

THE  
COMPILED LAWS

OF THE  
STATE OF MICHIGAN

1915

COMPILED, ARRANGED AND ANNOTATED UNDER ACT 247 OF  
1913 AND ACT 232 OF 1915

BY

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## CHAPTER 252.—OFFENSES AGAINST THE PUBLIC PEACE

R. S. '46, ch. 157.

Unlawful assemblies, how suppressed 10 Mass., 518.

## OF OFFENSES AGAINST THE PUBLIC PEACE

(15001) SECTION 1. If any persons, to the number of twelve or more, being armed with clubs, or other dangerous weapons, or if any persons, to the number of thirty or more, whether armed or not, shall be unlawfully, riotously, or tumultuously assembled in any city, township, or village, it shall be the duty of the mayor and each of the aldermen of such city, the supervisor of such township, the president and each of the trustees or members of the common council of such village, and of every justice of the peace, living in such city, township or village, and also of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as may be with safety, and in the name of the people of this state, to command all the persons so assembled immediately and peaceably to disperse.

HISTORY: C. L. '57, 5847;—C. L. '71, 7681;—How. 9244;—C. L. '97, 11334.

SUPPRESSING RIOTS: Before an arrest can be required under this statute, there must be, (1) A condition of things justifying a command to disperse, by the proper officer, designated by law. (2) Disobedience of the command.—*Yeakes v. Smith*, 157/550. Private persons may forcibly interfere to suppress a riot. If they cannot otherwise suppress the rioters or defend themselves from them, such private persons may justify homicide in killing the rioters, as it is their right and

duty to aid in preserving the peace.—*Pond v. People*, 8/150; *Patten v. People*, 18/332. But mere trespass, without absolute violence or apparent imminent danger, would not justify homicide.—*People v. Norton*, 4/87. The operation of a theatre on Sunday where no overt or dangerous act of violence is committed is not a breach of the peace under this act.—*People v. Dixon*, September, 1915, Mich. — A game of baseball upon Sunday is not of itself a breach of the peace.—*Yeakes v. Smith*, 157/559; but see *Scougale v. Sweet*, 127/317.

Idem.

(15002) SEC. 2. If the persons so assembled shall not, upon being so commanded, thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers, to command the assistance of all persons there present, in seizing, arresting and securing in custody the persons so unlawfully assembled, so that they may be proceeded against for their offenses according to law.

HISTORY: C. L. '57, 5848;—C. L. '71, 7682;—How. 9205;—C. L. '97, 11335.

Refusal to aid officer to disperse.

(15003) SEC. 3. If any person present, being commanded by any of the magistrates or officers aforesaid, to aid and assist in seizing and securing such rioters, or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, shall refuse or neglect to obey such command, or when required by any such magistrate or officer to depart from the place of such riotous or unlawful assembly, shall refuse or neglect so to do, he shall be deemed to be one of the rioters or persons unlawfully assembled, and shall be liable to be prosecuted and punished accordingly.

HISTORY: C. L. '57, 5849;—C. L. '71, 7683;—How. 9206;—C. L. '97, 11336.

Neglect of officers to suppress mobs.

(15004) SEC. 4. If any mayor, alderman, supervisor, president, trustee or member of a common council, justice of the peace, sheriff or deputy sheriff, having notice of any such riotous or tumultuous and unlawful assembly as is mentioned in this chapter, in the city, township or village in which he lives, shall neglect or refuse immediately to proceed to the place of such assembly, or as near thereto