

—THE—

REVISED ORDINANCES

—OF THE—

CITY OF BEVIER, MISSOURI,

OF 1903.

REVISED BILLS WRITTEN BY T. E. FRANCIS,
CITY ATTORNEY.

THOS. A. ROWLAND, MAYOR.
ELMER LEWIS, CITY CLERK.

THE BOARD OF ALDERMEN:

FIRST WARD—Wm. Guilfoil and Robert X. Davis.
SECOND WARD—Thos. C. Reese and Mathew Burns.
THIRD WARD—Charles Barnes and Lee Chitwood.
FOURTH WARD—George Frame and Richard M. Jones.

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1905

CHAPTER 21.

MISDEMEANORS.

- ARTICLE I—Offenses agasnst public order and peace.
 II—Offenses against public morals and decency.
 III—Offenses against public safety and health.
 IV—Offenses by city officers and offenses against official authority.
 V—Offenses committed on streets and sidewalks and in public buildings.
 VI—Miscellaneous offenses.
 VII—Limitation of action and punishment for “misdemeanors.”

ARTICLE I.

OFFENSES AGAINST PUBLIC ORDER AND PEACE.

SECTION	SECTION
314. Common assault.	324. Officer, when guilty.
315. Disturbing peace	325. Who shall command in dispersing rioters.
316. Disturbing religious and other assemblies.	326. Command of officers to be obeyed.
317. Affrays.	327. Special deputies to be residents of this state and city.
318. Unlawful assembly.	328. Mayor may require minors to stay in doors.
319. Riots.	329. Carrying deadly weapons, etc.
320. How punished.	330. Above section not to apply to certain officers.
321. Duty of peace officers in case of riots.	
322. Duty of posse.	
323. All participating deemed guilty.	

SEC. 314. COMMON ASSAULT.—Any person who shall assault, beat or wound another under such circumstances as not to constitute any higher offense than that of common assault under the statutes of the state of Missouri, shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment in the city calaboose not exceeding six months, or by both such fine and imprisonment. (§ 1, Ord. 109.)

SEC. 315. DISTURBING PEACE.—If any person or persons shall wilfully disturb the peace of any neighborhood, or of any family, or of any person, by loud and unusual noise, loud and offensive and indecent conversation, or by threatening, quarreling, challenging or fighting, every person so offending shall, upon conviction, be adjudged guilty of a misdemeanor. (§ 2, Ord. 109.)

SEC. 316. DISTURBING RELIGIOUS AND OTHER ASSEMBLIES.—Every person who shall wilfully, maliciously or contemptuously disquiet or disturb any camp meeting, congregation or other assembly met for religious worship, or when meeting at the place of worship, or dispersing therefrom, or any school or other assembly or meeting of people met together for any lawful purpose whatever, by making a noise, or by rude or indecent behavior or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the or-

der or solemnity thereof, or who shall wilfully menace, threaten or assault any person there being, shall be deemed guilty of a misdemeanor. (§ 3, Ord. 109.)

SEC. 317. AFFRAYS.—If two or more persons shall, in any public place, voluntarily or by agreement, engage in any fight, or use any blows or violence toward each other, in any angry or quarrelsome manner, or do each other any wilful mischief, or if any person shall assault another and strike him, in any public place, to the terror or disturbance of others, the person or persons so offending shall be deemed guilty of an affray, and, on conviction, shall be punished as for a misdemeanor. (§ 4, Ord. 109.)

SEC. 318. UNLAWFUL ASSEMBLY.—If three or more persons shall assemble together with the intent, or being assembled, shall agree mutually to assist one another to do any unlawful act, with force or violence, against the property or person of another, or against the peace or to the terror of the people, such persons so assembling, and each of them, shall be deemed guilty of an unlawful assembly and, on conviction thereof, shall be punished as for a misdemeanor. (§ 5, Ord. 109.)

SEC. 319. RIOTS.—If three or more persons, being assembled as mentioned in the last preceding section, shall proceed to carry out or accomplish their purpose, in a violent, unlawful or tumultuous manner, to the terror or disturbance of peaceful citizens, every person so offending, or who shall aid or assist in doing any unlawful act, shall be deemed guilty of a riot, and being convicted thereof, shall be punished as for a misdemeanor. (§ 6, Ord. 109.)

SEC. 320. HOW PUNISHED.—Any individual engaged in such riot may be prosecuted and punished singly. (§ 7, Ord. 109.)

