

TITLE II.

OF THE INTERVENTION OF THE OFFICERS OF JUSTICE.

CHAPTER I.

INTERVENTION OF PUBLIC OFFICERS GENERALLY.

Prevention of offences by officers. SECTION 18. Public offences may be prevented by the intervention of the officers of justice :

1st. By requiring security to keep the peace :

2d. By forming a police in cities and towns, and by requiring their attendance in exposed places :

3d. By suppressing riots.

By other persons. SEC. 19. Whenever the officers of justice are authorized to act in the prevention of public offences, other persons, who by their command act in their aid, are justified in so doing.

CHAPTER II.

SECURITY TO KEEP THE PEACE.

Complaint for threatening a breach of the peace. SECTION 20. A complaint may be laid before any of the magistrates mentioned in section one hundred and four, that a person has threatened to commit an offence against the person or property of another.

Complainant and witnesses to be examined. SEC. 21. When the complaint is laid before the magistrate, he shall examine on oath the complainant, and any witnesses he may produce, and shall take their depositions in writing and cause them to be subscribed by the parties making them.

Magistrate may issue warrant. SEC. 22. If it appears from the depositions that there is just reason to fear the commission of the offence threatened by the person so complained of, the magistrate shall issue a warrant, directed generally to the sheriff of the county, or any constable, marshal, or policeman, in the state, reciting the substance of the complaint, and commanding the officer forthwith to arrest the person complained of, and bring him before the magistrate.

Hearing. SEC. 23. When the person complained of is brought before the magistrate, if the charge be controverted, the magistrate shall take testimony in relation thereto. The evidence must be reduced to writing, and subscribed by the witnesses.

Dismissing complaint. SEC. 24. If it appear that there is no just reason to fear the commission of the offence alleged to have been threatened, the person complained of shall be discharged.

SEC. 25. If, however, there be just reason to fear the commission of the offence, the person complained of may be required to enter into a bond in such sum, not exceeding five thousand dollars, as the magistrate may direct, with one or more sufficient sureties, to keep the peace towards the people of this state, and particularly towards the complainant. The bond shall be valid and binding for six months, and may, upon the renewal of the complaint, be extended for a longer period, or a new bond may be required.

Bail may be required.

SEC. 26. If the bond required by the last section be given, the party complained of shall be discharged. If he do not give it, the magistrate shall commit him to prison, specifying in the warrant the requirement to give security, the amount thereof, and the omission to give the same.

Discharge on bail.

SEC. 27. If the person complained of be committed for not giving the bond required, he may be discharged by any magistrate upon giving the same.

The like.

SEC. 28. A bond given, as provided in section twenty-five, must be filed by the magistrate in the office of the clerk of the county.

Bond to be filed.

SEC. 29. Any person who, in the presence of a court or magistrate, shall assault, or threaten to assault another, or to commit any offence against his person or property, or who shall contend with another with angry words, may be ordered by the court or magistrate to give security, as is provided in section twenty-fifth, or, if he refuse to do so, may be committed, as provided in section twenty-sixth.

Breach of the peace in magistrate's presence.

SEC. 30. A bond to keep the peace shall be broken on conviction of the person complained against of a breach of the peace.

Bond when forfeited.

SEC. 31. Upon the district attorney's producing evidence of such conviction to the court of sessions of the county, the court shall order the bond to be prosecuted, and the district attorney shall thereupon commence an action on the same, in the name of the people of this state.

Bond to be prosecuted.

SEC. 32. In the action, the offence stated in the record of conviction shall be alleged as a breach of the bond, and shall be conclusive evidence thereof.

Evidence of breach.

SEC. 33. No security to keep the peace or be of good behavior shall be required except as prescribed in this chapter.

When security to be required.

CHAPTER III.

POLICE IN CITIES AND TOWNS AND THEIR ATTENDANCE AT EXPOSED PLACES.

SECTION 34. The organization and regulation of the police in cities and towns in this state are governed by special laws.

Police, how regulated.