

the chancellors throughout the state, the judges of probate and justices of the peace in their respective counties, and the mayor or chief officer of any incorporated city or town, within the limits of their respective corporations, are magistrates within the meaning of this and the following titles, and authorized to require persons to give security to keep the peace in the manner provided for in this chapter.

What officers may require security.

§ 3340. Whenever complaint is made to a magistrate, that any person has threatened or is about to commit an offence on the person or property of another, he must examine the complainant, and any witness he may produce, on oath, reduce such examination to writing, and cause it to be subscribed by the parties so examined.

How to proceed on complaint.

§ 3341. If on such examination it appears that there is reason to fear the commission of any such offence, by the person complained of, the magistrate must issue a warrant, directed to any lawful officer of the state, containing the substance of the complaint, and commanding such officer forthwith to arrest the person complained of, and bring him before him, or some other magistrate, having jurisdiction of the matter.

When to issue warrant.

§ 3342. Such warrant may be executed by either of the officers named in section 3335.

By what officers executed

§ 3343. When the person complained of is brought before the magistrate, he and his witness must be heard in his defence.

Defendant heard in defence.

§ 3344. If on hearing of the witnesses on both sides, it appears that there is no just reason to fear the commission of the offence, the defendant must be discharged; and if the magistrate regard the complaint as unfounded or frivolous, he may order the complainant to pay the costs of prosecution.

On hearing testimony may discharge.

Costs.

§ 3345. Upon making such order, the complainant is answerable to the magistrate, and the officer executing the warrant for their costs, and an execution may issue to coerce the payment.

Execution for costs.

§ 3346. If however there is just reason to fear the commission of such offence, the defendant must be required to give security to keep the peace, in such sum as the magistrate may direct, towards all the people of this state, and particularly towards the person against whom, or whose property there is reason to fear the offence may be committed, for such time as the magistrate directs, not more than twelve and not less than six months; but the defendant must not be required to appear at the next term of the circuit court unless he has actually committed an offence cognizable in such court.

When required to give security.

When required to appear at court

§ 3347. The undertaking to keep the peace may be in substance as follows :

The State of Alabama, }
 County. } We (here insert the names of the defendant, and his securities,) agree to pay the state of Alabama one thousand dollars, (or such sum as the magistrate

Form of undertaking.