol" intimates that the defendant had a pistol in his possession, and, where this fact is in issue before the jury, such charge requires new trial.