

78 Mich. 573  
Supreme Court of Michigan.

PINKERTON  
v.  
VERBERG.

Dec. 28, 1889.

### Synopsis

Error to circuit court, Kalamazoo county; GEORGE M. BUCK, Judge.

West Headnotes (2)

[1] **Arrest** 🔑 Nature and source of information in general

35 Arrest

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(6) Nature and source of information in general

The fact that a woman has the reputation of being a street walker, and that the officer knows of her reputation, and believes her to be plying her vocation, does not justify his arresting her, without a warrant, while walking along the street doing nothing to indicate such a purpose.

[23 Cases that cite this headnote](#)

[2] **False Imprisonment** 🔑 Character and condition of parties

168 False Imprisonment

168I Civil Liability

168I(B) Actions

168k21 Evidence

168k25 Character and condition of parties

In an action for false arrest for street walking, evidence of specific acts of lewdness on the part of plaintiff is inadmissible.

[6 Cases that cite this headnote](#)

### Attorneys and Law Firms

**\*\*579** **\*574** *Hampden Kelsey*, for appellant. *James H. Kinnane*, for appellee.

### Opinion

LONG, J.

This action is brought by plaintiff to recover damages for assault and illegal arrest. Defendant, at the time of the arrest, was a policeman of the city of Kalamazoo, and claims to have arrested defendant because she was a street walker. It appears that plaintiff lived on Kalamazoo avenue east, and sometime in the fore part of August, 1888, went from her own home to a sister's, living on the corner of Church and Eleanor streets, in the city. There she met a younger sister, and the two went down into the city upon the main street; called into the Watkins House closets; and after plaintiff had shown the younger sister, who had no acquaintances in the city, around the city for a time, the two went together back to the home of the sister, when plaintiff started to return to her own home, and in doing so she again passed the Watkins House, but on the opposite side of the street. After having gone some little distance from there towards her own home, she heard some one following her on the walk. She **\*575** hastened her speed, but, when near the railroad crossing, Mr. Verberg, the defendant, walked up to her side, and asked where she was going. She told him she was not going very far, and then he wanted to know where she lived. To this plaintiff responded that she did not know as that made any difference to him. Defendant then asked what her name was. She told him that did not make any difference to him, and that she was attending to her own business. Defendant continued to walk with her until she got to her own door, and she then told him that she lived there. Plaintiff then told him he was not much of a gentleman to be following her home, when he said not to give him any more sauce, or he would take her and run **\*\*580** her in. Plaintiff then says: "I told him I had not done anything to be run in for; that I did not know what he could run me in for; I guessed I had not done anything out of the way; and so he took hold of me, and took me up town. When he got up to the corner of Water street, I told him I was not going any further with him, and he got hold of me, and tore my dress pretty nearly all off of me, and tried to make me walk, and blew a whistle, and Mr. Warren, who was across the street, came over, and asked him what he arrested me for, and he said he had made up his mind that he would not take any more of my

