

**LAWS OF THE VARIOUS
STATES RELATING TO
VAGRANCY**

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Laws of the Various States Relating to Vagrancy by Mary C. Spencer

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MARY C. SPENCER

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LAWS OF THE VARIOUS STATES
RELATING TO VAGRANCY

REVISED EDITION

LANSING, MICHIGAN
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PREFACE

This compilation is a revision of the Bulletin, of the same title, issued in 1910, and is the work of Miss Olive C. Lathrop, of the Legislative Reference Department, who has brought the same down to date.

The laws referring to rogues, tramps, vagabonds and vagrant children have been included with the laws relating to vagrancy.

Several of the states have, in their statutes, defined various offenses, including vagrancy, as an aid to framing municipal ordinances. In other states, where home rule prevails, this function has been left to the municipality. In this compilation such definition, for purely municipal purposes, has not been included.

MARY C. SPENCER,
State Librarian.

November 1st, 1916.

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Howell's annot. stat., 1913, sec. 3576, 3889-90, 10115, 11844, 11648, 15239-41; P. A. 1913, act no. 38

All persons who run away, or threaten to run away, and leave their wives or children a burden on the public; all persons who, being of sufficient ability, refuse or neglect to support their families, or who leave their wives or children a burden on the public; all persons pretending to tell fortunes, or with whom lost or stolen goods are found; all common prostitutes; all keepers of bawdy houses, or houses for the resort of prostitutes; all drunkards, tipplers, gamesters; all persons knowingly selling or giving intoxicating liquors to drunkards and tipplers or other disorderly persons, or who do, for the most part, support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profit, any puppet show, wire or rope dancing, or other idle show, acts or feats; all persons who keep in any highway, or in other public place, any gaming table, wheel of fortune, box, machine, instrument or device for the purpose of gaming; all persons who go about with such table, wheel of fortune, box, machine, instrument or device, exhibiting tricks or gaming therewith; all persons who play in the public streets of highways with cards, dice, or any instrument or device for gaming, and all vagrants shall be deemed disorderly persons: *Provided*, That in cases under this act triable by a justice of the peace, the person complained of shall be entitled to a jury trial, as provided in cases of misdemeanor cognizable by justices of the peace. Sec. 3889.

Any person complained of as being a disorderly person, and who shall be convicted, or who shall plead guilty, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail or in the Detroit house of correction not exceeding sixty-five days; or he may be required to enter into a recognizance with sufficient sureties for his good behavior for the term of three months. Any person who shall be convicted a second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail, or in the Detroit house of correction, not less than thirty days nor more than three months, or by such imprisonment and by a fine not exceeding one hundred dollars and costs of prosecution. And for a third and all subsequent convictions, the offense being charged as a third or subsequent conviction, the punishment shall be imprisonment in the Detroit house of correction, or in the state house of correction and reformatory at Ionia, or in the state house of correction and branch of the state prison in the upper peninsula at Marquette, not less than six months, nor more

than two years, or by such imprisonment and by a fine not exceeding one hundred dollars and costs of prosecution. Sec. 3890.

All male persons over sixteen years of age convicted under the provisions of this act who have sufficient physical ability and who are sentenced for ten days or more to any of the county jails in the upper peninsula shall be sentenced to perform hard manual labor during such term of imprisonment: *Provided*, That no person shall be employed upon the public highway while serving sentence under this act. Sec. 3895.

Vagrants without any settled home or business, whether or not they have a legal settlement in the city, or county uniting for the establishment of such work-house, or poorhouse, may be committed by a justice of the peace upon trial and conviction as a vagrant, for a term not exceeding one year; and persons so committed shall be held for the time specified in the warrant of conviction. Sec. 3576.

The board of supervisors of any county in this State may, by resolution passed at any regular or special session, order that any or all male prisoners over the age of eighteen years under a sentence of imprisonment in the county jail, capable of performing manual labor, shall be required to work upon the public highways, streets, alleys and public roads, or in any quarry, pit or yard in the preparation or construction of materials for such public highways, streets, alleys or roads in any township, city or village in such county. Whenever any such resolution shall be passed, it shall be the duty of the sheriff to cause such prisoners to be put at work in such manner as may be provided in the resolution of the board of supervisors. The commissioner of highways of any township and the village or city authorities of any village or city in the county may make application to have such prisoners work in any township, city or village in such manner as shall be prescribed by the board of supervisors, and the said board shall have the right to determine in what township, city or village such prisoners shall work. Sec. 15239.

