

1. By the party about to be injured.
2. By other parties.

§ 21. BY PARTY TO BE INJURED.] Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an offense against his person or his family, or some member thereof.
2. To prevent an illegal attempt, by force, to take or injure property in his lawful possession.

§ 22. BY OTHERS.] Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.

CHAPTER II.

OF THE INTERVENTION OF THE OFFICERS OF JUSTICE.

§ 23. PUBLIC OFFENSES PREVENTED.] Public offenses may be prevented by the intervention of the officers of justice:

1. By requiring security to keep the peace.
2. By forming a police in cities and villages, and by requiring their attendance in exposed places.
3. By suppressing riots.

§ 24. PERSONS ASSISTING OFFICERS JUSTIFIED.] When the officers of justice are authorized to act in the prevention of public offenses, other persons, who by their command, act in their aid, are justified in so doing.

CHAPTER III.

SECURITY TO KEEP THE PEACE.

its of
44,1881
42 § 25. INFORMATIONS BEFORE WHOM.] An information verified by the oath of the complainant, may be laid before any of the magistrates mentioned in section 94, that a person has threatened to commit an offense against the person or property of another.

§ 26. MAGISTRATE MUST ISSUE WARRANT.] If it appear from the information that there is just reason to fear the commission of the offense threatened, by the person complained of, the magistrate must issue a warrant, directed generally to the sheriff of the county, or any constable, or marshal or policeman of the city or town, reciting the substance of the information, and commanding the officer forthwith to arrest the person complained of, and bring him before the magistrate of the county.

§ 27. PROCEEDINGS IF CHARGE CONTROVERTED.] When the person complained of is brought before the magistrate, if the charge be controverted, the magistrate must take testimony in relation thereto. The evidence must, on demand of the defendant, be reduced to writing, and subscribed by the witnesses.

§ 28. PERSON TO BE DISCHARGED.] If it appear that there is no just reason to fear the commission of the offense alleged to have been threatened, the person complained of must be discharged.

§ 29. **WHEN PERSON MUST GIVE BOND.]** If, however, there be just reason to fear the commission of the offense, the person complained of may be required to enter into an undertaking, in such sum, not exceeding one thousand dollars, as the magistrate may direct, with one or more sufficient sureties, to abide the order of the next district court of the county, and in the meantime to keep the peace toward the people of this territory, and particularly towards the complainant.

§ 30. **WHERE BOND IS OR IS NOT GIVEN.]** If the undertaking required by the last section be given, the party complained of must be discharged. If he do not give it, the magistrate must commit him to prison, specifying in the warrant the requirement to give security, the amount thereof, and the omission to give the same.

§ 31. **PERSON MAY BE DISCHARGED.]** If the person complained of be committed for not giving security, he may be discharged by any justice of the peace of the county, or police or special justice of the city, upon giving the same.

§ 32. **MAGISTRATE TO TRANSMIT UNDERTAKING.]** The undertaking must be transmitted by the magistrate to the next district court of the county.

§ 33. **ASSAULT IN PRESENCE OF MAGISTRATE.]** A person who, in the presence of a court or magistrate, assaults or threatens to assault another, or commit an offense against his person or property, or who contends with another with angry words, may be ordered by the court or magistrate to give security, as provided in section 29, or if he refuse to do so, he may be committed as provided in section 30.

§ 34. **PERSON MUST APPEAR AT DISTRICT COURT.]** A person who has entered into an undertaking to keep the peace must appear on the first day of the next term of the district court of the county. If he do not, the court may forfeit his undertaking, and order it to be prosecuted unless his default be excused.

§ 35. **WHEN PERSON MAY BE DISCHARGED.]** If the complainant do not appear, the person complained of may be discharged, unless good cause to the contrary be shown.

§ 36. **PROCEEDINGS WHEN PARTIES APPEAR.]** If both parties appear, the court may hear their proofs and allegations, and may either discharge the undertaking, or require a new one for a time not exceeding one year.

§ 37. **WHEN UNDERTAKING TO KEEP THE PEACE IS BROKEN.]** An undertaking to keep the peace is broken on the failure of a person complained of to appear at the district court, as provided in section 34, or upon his being convicted of a breach of the peace.

§ 38. **UNDERTAKING PROSECUTED.]** Upon the district attorney producing evidence of such conviction to the district court to which the undertaking is returned, that court must order the undertaking to be prosecuted, and the district attorney must thereupon commence an action upon it in the name of this territory.

§ 39. **WHAT ALLEGED IN THE ACTION.]** In the action, the offense stated in the record of conviction must be alleged as the breach of the undertaking, and such record is conclusive evidence thereof.

§ 40. LIMITATION.] Security to keep the peace or to be of good behavior cannot be required, except as prescribed in this chapter.

CHAPTER IV.

POLICE IN CITIES, AND THEIR ATTENDANCE AT EXPOSED PLACES.

§ 41. ORGANIZATION OF POLICE.] The organization and regulation of the police in the cities and villages of this territory are governed by special statutes.

§ 42. FORCE TO ATTEND PUBLIC MEETINGS.] The mayor or other officer having the direction of the police in a city or village, must order a force sufficient to preserve the peace to attend any public meeting, when he is satisfied that a breach of the peace is reasonably apprehended.

CHAPTER V.

SUPPRESSION OF RIOTS.

§ 43. OFFICER MAY COMMAND ASSISTANCE.] When a sheriff or other public officer, authorized to execute process, finds, or has reason to apprehend that resistance will be made to the execution of the 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.

§ 44. OFFICER MUST REPORT RESISTERS.] The officer must certify to the court from which the process is issued, the names of the resisters and their aiders and abettors, to the end that they may be proceeded against for contempt.

§ 45. REFUSAL A MISDEMEANOR.] Every person commanded by a public officer to assist him in the execution of process, as provided in section 43, who, without lawful cause, refuses or neglects to obey the command, is guilty of a misdemeanor.

§ 46. GOVERNOR ORDER ADDITIONAL FORCE.] If it appears to the governor that the power of the county is not sufficient to enable the sheriff to execute process delivered to him, or to suppress riots and to preserve the peace, he must, on the application of the sheriff, or the judge, order such a force from any other county or counties, as is necessary, and all persons so ordered or summoned by the governor or acting governor, are required to attend and act; and any such persons who without lawful cause refuse or neglect to obey the command, are guilty of a misdemeanor.

§ 47. GOVERNOR MAY CALL ON THE MILITARY.] Under the facts and circumstances mentioned in the last section, and when the civil power of the county is not deemed sufficient, it shall be the duty of the governor to apply to the military authorities of the United States for a force sufficient to execute the laws and to prevent resistance thereto, to suppress riots, execute process and preserve the peace.