sauce, and when they got upon the corner they stopped there, and Mr. Warren told him he knew me; that I was a married lady. They went out to one side, and had a talk, and Mr. Warren said: 'You can do as you have a mind to; but I don't think you had better lock her up.' Mr. Warren walked down Main street, and Mr. Verberg said I could go home if I wanted to; but, if he ever caught me out again as late as that, he would take me and lock me up. It was then about half past ten o'clock, and I went home." Witness further stated that defendant took hold of her arm at and in front of her own house, and pulled her along as far as the railroad, and as far as Water street, \*576 when he tore her clothes because she would go no further. Defendant gave his version of the affair, on his direct examination by his own counsel, as follows: "I saw her on this particular night by the Watkins House with three other women, and they all went into the house. I slipped into the office of the Watkins House. They stayed in there a few minutes, and came out, and went up as far as Rose street. They crossed over, and she came down the street alone. She went west on Kalamazoo avenue. I walked down that way to see what was going to be done. I believed she was plying her vocation as a prostitute. She walked quite fast. I walked down to the Grand Rapids & Indiana R. R., caught up to her, and asked where she lived, and what her name was. She said it was none of my business. I said: 'I have asked you a civil question, and I would like to have you answer it.' She said: 'I don't have to answer any question from you.' I said: 'Well, I have had orders to that effect, to make these street walkers get off the street or lock them up.' By this time she had got in front of her own house. I didn't know at that time that she lived there. She said: 'I dare you to arrest me.' She said I had no business down there. I had no business to follow her. She was attending to her own business, and I had to attend to mine. She dared me to lock her up; to arrest her. At first I started away. She halloed after me: 'Will dare you to arrest.' I came back and said: 'Come on, if you want to go to jail. I can take you there.' So we walked up as far as Dickinson's hardware store, and she stopped, and I says: 'Come on; don't stop here.' She walked along then; and right in front of the restaurant, between the alley and back of McDonold's drug-store, she threw herself right down on the sidewalk, and I asked her to get up two or three times. She refused to do it. I thought by the way she acted she had been drinking. I didn't see any one around close by. I didn't want to have no regular wrestle there, so I blew my whistle, and Mr. Warren came up, and assisted me in getting her up. When we got her up to the corner of Main and Rose streets, she said, if we would not lock her up, she would go home, and she awfully hated to be locked up,—begged in that way. I \*577 spoke to Mr. Warren a few minutes, and finally told her, if she

would go home, I would let her go tonight, and, if I caught her out again, I would lock her up, as late as that." Witness further testified that he did not know that he tore any of her clothing.

It will be noticed that there is but little difference in the version given by the parties to the controversy as to what took place on that occasion. The court, in its charge to the jury, stated: "The defendant claims that he had a right to arrest the plaintiff because he was at the time of making the arrest a policeman of the city of Kalamazoo, and that at the time of the arrest the plaintiff was engaged in the commission of an offense against the law. The charter and ordinance of the city of Kalamazoo provide that policemen shall have authority to arrest, without warrant, all persons who shall, in their presence, be guilty of any offense, misdemeanor, or breach of the peace, or who shall, in their presence, be guilty of any disorderly conduct, for punishment of which a warrant could lawfully issue. Disorderly conduct for which an arrest might be made without a warrant, if committed in the presence of the officer, would include what is commonly termed 'street walking.' That is the offense of a common prostitute offering herself for sale upon the streets at unusual or unreasonable hours, endeavoring to induce men to follow her for the purpose of prostitution; and, in case such an offense is committed in the presence of an officer, a policeman has not only the authority, but it is also made his duty, to arrest the person so offending. So, in order to determine whether the defendant had the right to make the arrest complained of in this case it will be necessary for you to inquire and determine whether the plaintiff was at the time of the arrest engaged in the commission of any offense, or whether the defendant had any reasonable ground for believing she was. If you should find that at the time she was arrested by defendant she was conducting herself in an orderly manner, not committing any breach of the peace, or disorderly conduct, or offense against the law, and that the \*578 defendant had no reason to believe she was, then the defendant had no right or authority to arrest her, and the plaintiff would be entitled to a verdict; and in such case it makes no difference what her past history may have been, nor what her character was, so far as any justification of the defendant was concerned. But if you find, from the evidence in the case, that at the time of the arrest the plaintiff was a woman of unchaste character, and was upon the street engaged in street walking,—that is, if she was upon the street for the purpose of attracting attention, and inducing men \*\*581 to follow her for purposes of prostitution,—then the plaintiff is not entitled to recover, unless you find that defendant used unnecessary force and violence in making the arrest. Or if you find, from the evidence, that the plaintiff was at the time of her arrest by the defendant an unchaste

