

CHAPTER 347.

OFFENSES AGAINST PUBLIC PEACE.

| | | | |
|--------|-----------------------------------|--------|---|
| 347.01 | Treason. | 347.11 | Prize fighting. |
| 347.02 | Unlawful assembly and riot. | 347.12 | Aiding prize fight. |
| 347.03 | Conviction of one person. | 347.13 | Leaving state to fight. |
| 347.04 | Suppression of unlawful assembly. | 347.14 | Criminal anarchy defined. |
| 347.05 | Refusing aid to officer. | 347.15 | Advocacy of criminal anarchy. |
| 347.06 | Neglect of officer. | 347.16 | Liability of editors and others. |
| 347.07 | Use of force. | 347.17 | Assemblage of anarchists. |
| 347.08 | Armed force to obey officer. | 347.18 | Permitting premises to be used for assemblages of anarchists. |
| 347.09 | Officer guilty if death ensue. | | |
| 347.10 | Destruction of property. | | |

347.01 **Treason.** Any person who shall be guilty of treason against the state shall be punished by imprisonment in the state prison for life.

347.02 **Unlawful assembly and riot.** Any three or more persons who shall assemble in a violent or tumultuous manner to do an unlawful act or, being together, shall make any attempt or motion towards doing a lawful or unlawful act in a violent, unlawful or tumultuous manner, to the terror or disturbance of others, shall be deemed an unlawful assembly; and if they commit such acts in the manner and with the effect aforesaid they shall be deemed guilty of a riot and shall be punished in either case by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

Note: Verdict finding defendants guilty of engaging in unlawful assembly and riots was justified under evidence showing that they wilfully participated in assembling and keeping together on public highway large number of persons who unlawfully and in violent manner blockaded entrance to building and lawful passage along street, and refused to disperse peaceably when com-

manded to do so by police officers. *Koss v. State*, 217 W 325, 258 NW 860.

Evidence sustains conviction for unlawfully injuring and interfering with lawful operation of automobile, and for rioting. *Sekat v. State*, 218 W 91, 260 NW 246.

See note to 66.07, citing *Febock v. Jefferson County*, 219 W 154, 262 NW 588.

See note to 103.53, citing 23 Atty. Gen. 279.

347.03 **Conviction of one person.** Any person engaged in an unlawful assembly or riot may be prosecuted and convicted thereof alone, if it be alleged in the indictment or information and proved at the trial that three or more persons were engaged therein, and if known they must be named, but if unknown that fact must be alleged.

347.04 **Suppression of unlawful assembly.** If any persons to the number of twelve or more, any of whom being armed with a dangerous weapon, 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, village or town it shall be the duty of the mayor and each of the aldermen of such city, and of the president and each of the trustees of such village, and of the supervisors of such town, and of every justice of the peace, constable and coroner living in such city, village or town, and of the sheriff of the county and his deputies to go among the persons so assembled or as near them as may be with safety and in the name of the state of Wisconsin to command all the persons so assembled immediately and peaceably to disperse, and if the persons so assembled shall not thereupon immediately and peaceably disperse it shall be the duty of each of such 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 according to law.

347.05 **Refusing aid to officer.** If any person present, being commanded by any of the magistrates or officers mentioned in section 347.04 to aid or 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 he shall be deemed to be one of the rioters or persons unlawfully assembled, and shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

347.06 **Neglect of officer.** Any mayor, alderman, president, trustee, justice of the peace, sheriff or deputy sheriff, constable or coroner, having notice of any such riotous, tumultuous and unlawful assembly as is mentioned in this chapter in the city, village or town in which he lives, who shall neglect or refuse immediately to proceed to the place of such assembly or as near thereto as he can with safety and to exercise the authority with which he is invested by law for suppressing such riotous or unlawful assembly shall be punished by fine not exceeding three hundred dollars.

347.07 **Use of force.** If any persons who shall be so riotously and unlawfully assembled and who have been commanded to disperse as before provided, shall refuse or neglect to disperse without unnecessary delay any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise as

may be necessary, and shall proceed in such manner as in their judgment shall be expedient forthwith to disperse and suppress such unlawful, riotous or tumultuous assembly and seize and secure the persons composing the same so that they may be proceeded against according to law.

347.08 Armed force to obey officer. Whenever an armed force shall be called out for the purpose of suppressing any tumult or riot or dispersing any body of men acting together by force, with intent to commit any felony, or to offer violence to persons or property, or with intent by force or violence to resist or oppose the execution of the laws of this state, such armed force, when they shall arrive at the place of such unlawful, riotous or tumultuous assembly, shall obey such orders for suppressing such riot or tumult and for dispersing and arresting all the persons who are committing any of said offenses as they may have received from the governor, or from any judge of a court of record, or from the sheriff of the county, and also such further orders as they there shall receive from any two of the magistrates or other officers mentioned in this chapter.

347.09 Officer guiltless if death ensue. If by reason of any of the efforts made by any of the said magistrates or officers or by their direction to disperse such unlawful, riotous or tumultuous assembly or to seize and secure the persons composing the same who have refused to disperse, though the number remaining may be less than twelve, any such person or other persons then present as spectators or otherwise shall be killed or wounded, the said magistrates and officers and all persons acting by their order or under their direction shall be held guiltless and fully justified in law; and if any of the said magistrates or officers or any persons acting by their order or under their direction shall be killed or wounded all the persons so unlawfully, riotously and tumultuously assembled shall be held answerable therefor.

347.10 Destruction of property. If any of the persons so unlawfully assembled shall demolish, pull down or destroy any dwelling house or any other building or any ship, steamboat or vessel he shall be punished by imprisonment in the state prison not more than seven years nor less than three years.

347.11 Prize fighting. Any person who shall, by previous arrangement or appointment, engage in a fight with another person for the possession of any prize, belt or other evidence of championship, or for any other cause shall be punished by imprisonment in the state prison not more than five years nor less than one year, or by fine not exceeding one thousand dollars nor less than one hundred dollars.

347.12 Aiding prize fight. Any person who shall be present at such fight as is mentioned in section 347.11 as aid, second or surgeon, or shall encourage, advise or promote such fight, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or in the county jail not more than one year or by fine not exceeding one thousand dollars.

347.13 Leaving state to fight. Any person being an inhabitant or resident of this state who shall, by previous arrangement or appointment made therein, leave this state and engage in a fight with another person without the limits of this state, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or in the county jail not more than one year or by fine not exceeding one thousand dollars.

347.14 Criminal anarchy defined. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony.

347.15 Advocacy of criminal anarchy. Any person who:

(1) By word of mouth or writing, advocates or teaches the duty, necessity or propriety of overthrowing or overturning organized government, by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or

(2) Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or

(3) Openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or

(4) Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrine, is guilty of a felony and punishable by imprisonment in the state prison for not more than ten years nor less than three years, or by a fine of not more than five thousand dollars, or both.

347.16 Liability of editors and others. Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper, or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper, or serial. But in every prosecution therefor, the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes, by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

347.17 Assemblage of anarchists. Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in sections 347.14 and 347.15, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, is guilty of a felony and punishable by imprisonment in the state prison for not more than 10 years nor less than 3 years, or by a fine of not more than \$5,000, or both.

347.18 Permitting premises to be used for assemblages of anarchists. The owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, who wilfully and knowingly permits therein any assemblage of persons prohibited by any of the provisions of sections 347.14 to 347.18, or who, after notification that the premises are so used, permits such use to be continued, is guilty of a misdemeanor, and punishable by imprisonment in the county jail for not more than one year, nor less than three months, or by a fine of not more than one hundred dollars, or both.