

the same and arrest the offenders, he is guilty of a misdemeanor.

SECTION 370. Where the unlawful assembly have the intent of committing a felony, or of offering violence to person or property, or of resisting by force the laws, the judge of the circuit court, or the judge of the probate court, or the mayor or chief officer of the city, or the sheriff of the county, or any two justices of the peace, may, by an order directed to a commanding officer of the militia, or of a military company, summon such military force under his command as shall be specified, to appear at a specified time and place, *armed and equipped*, to aid the civil authorities in suppressing violence and enforcing the law, which order shall be forthwith obeyed by the commanding officer and troops.

CHAPTER II.

Requiring Security to Keep the Peace, or for Good Behavior.

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SECTION 371. A person may be arrested for the purpose of requiring of him security to keep the peace, or for his good behavior, in the following cases:

First.—Upon the complaint, on oath of a person threatened, to a magistrate, that the defendant has threatened to commit

an offense against his person or property, and upon the magistrate being satisfied, by an examination on oath of the complainant or others, that there are reasonable grounds to fear the commission of the offense threatened.

Second.—Upon information given on oath to a magistrate, by any person, that the defendant is about to commit violence endangering human life, or is about to commit an offense amounting to felony, and the magistrate is satisfied, by an examination on oath of the informant or others, that there are reasonable grounds for apprehending the commission of such violence or felony.

Third.—When a magistrate or court is satisfied, by the conduct or words of a person in the presence of such magistrate or court, or from proof given before such magistrate or court, that there are reasonable grounds for apprehending that such person will commit an offense against the person or property of another.

SECTION 372. If the defendant is in the presence of the court or magistrate, a peace officer shall be verbally directed by the court or magistrate to take him into custody. If not in the presence of a magistrate, he shall issue a warrant of arrest, directed to any peace officer of the county, city or town, commanding him to arrest the defendant and bring him before the magistrate. The complaint, information, or proof, shall be briefly recited in the warrant.

SECTION 373. Upon the defendant being brought before the magistrate, or being taken into custody by order of a court or magistrate, the court or magistrate shall hear the evidence which may be produced on either side; and if satisfied that there are reasonable grounds for apprehending that the defendant will commit an offense against the person or property of another, or will commit violence endangering human life, or an offense amounting to felony, may require of him surety to keep the peace, or for his good behavior, in a sum not exceeding five thousand dollars where human life is endangered, or one thousand dollars in other cases; and, in default of giving such security, may commit the defendant to jail.

SECTION 374. When the security is required by a circuit, county, or police court, it may be for keeping the peace or for good behavior, any length of time not exceeding one year. Where it is required by a magistrate, it shall be for keeping the peace, or for good behavior until the defendant shall appear before the circuit court of the county, on the first day of its next term, before which court the defendant shall also be bound, with security, to appear, and not depart without leave of the court.

SECTION 375. The magistrate shall return the bond of the defendant and his surety, for his appearance and keeping the peace, to the clerk of the circuit court before its next term.

SECTION 376. Upon the defendant appearing, the court shall examine the case, and either discharge the defendant or require security to keep the peace, or for his good behavior, for a period not exceeding one year; and in default of giving such security, may commit the defendant to jail for a period to be fixed by the court, not exceeding three months, unless he shall in the meantime give security. Where a defendant is committed to jail for a failure to give security as above provided, the cause of commitment and the sum in which he is required to give security, shall be stated in the written order of commitment, which shall be delivered to the jailor.

SECTION 377. Any magistrate or probate judge may take the security required by the foregoing provisions of a defendant committed to jail for default of giving such security.

SECTION 378. Where the proceedings are taken upon the complaint of the person threatened if he fails to appear before the court or magistrate, the defendant shall be discharged.

SECTION 379. Unless the court or magistrate is satisfied that there are reasonable grounds for believing that the defendant will commit an offense against the person or property of another, or commit violence endangering human life, or an offense amounting to a felony, he shall be discharged.

SECTION 380. The following are the breaches of the bond required in this Chapter:

First.—The failure of the defendant to appear in the circuit

court, where the bond requires such appearance, or departing therefrom before he is lawfully discharged.

Second.—A judicial conviction of the defendant of an offense involving a breach of the peace, within the period specified in the bond.

Third.—A judicial conviction of the defendant of a felony within the time specified in the bond, where the bond is for his good behavior.

SECTION 381. The prosecuting attorney may proceed by action, in the name of the State, against the defendant and his security, upon a breach of the bond.

SECTION 382. Where the security required in this Chapter is given in court, it may be by a recognizance entered into in open court, and entered upon the records by the clerk.

CHAPTER III.

Arrest and Confinement of Insane, Drunken, and Disorderly Persons.

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383. Duty of peace officers to arrest drunken and insane persons going at large.

384. Also disorderly persons.

SECTION--

385. Proceedings on such arrest.

386. What to be done with insane persons.

387. What to be done with the drunken and disorderly.

SECTION 383. It shall be the duty of all peace officers to arrest any insane or drunken person, whom they may find at large and not in the care of some discreet person, and take him before some magistrate of the county, city, or town in which the arrest is made.

SECTION 384. It shall also be the duty of all peace officers to arrest any disorderly person, whom they may find creating a disturbance by noise or other disorder, and take him before some magistrate of the county, town or city, in which the arrest is made.