woman, and known by the defendant to be so; and if you also find that she had at that time the reputation of being a common prostitute, whether that reputation was deserved or undeserved, and that this reputation was known to defendant; and if you further find that she was at that time upon the public street, at such an hour and under such circumstances; if her conduct was such that the defendant had reason to believe that she was engaged in street walking,—then, whether she was so engaged in street walking or not, the defendant would be justified in making the arrest, and, unless you find that he used unnecessary force and violence in making the arrest, your verdict should be for the defendant. The question, as I have already indicated to you, is not altogether whether the plaintiff was already engaged in street walking, but whether the defendant had reasonable ground to believe she was, and made the arrest upon such ground. If he had reasonable ground to believe that she was engaged in street walking, and made the arrest on such ground, then defendant would not be liable, although, as a matter of fact, the plaintiff was in the streets for a legal purpose.”

In order to better understand the force and effect of this charge, it will be necessary to consider the evidence to some extent that the court permitted the defendant to introduce. While the plaintiff was on the stand as a \*579 witness in her direct case, the counsel for the defendant was permitted, under objection of plaintiff's counsel, to ask her: “Your husband had you arrested the other day for assault and battery?” It appears that this arrest was made after the time of the assault was claimed to have been made in the present case, and the witness testified that she had never been arrested in her life, until the time when the defendant arrested her. In answer to the question propounded, she stated that her husband did cause her arrest for assault and battery. Witness was further asked if, upon one occasion. Officers Warren and Verberg did not call upon her one night, and find her in bed with one Charles Vose. Plaintiff denied this, and claimed that she had a room there, and worked for Charles Vose, and his father and mother, in their restaurant. It appears that, several years before this arrest, plaintiff's husband had been arrested, and convicted, and sent to state-prison for some offense, but had recently returned. The plaintiff and he were then living together. The defendant, while on the stand as a witness, was permitted to testify that about a year previous he and another policeman visited the Gale Block, in which was the Vose restaurant, and there knocked on the door; that Mr. Vose came to the door, and, being asked who was in there with him, answered that it was his wife; that he had also seen the plaintiff a great many times on the street at from 10 to 12 o'clock, and that she did not seem to be doing any business, but just walking the street.

Plaintiff was recalled by the defense, and testified that she was never put out of the Gale Block in consequence of living with Mr. Vose; that he did not live there with her; that he had a room there, and she had a room, and a good many others had rooms there; that Mr. Miller, \*580 the janitor of the building, never told her to move out in consequence of the manner in which she conducted herself. Mr. Miller was then called by the defendant, and testified that plaintiff had rooms there; that he served papers to get Vose out, but was not acquainted with the reputation of the plaintiff at that time; that he saw a man in there one night, but could not see if there was anything wrong; that it might have been Mr. Vose, as he told him they were going to be married in about a week. Witness testified that he saw men go into the big hall door, but could not say whether the room where they went was occupied by her. Mr. Warren was also called, and testified to seeing plaintiff in bed with Vose. Other testimony of like character was also given by defendant, under objection of counsel for the plaintiff. Defendant also gave evidence of the general reputation of the plaintiff as a common prostitute. Plaintiff denied all the specific acts of lewdness to prove which such witnesses were called.

At the close of the testimony the counsel for plaintiff asked the court to instruct the jury: “(1) If the jury shall find that the plaintiff, at the time she was arrested by the defendant, was conducting herself in an orderly manner, and not committing any breach of the peace, then the defendant had no right or authority to arrest her. (2) No officer is justified in making an arrest without a warrant, when the person whom he arrests is peaceable, and not engaged in open violence; as, for example, by fighting, engaging in a riot, or about to escape after committing a felony. (3) The law does not look with favor on arrests made without a warrant, and an arrest without a warrant cannot be justified if the person arrested was not engaged in a breach of the peace; as, for an example, in fighting, or in a riot, or about to escape after having committed a felony. (4) If the jury shall find that the plaintiff was, at \*581 the time she was arrested, walking on the street, without molesting any one, then she was not committing any act that would justify the defendant in arresting her without a warrant, and his act in arresting her was unjustifiable, and the burden is on him to justify the act. (5) If the jury shall find from the evidence that the plaintiff, at the time of her arrest, was walking on the street in a lawful manner, then the jury would be warranted in going beyond actual damages, and giving the plaintiff a further sum as exemplary damages.” These instructions the court refused.

