

CHAPTER 615

OFFENSES AGAINST PUBLIC PEACE

615.01 DISTURBING MEETINGS; DISORDERLY CONDUCT.

Mere annoyance is insufficient to support a finding of disorderly conduct. Conduct is disorderly when it is of such a nature as to affect the peace and quiet of the persons who may witness it and who may be disturbed or provoked to resentment thereby; the probable and natural consequences of the conduct being the important element. *State v Korich*, 219 M 268, 17 NW(2d) 497.

615.02 RIOT.

Labor relations act; meaning of unlawful. 24 MLR 233..

615.04 UNLAWFUL ASSEMBLY.

History and provisions of labor relations act. 24 MLR 233.

615.07 COMBINATION TO RESIST PROCESS.

The state is under duty to protect property from destruction by mob violence and preserve the lawful use of his property by the owner thereof. Plaintiff was dispossessed from its factory by the state National Guard at the request of the mayor, because of strikers and others around defendant's plant, and was entitled to an injunction against the governor and adjutant general restraining them from interfering with plaintiff's possession and use of the factory. *Strutwear v Olson*, 13 F. Supp. 384.

615.09 AIMING OR DISCHARGING FIREARMS.

Where a person discharged a gun at a dog which was not endangering persons or animals and wounded a child, the act was unlawful and he is liable for reasonable damages. *Corn v Sheppard*, 179 M 490, 229 NW 869.

A village ordinance similar in its provisions to this section is valid and enforceable. OAG Nov. 13, 1946 (477-B).

615.10 USE OF FIREARMS BY MINORS.

A village ordinance patterned after section 615.10 is valid and enforceable. OAG Nov. 13, 1946 (477-B).

615.15 LANGUAGE PROVOCATIVE OF ASSAULT.

In a prosecution under section 615.15, defendant was charged in the complaint with having used certain abusive language toward and in the presence of complainant, intending thereby, and which naturally tended, to cause a breach of the peace. The trial court charged the jury (1) that the question of intent was immaterial, and that defendant was guilty of the offense charged if they found that the language used by him naturally tended to cause a breach of the peace; and (2) that the jury might, in determining whether the language naturally tended to cause a breach of the peace, take as a basis what the members of the jury would have done, had the language been used toward them. For reasons stated in the opinion, trial court was in error. *State v Shelby*, 95 M 65, 103 NW 725.

Defendants were strikers. They went to the home of Norma Christensen, a coemployee but a nonstriker and a nonunion member. They marched back and forth in front of the Christensen home carrying a large banner bearing these words: "Nor-

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ma Christensen, strike breaker, lives here, who is lowering wages and lengthening hours for employes in the city of Minneapolis." People gathered about. Resentment was expressed. Responding to a neighbor's call, police interfered. Defendants were guilty of disorderly conduct in violation of a city ordinance, the specific provisions of which are mentioned in the opinion. State v Zanker, 179 M 355, 229 NW 311.