

BOOK THE SECOND.

CHAPTER I.

OF THE MEANS OF PREVENTING OFFENCES.

CCLXXXIX. *Power of justices to bind party to keep the peace, when breach committed or apprehended—CCXC. or when found with concealed weapons.*

ART. CCLXXXIX.¹ Justices of the peace shall have full power, in all cases in which there shall appear to them, by oath, that a breach of the peace has been committed, or that there is just cause to apprehend that a breach of the peace is intended, to cause the party charged with such breach of the peace or intention of breaking the same, to be brought before them respectively, and direct him to give such security as the said justice may deem reasonable, to keep the peace of the [state], and to answer to the offence, if any has been committed, and in case of refusal to give such security, to commit the party so charged, by warrant to be directed and drawn as [prescribed by art. CCCCLXXXII], to the custody of the sheriff of the [² parish], who shall thereupon imprison the said

¹ § 3, act 3 May, 1805, 1 D. 631.

² In the original act "sheriff of the county." Sheriffs of the county were superseded by sheriffs of each parish. See art. CCCXXI.

party, until he shall enter into such security as has been ordered, before the same or some other judge or justice of the said [³ parish].

ART. CCXC.⁴ When any officer has good reason to believe that any person, or persons, have weapons concealed about them for the purpose of committing murder, or in any other way armed in such a concealed manner, on proof thereof being made to any justice of the peace, by the oath of one or more credible witnesses, it shall be the duty of such judge and justice to issue a warrant against such offender, and have him searched; and, should he be found with such weapons, to fine him in any sum not exceeding fifty dollars, nor less than twenty dollars, and to bind [him] over to keep the peace of the state, with such security as may appear necessary for one year; and on such offender failing to give good and sufficient security as aforesaid, the said justice of the peace shall be authorized to commit said offender to prison, for any time not exceeding twenty days.⁵

³ This act, in the original, reads, "before some other judge or justice of the said county." The office of judge of the county was abolished by § 10, act 31 March, 1807, p. 14; and by the 25th section of the same act, p. 42, the parish judges and justices of the peace of each parish, were invested with the powers, in their respective *parishes*, which had been previously exercised, under the act in the text, by the county judges and justices of the peace in their respective counties. See art. LXXV.

⁴ § 3, act 25 March, 1813, 1 D. 379.

⁵ See the first section of this act, 1 D. 378, article LXXV, for the punishment of being convicted a second time of the offence of being found with concealed weapons.