It is insisted here that the arrest was legal, and within the authority of the officer, under the provisions of section 3 of chapter 14 of the charter of the city of Kalamazoo. This section is as follows: "Sec. 3. The marshal and police shall have and **\*\*582** exercise, within said city, all the power given by law to constables for the preservation of the peace, and to apprehend and arrest offenders against the laws of the state. They shall have the power to enter any disorderly or gaming house, or dwelling-house, or any other building where a felon is known to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any felony or breach of the peace has been committed. It shall be the duty of the said marshal and police, and they are hereby fully authorized, to suppress all riots, disturbances, and breaches of the peace; to arrest, upon view, all persons fleeing from justice; to apprehend, upon view, any person found in the act of committing any offense against the laws of the state; and to take such persons before the proper officer or magistrate, to be dealt with according to law; to make complaints before the proper officer or magistrate of any person known, or believed by them, to be guilty of crime, or having violated any ordinance or regulation of said city; and to serve all process, writs, and warrants that may be delivered to them for that purpose, or that may be required in any prosecution for the violation of any ordinance or regulation of said city. In prosecutions under any city ordinance or regulation of said city, the marshal and regular police thereof **\*582** shall have the same powers, and shall perform the same duties, as are given to and performed by constables under the laws of the state; and, generally, they shall perform all such duties pertaining to their respective offices as may be required by the city council." It is claimed further, by counsel for defendant, that the question whether the plaintiff was at the time of the arrest engaged in street walking or not, or whether the defendant had reasonable grounds to suppose that she was, was a question for the jury, and, as such, was properly submitted to them. That it appears from the record the officer well knew the reputation of the appellant, and that she was a common prostitute; and judging from her actions, the unseasonable time of the night, and the suspicious quarter of the city, it cannot be said the officer acted arbitrarily or without good and reasonable grounds for assuming and believing that the appellant was then and there on the public streets plying her vocation as a common prostitute. Counsel state, as a further proposition, "that, assuming it to have been true that the defendant acted upon an uncertainty, but had good and reasonable cause to believe that the plaintiff was conducting herself unlawfully and in a disorderly manner, and did so believe, he would still be justified in making the arrest

in the manner that he did." It is not claimed that the defendant had a warrant for the arrest of the plaintiff at the time he took her into custody, and started to convey her to the jail; and it appears that no warrant had ever been issued for the plaintiff's arrest for that or any other offense. From the whole record, it appears that the only excuse offered by the defendant for the arrest on that night was that he had heard her reputation as a common prostitute discussed by the police officers of the city, and some others; had made up his mind that she was such, and had seen **\*583** her frequently on the streets, sometimes at unseasonable hours, and at one time found her in bed with a Mr. Vose. This is about the substance of the reasons given by him which led him on that night to believe she was on the street plying her vocation as a common prostitute. All he had seen that night was that the plaintiff was down on Main street, went into the Watkins House with three other women, and from there up the street for a distance, and, turning, walked towards her own home. He does not testify nor claim that he saw her talking with any man, or that she accosted any man, or did anything more than walk along a public street towards her own home, as any decent or well-behaved lady might have done. She was even hurrying forward faster when she heard the defendant's footsteps rapidly approaching her as if to overtake her. When he had overtaken her, he asked her name and where she lived, and kept pace with her until she had arrived opposite her own door. He was not successful in finding out her name, and claims the plaintiff told him it was none of his business. He started and walked away from her for a little distance, according to his own testimony, when she told him, or hallooed at him, as he says, and dared him to arrest her, when he turned, and said, "If you want to go to jail, I can take you there." He then made the arrest. Can anything be more certain, even from the defendant's own testimony, than that the arrest was made because, as plaintiff says, she gave him some sauce, or as defendant says, she dared him to arrest her? He knew as well when he started to leave her, whether she was on the street plying her vocation as a common prostitute, as he did when he made the arrest; and yet he turned away to leave, and only made the arrest when she dared him to make it.

