

ACTS
OF THE
General Assembly of Alabama,

SESSION OF 1884-85,

THE CITY OF MONTGOMERY,

COMMENCING 2D TUESDAY IN NOVEMBER, 1884,

With Separate Index to General and Local Laws.

E. A. O'NEAL, GOVERNOR.

THOS. SEAY, PRESIDENT OF THE SENATE.

H. CLAY ARMSTRONG, SPEAKER OF THE HOUSE.

MONTGOMERY, ALA.:

BARRETT & CO., STATE PRINTERS AND BINDERS.

1885.

a mortgage upon the real estate upon which the said buildings are to be erected, and upon the buildings so erected, and said mortgage may be signed and executed by the mayor in such manner as the board may direct.

Approved February 17, 1885.

No. 337.]

AN ACT

[S. 331½.

To amend an act to prohibit the sale or disposing of spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Monroe, Escambia and Pickens on and after January 1st, 1882, approved February 23d, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "an act to prohibit the sale or disposing of spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Monroe, Escambia and Pickens on and after January 1st, 1882, be so amended as to read as follows: Amendment of prohibitory law in cert' in counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act, it shall be unlawful for any person or persons to sell, keep for sale, or otherwise dispose of, any spirituous, vinous or malt liquors, or other intoxicating bitters or beverages, within the limits of the counties of Monroe and Escambia.

Approved February 17, 1885.

No. 338.]

AN ACT

[S. 340.

To amend sections 17 and 20 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 17 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883, be amended so as to read as follows: Sec. 17. *Be it further enacted*, That it shall be the To amend act to 'stablish new charter for Birmingham.

duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; he shall keep an office in said city and hear and determine all cases of violations of all by-laws or ordinances, or charter, of said city and punish the offenders in such manner as the board may direct; he shall receive such fees and salary as may be prescribed by the board; and he shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as *ex officio* justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor,

Mayor vested
with powers of
justice of peace

Appeal may be
taken to city
court.

as such, an appeal may be taken by the defendant to the City Court of Birmingham (the cause to be at issue in said City Court within 30 days from the date of such appeal) upon defendants entering into bond, with good and sufficient security, to appear at the term of the court to which the appeal is taken, and from term to term thereafter until discharged by law; to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the mayor and aldermen of Birmingham, in such penalty as the mayor may prescribe, and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinance of said city upon conviction before the mayor. And in case the defendant do not appear at the trial, but make default, then his bond shall be declared forfeited and judgment shall be rendered thereon against the defendant and his sureties as in State cases, except that the judgment shall be in favor of the mayor and aldermen of Birmingham; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by

Time of appeal

the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, *scire facias*, or other writs instituted for the collection of any penal bond payable to said mayor and aldermen of Birmingham, taken under this act, or under the ordinances of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as executions from justices court; the said mayor shall have the right, when the good or safety of the city may require it, to call upon or demand the aid of the sheriff of Jefferson county, and may also require the aid and support of volunteer or militia companies in said city for the protection of said city; he may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment for not longer than ten days, one or both; he shall, at least once in every six months, make a statement to the board in writing of the financial condition of the city, which such statement shall be published in at least one of the papers published in the city; he shall have the power to suspend the marshal, or any policeman, until the next regular meeting of the board and report to said meeting the fact of such suspension and the cause thereof; and he shall do and perform such other and further duties as the board may require.

Authority and powers of the mayor.

May suspend marshal.

SEC. 2. *Be it further enacted*, That subdivision 25 of section 20 of said act be so amended as to add to the schedule of licenses, therein contained, the following vocations, with amounts of licenses to be imposed and collected thereon respectively, which such licenses may be imposed and collected as well for the year 1885 as for each subsequent year, to-wit: Dealers in cigars and tobacco, whether the principal stock in trade or not, each, \$10.00; photograph or art galleries, whether in house or tent, \$25.00; lumber dealers, each person or firm, \$25.00; newsdealers, each person or firm, \$10.00; fruit stands, each, \$10.00; green grocers, each, \$25.00; marble yards, each, \$20.00; architects or superintendents of buildings, each, \$25.00; railroad companies, or individuals running what are commonly known as commissary cars or grab cars, for each car used in selling goods within the corporate limits, \$100.00; confectioneries, each, \$10.00;

Schedule of licenses amended.

dealers in fire-works, pyrotechnics, each, \$10.00; dealers in coal, including those who buy coal and haul it into the city for sale, \$10.00; dealers in brick, each, \$10.00; dealers in wood, including those who buy wood and haul it into the city for sale, each, \$10.00; boot-blacks, each, \$2.50; dealers in pistol cartridges, \$5.00.

Approved February 17, 1885.

No. 339.]

AN ACT

[S. 350.

To amend section 24 of an act entitled an act to incorporate the Mobile Railroad and Harbor Company, approved December 7, 1867.

Act amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 24 of an act entitled an act to incorporate the Mobile Railroad and Harbor Company, approved December 7, 1867, be amended so as to read as follows: That this company shall commence the construction of the harbor and railroad within three years from the first day of January, 1885, and finish the same within five years from that date, otherwise this charter shall be forfeited.

Approved February 17, 1885.

No. 340.]

AN ACT

[S. 366.

To relieve John Holbrook of Hale county from the disabilities of non-age.

Relief of John
Holbrook.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That John Holbrook of Hale county, Alabama, be and he is hereby relieved of all the disabilities of non-age, and that he be and is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate and to give receipts and acquittances therefor, to purchase, mortgage and sell real and personal property and to do and to perform all things