All work performed by any such prisoners shall be performed under the direction of the highway commissioner of the township or the authorities of the city or village where the work is done. All such prisoners while engaged in such work shall be under the control and custody of the sheriff. All tools necessary for use by such prisoners and all materials upon which work is to be performed shall be furnished by the township, city or village in which the work is done. The sheriff shall take such precautionary measures as may be deemed necessary to prevent the escape of prisoners employed under the provisions of this act, and in case any prisoner employed shall escape, it shall be deemed to be an escape from the jail: *Provided*, That no additional deputy sheriff shall be appointed to guard such prisoners while so at work without the previous authorization of the board of supervisors. The board of supervisors is hereby vested with authority to reimburse the sheriff for any expenses incurred in conveying such prisoners to and from any such road, street, alley, highway, quarry, pit or yard, or in properly guarding them while beyond the confines of the county jail: *Provided*, That all meals and food shall be furnished by the sheriff to such prisoners in the same manner as though they were confined in the county jail: *Provided*, further, That the board of supervisors shall have

authority to provide for keeping such prisoners at places other than the county jail while they are performing such work as is authorized under the provisions of this act. Sec. 15240.

No prisoner shall be entitled to any compensation either from the county, township, city or village in which he is employed for any services performed in accordance with the requirements of this act. It shall be the duty of the sheriff to keep a record of the number of days worked by each prisoner and the township, city or village in which such work was performed, and report in full to the board of supervisors, at each regular session. Sec. 15241.

Any person who shall pretend for money or gain, to predict future events by cards, tokens, trances, the inspection of the hands of any person, mind reading so called, or by consulting the movements of the heavenly bodies, shall be deemed guilty of a misdemeanor, and punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not less than five days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Whoever shall pretend for money or gain, to tell fortunes or foretell future events by other means than those aforesaid, shall be guilty of a misdemeanor, and be punished as provided in section one of this act.

Any person or persons who shall pretend by or through means of palmistry, clairvoyancy, astrology or fortune telling by cards or other devices for money or gain, to enable any one to get or recover lost or stolen property, or to give success in business, enterprise, speculation or games of chance, or to make one person dispose of property, business or valuable thing in favor of another, shall be guilty of a misdemeanor, and punishable as is provided in section one of this act.

If any person or persons shall publish by card, circular, sign, newspaper or any other means whatsoever, that he or she shall or will predict future events, the said publication may be given in evidence to sustain an indictment under this act. Any person whose fortune may have been told as aforesaid, shall be a competent witness against all persons charged with any violation of this act. Act No. 38, P. A. 1913.

The following classes of persons between and including the ages of seven and sixteen years residing in graded school districts or cities . . . shall be deemed juvenile disorderly persons and shall in the judgment of the proper school authorities be assigned to the ungraded school or schools as provided in sec. 5 of this act: Class one, habitual truants from any school in which they are enrolled as pupils; class two, children who, while attending any school are incorrigibly turbulent, disobedient or insubordinate, or are vicious and immoral in conduct; class three, children who are not attending any school and who habitually frequent streets and other public places, having no lawful business employment or occupation. Sec. 10115.

For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned or dependent upon the public for support, or who has not proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill-fame or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or

depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; any child under the age of twelve years who is found begging, peddling or singing or playing any musical instrument as a business, or who accompanies or is used in the aid of any person so doing. The words "delinquent child" shall include any boy or girl under seventeen years of age who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill-repute, or who knowingly patronizes or frequents any policy shop or place where any gaming device is or shall be operated, or who patronizes or frequents any saloon or place where intoxicating liquors are sold, or who frequents or patronizes any public pool room or bucket shop, or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yard or track, or jumps or hooks onto any moving train, or enters any car or engine without lawful authority, or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct in any public place or about any schoolhouse; every child who is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment, or who runs away from his or her home, or place where he or she is lawfully employed. Sec. 11644.

. . . If the allegations against the child are proved the [juvenile] court may adjudge said child a delinquent, dependent or neglected child as the case may be, and if it appear to the court that the public interests and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents or guardians or friends . . . or the court may place the child on probation . . . and the authority of the court over its person shall continue until the court shall otherwise decree . . . If the child be found to be wilfully wayward or unmanageable and in any case upon the adjudication of delinquency, if, in the judgment of the court, the welfare of the child and the interests of the public require, the court may cause him or her to be sent to the Industrial school for boys at Lansing or the Industrial home for girls at Adrian or to any state institution authorized by law to receive such boy or girl . . . Sec. 11648.