**\*584** If persons can be restrained of their liberty, and assaulted and imprisoned, under such circumstances, without complaint or warrant, then there is no limit to the power of a police officer. Personal liberty, which is guaranteed to every citizen under our constitution and laws, consists of the right of locomotion,—to go where one pleases, and when, and to do that which may lead to one's business or pleasure, only so far restrained as the rights of others may make it necessary for the welfare of all other citizens. One may travel along the public highways or in public places; and while conducting

themselves in a decent and orderly manner, disturbing no other, and interfering with the rights of no other citizens, there they will be protected under the law, not only in their persons, but in their safe conduct. The constitution and the laws are framed for the public good, and the protection of all citizens, from the highest to the lowest; and no one may be restrained of his liberty, unless he has transgressed some law. Any law which would place the keeping and safe conduct of another in the hands of even a conservator of the peace, unless for some breach of the peace committed in his presence, or upon suspicion of felony, would be most **\*\*583** oppressive and unjust, and destroy all the rights which our constitution guaranties. These are rights which existed long before our constitution, and we have taken just pride in their maintenance, making them a part of the fundamental law of the land. Whatever the charter and ordinances of the city of Kalamazoo may provide, no police officer or other conservator of the peace can constitutionally be clothed with such power as was attempted to be exercised here. No disorderly conduct; no breach of the peace, committed in the presence of the officer; no suspicion of felony,—and yet, under the charge of the court which counsel seek to maintain here, a woman may, simply upon suspicion **\*585** that she may commit an act which at most would only amount to a misdemeanor, be assaulted and imprisoned, if the officer has good reason to believe, and does believe, that she is plying her vocation in such a manner that it will result in an offense. No more dangerous doctrine could be laid down. It is a doctrine which, if upheld, would place even the most respectable lady in the land under the surveillance of policemen, and give them authority to arrest and imprison upon mere suspicion of an offense, however insignificant; and, if carried to the extent contained in the charge of the circuit judge, it would not matter how undeserved the bad character or reputation of such person might be. If idle gossip is once set afloat, reflecting upon the character and reputation of the most virtuous woman, and that gossip once comes to the ears of the police officer, he may act upon it, and be led to believe that the woman is upon the street intending to ply her vocation as a street walker or common prostitute, and at once, without the formality of complaint or warrant, place her under arrest and convey her to jail. The law has more regard for the liberty of the citizen, and there is a more decent and orderly manner of enforcing the law for the public good. The officer had no right to arrest the plaintiff, without warrant, upon mere suspicion that she was upon the street for the purpose of plying her vocation as a common prostitute, even under the provisions of

the city ordinance above cited. Our statute gives no such right, and at the common law no such right existed. Suspicion that a party has on a former occasion committed a misdemeanor is no justification for giving him in charge of a constable without a justice's warrant; and there is no distinction, in this respect, between one kind of misdemeanor and another. 1 Archb. Crim. Pr. & Pl. p. 103, note 1; 2 Hale P. C. 89.

**\*586** An arrest for misdemeanor, without a warrant, by one who does not see the offense committed, is illegal. In [People v. Pratt, 22 Hun, 300](#), it was held that an officer had no authority to arrest, without warrant, a common prostitute, unless disorderly conduct is committed in his presence. It is true that an officer, as a conservator of the peace, may arrest street walkers or common prostitutes who are on the street plying their vocation; but a mere suspicion that they are doing so, where there is no act indicating that the party is there for that purpose, will not justify the arrest without warrant. In [Sarah Way's Case, 41 Mich. 304](#), Mr. Justice CAMPBELL, speaking upon the subject of arrest without warrant, says: "It must not be forgotten that there can be no arrest without due process of law. An arrest without warrant has never been lawful, except in those cases where the public security requires it, and this has only been recognized in felony, and in breaches of the peace committed in presence of the officer, [Quinn v. Heisel, 40 Mich. 576](#), and [Drennan v. People, 10 Mich. 169](#)."