SEC. 321. DUTY OF PEACE OFFICERS IN CASE OF RIOTS.—If twelve or more persons, armed with clubs, stones, or other dangerous weapons, or if any number of armed or unarmed persons exceeding twenty, shall unlawfully, riotously assemble in this city, it shall be the duty of the mayor and each member of the board of aldermen, and of the marshal and his deputies, the policemen and the police judge, and every other person

who is by virtue of his office in this city a conservator of the peace, to go among such persons so assembled, or as near to them as may be consistent with safety, and to command all such persons so assembled to disperse immediately and repair to their respective places of business or abode, and if such command be not forthwith obeyed, to proceed to arrest all persons so refusing or failing to obey such command, and to command all bystanders or spectators to aid and assist in making such arrest. (§ 8, Ord. 109.)

SEC. 322. DUTY OF POSSE.—Every person so commanded to assist in making such arrests, and failing or refusing to assist as required, and every person who shall fail to disperse forthwith on being commanded as aforesaid, shall be deemed to be one of the unlawful assembly, and, on conviction thereof, shall be punished as for a misdemeanor. (§ 9, Ord. 109.)

SEC. 323. ALL PARTICIPATING DEEMED GUILTY.—Should the persons so assembled make a noise and clamor so that the voice of the officer commanding them to disperse cannot be heard or distinguished, all persons so clamorous, and all persons standing with, by or among such persons, shall be deemed to have full notice of command to disperse, and shall, on failure to do so forthwith, be punished as for a wilful refusal to obey such command. (§ 10, Ord. 109.)

SEC. 324. OFFICER, WHEN GUILTY.—Any officer or magistrate mentioned in section 327, who shall be informed, or have notice, of such riotous assemblage, and who shall refuse or neglect to perform the duties enjoined on him by said section in that behalf, shall be, on conviction, adjudged guilty of a misdemeanor in office, and punished by a fine not exceeding one hundred dollars. (§ 11, Ord. 109.)

SEC. 325. WHO SHALL COMMAND IN DISPERSING RIOTERS.—If the persons assembled, as indicated herein, shall fail to disperse without unnecessary delay, the following magistrates shall each, in the order in which they are hereinafter named, have power and authority to require the aid of a sufficient number of persons in arms or otherwise, and to proceed as they may deem expedient, and to repress or disperse such riotous assemblage and arrest offenders; that is to say, the duty of requiring the aid of such force and directing its employment

shall devolve, in the first instance, on the mayor, and if he be not present or unable to act, then on the marshal, any policeman or alderman or the police judge. (§ 12, Ord. 109.)

SEC. 326. **COMMAND OF OFFICERS TO BE OBEYED.**—Such force, armed or unarmed, summoned as provided in the preceding section, and all persons co-operating with them, shall obey such orders for the suppression of such riot as they may receive from the magistrates, or any of them, to whom authority to require their aid is given by the next preceding section. (§ 13, Ord. 109.)

SEC. 327. **SPECIAL DEPUTIES TO BE RESIDENTS OF THIS STATE AND CITY.**—The mayor, marshal and any other person authorized by law to appoint special deputies or policemen, to preserve the public peace and quell public disturbances, shall not hereafter appoint as such special deputies or policemen any person who is not a resident of this state and city, and has been a resident of this state for at least three years prior to his appointment, and any such officer or person who shall knowingly violate any of the provisions of this section shall be punished by imprisonment in the city calaboose for not more than six months. (§ 14, Ord. 109.)

SEC. 328. **MAYOR MAY REQUIRE MINORS TO STAY WITHIN DOORS.**—The mayor, being apprehensive of a riot or riotous assemblage within this city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours, which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and on conviction may be punished by a fine not exceeding one hundred dollars or imprisonment in the city calaboose not exceeding thirty days, or by both such fine and imprisonment. (§ 15, Ord. 109.)

SEC. 329. **CARRYING DEADLY WEAPONS, ETC.**—If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the

sitting of court, or into any other public assemblage of persons met for any lawful purpose, other than for militia drill, or meetings called under the militia law of this state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated, or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the city jail not less than five days nor more than six months, or by both such fine and imprisonment. (§ 16, Ord. 109.)

SEC. 330. ABOVE SECTION NOT TO APPLY TO CERTAIN OFFICERS.—The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to persons moving or traveling peaceably through the state, and it shall be a good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his person, home or property. (17, Ord. 109.)