

judgment against him upon a demurrer to the indictment in the case, mentioned in section two hundred and ninety-two.

II.—PREVENTION OF PUBLIC OFFENCES.

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SEC. 14. Lawful resistance to the commission of a public offence may be made—First. By the party about to be injured. Second. By other parties.

SEC. 15. Resistance sufficient to prevent the offence may be made by the party about to be injured—First. To prevent an offence against his person, or his family, or some member thereof. Second. To prevent an illegal attempt, by force, to take or injure property in his lawful possession.

SEC. 16. Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offence.

SEC. 17. Public offences may be prevented by the intervention of the officers of justice: First. By requiring surety to keep the peace. Second. By forming a police in cities

and towns, and requiring their attendance in exposed places. Third. By suppressing riots.

SEC. 18. 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.

SEC. 19. A complaint may be made before any of the magistrates mentioned in section one hundred and two, that a person has threatened to commit an offence against the person or property of another.

SEC. 20. When the complaint is laid before the magistrate he shall examine, on oath, the complainant and any witness he may produce, and shall take their depositions in writing, and cause them to be subscribed by the parties making them.

SEC. 21. If it appear 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 territory, reciting the substance of the complaint, and commanding the officer forthwith to arrest the person complained of, and bring him before the magistrate.

SEC. 22. 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.

SEC. 23. 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. 24. 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 toward the people of this territory, and particularly toward the complainant. The bond shall be valid and binding for six months, and may upon renewal of the complaint, be extended for a longer period, or a new bond may be required.

SEC. 25. 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.

SEC. 26. If the person complained of be committed for not giving the bond required, he may be discharged by any magistrate, upon giving the same.

SEC. 27. A bond given as provided in section twenty-four,

must be filed by the magistrate in the office of the clerk of the county.

SEC. 28. 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-four, or, if he refuse to do so, may be committed, as provided in section twenty-five.

SEC. 29. A bond to keep the peace shall be deemed broken on a conviction of the person complained against of a breach of the peace.

SEC. 30. Upon the attorney's producing evidence of such conviction to the court of the United States in the territory of Idaho, the court shall order the bond to be prosecuted, and the attorney shall thereupon commence an action on the same, in the name of the people of this territory.

SEC. 31. In the action, the offence stated in the record of conviction shall be alleged as the breach of the bond, and shall be conclusive evidence thereof.

SEC. 32. No security to keep the peace, or be of good behavior, shall be required except as herein prescribed.

SEC. 33. The mayor, or other officer, having the direction of the police in a city, town, or village, shall order a force sufficient to keep the peace to attend any public meeting, when he is satisfied that a breach of the peace is to be apprehended.

SEC. 34. When a sheriff, or other public officer authorized to execute process, shall find, or have reason to apprehend, that resistance will be made to the execution of his process, he may command as many male inhabitants of his county as he may think proper, and any military company or companies in the county, armed and equipped, to assist him in overcoming the resistance, and, if necessary, in seizing, arresting, and confining the resisters, and their aiders and abettors, to be punished according to law.

SEC. 35. The officer shall certify to the court from which the process issued, the names of the resisters and their aiders and abettors, to the end that they be proceeded against for their contempt of court.

SEC. 36. Every person commanded by a public officer to assist him in the execution of process, as provided in section thirty-four, who shall, without lawful cause, refuse or neglect to obey the command, shall be deemed guilty of a misdemeanor.

SEC. 37. If it appear to the governor that the power of any county is not sufficient to enable the sheriff to execute