The court was in error in that portion of its charge relative to the defendant's acting upon his information and belief that the plaintiff was a common prostitute, as a justification for the arrest without warrant. The court was also in error in refusing to give the plaintiff's requests to charge. Each request stated the law correctly as applied to this case, and should have been given. The court was also in error in permitting defendant to introduce evidence of specific acts of lewdness on the part of plaintiff. On such a trial, it could not be expected that a party so attacked could not be prepared to meet every issue so made. The judgment must be set aside, with costs, and a new trial ordered.

CAMPBELL, CHAMPLIN, and MORSE, JJ., concurred with LONG, J.

#### All Citations

78 Mich. 573, 44 N.W. 579, 7 L.R.A. 507, 18 Am.St.Rep. 473

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## Citing References (76)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>1. City of Portland v. Goodwin</b> ¶¶ 210 P.2d 577, 585+ , Or.  Calvin W. Goodwin and Sophia D. Goodwin were convicted of violating an ordinance of the City of Portland making it unlawful for any person to roam or be upon any street between the...	Oct. 18, 1949	Case		—
Cited by	 <b>2. Carroll v. U.S.</b> ¶¶ 45 S.Ct. 280, 289 , U.S.Mich.  Error to the District Court of the United States for the Western District of Michigan. George Carroll and John Kiro were convicted of transporting intoxicating liquor, and they...	Mar. 02, 1925	Case		—
Cited by	 <b>3. Sitz v. Department of State Police</b> 506 N.W.2d 209, 223 , Mich.  Sobriety Checkpoints. Highway sobriety checkpoints violated state constitutional searches and seizures provision.	Sep. 14, 1993	Case		—
Cited by	<b>4. Odinetz v. Budds</b> 24 N.W.2d 193, 195 , Mich.  Actions by Mike Odinetz against Charles Budds and others for false arrest and imprisonment and the cases were consolidated for trial. From judgments entered on verdicts after...	Sep. 11, 1946	Case		—
Cited by	 <b>5. Windiate v. Leland</b> 225 N.W. 620, 621 , Mich.  Appeal from Circuit Court, Oakland County, in Chancery; Frank L. Covert, Judge. Suit by Elma Windiate against Wilfred C. Leland, Frank Tyack, Myrtle Tyack, William A. Windiate,...	June 03, 1929	Case		—
Cited by	<b>6. Larson v. Feeney</b> 162 N.W. 275, 276 , Mich.  Error to Circuit Court, Muskegon County; James E. Sullivan, Judge. Action by Matilda Larson against William Feeney. There was a judgment for plaintiff, and defendant brings error....	Apr. 09, 1917	Case		—
Cited by	 <b>7. Klein v. Pollard</b> 112 N.W. 717, 719+ , Mich.  Error to Circuit Court, Wayne County; Joseph W. Donovan, Judge. Action by Anna C. Klein against Edward J. Pollard. There was a judgment for defendant, and plaintiff brings error. ...	July 13, 1907	Case		—
Cited by	<b>8. In re Stegenga</b> 94 N.W. 385, 388 , Mich.  Habeas corpus by William Stegenga to review petitioner's conviction as a disorderly person. Writ dismissed. The complaint referred to in opinion charged that on the 20th day of...	Apr. 21, 1903	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>9. McIntyre v. Detroit Safe Co.</b> 89 N.W. 39, 40 , Mich.  Error to circuit court, Wayne county; Joseph W. Donovan, Judge. Action by John McIntyre against the Detroit Safe Company and another. From a judgment for defendants, plaintiff...	Feb. 11, 1902	Case		—
Cited by	 <b>10. People v. DeFillippo</b> 262 N.W.2d 921, 924 , Mich.App.  Defendant, charged with possession of a controlled substance, moved to suppress evidence obtained in a search of his person and to quash the information. The Recorder's Court,...	Dec. 06, 1977	Case		—
Cited by	 <b>11. Park v. U.S.</b> ¶¶ 294 F. 776, 787+ , C.C.A.1 (N.H.)  Anderson, Circuit Judge, dissenting. In Error to the District Court of the United States for the District of New Hampshire; George F. Morris, Judge. Harry Park was convicted of...	Jan. 02, 1924	Case		—
Cited by	 <b>12. Lawson v. Kolender</b> 658 F.2d 1362, 1368 , 9th Cir.(Cal.)  Pro se litigant who had been arrested 15 times under California vagrancy statute brought action seeking declaratory judgment that the statute was unconstitutional, a mandatory...	Oct. 15, 1981	Case		—
Cited by	 <b>13. Territory of Hawaii v. Anduha</b> 48 F.2d 171, 172 , C.C.A.9 (Hawai'i)  Appeal from the Supreme Court of the Territory of Hawaii. Proceeding between the Territory of Hawaii and Camelio Anduha. Judgment adverse to the Territory was affirmed by the...	Mar. 23, 1931	Case		—
Cited by	<b>14. Ex parte Rhodes</b> 79 So. 462, 465 , Ala.  Certiorari to Court of Appeals. Action by Thomas McWilson against J. Turner Rhodes. Judgment for plaintiff affirmed by Court of Appeals (77 South. 465), and defendant brings...	May 30, 1918	Case		—
Cited by	<b>15. In re Huddleson</b> 40 Cal.Rptr. 581, 587 , Cal.App. 1 Dist.  Two proceedings involving validity of statute prohibiting loitering near schools, etc. In a habeas corpus proceeding, the Superior Court, County of San Francisco, Francis McCarty,...	Sep. 14, 1964	Case		—
Cited by	 <b>16. Dominguez v. City and County of Denver</b> 363 P.2d 661, 664 , Colo.  The defendant was convicted in the Municipal Court of the City and County of Denver of vagrancy and he appealed. The Superior Court, City and County of Denver, Mitchel B. Johns,...	July 10, 1961	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
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Cited by	<p> <b>18. State v. Clarke</b> ¶¶ 446 P.3d 451, 456 , Idaho</p> <p>CRIMINAL JUSTICE — Search Incident to Arrest. Preexisting statutes and the common law may be used to help inform interpretation of the Idaho Constitution.</p>	June 12, 2019	Case		—
Cited by	<p> <b>19. City of Chicago v. Morales</b> 687 N.E.2d 53, 65 , Ill.</p> <p>CRIMINAL JUSTICE - Loitering. City's gang loitering ordinance was unconstitutionally void for vagueness.</p>	Oct. 17, 1997	Case		—
Cited by	<p> <b>20. North v. People</b> 28 N.E. 966, 972 , Ill.</p> <p>Error to circuit court, Livingston county; ALFRED SAMPLE, Judge. Indictment of Daniel North for murder. Defendant was convicted, and he brings error. Reversed.</p>	Oct. 31, 1891	Case		—
Cited by	<p><b>21. In re Kellam</b> ¶¶ 41 P. 960, 961+ , Kan.</p> <p>Joseph S. Kellam applies for a writ of habeas corpus. Petitioner discharged.</p>	Oct. 05, 1895	Case		—
Cited by	<p><b>22. Continental Southern Lines v. Klaas</b> 65 So.2d 575, 592 , Miss.</p> <p>Action for death of plaintiffs' intestate when automobile driven by him collided with oncoming truck of one defendant which entered wrong lane when truck in front of it, belonging...</p>	June 08, 1953	Case		—
Cited by	<p> <b>23. Teche Lines, Inc., v. Danforth</b> 12 So.2d 784, 787 , Miss.</p> <p>In Banc. Appeal from Circuit Court, Jones County; F. Burkitt Collins, Judge. Death action by Hazel Danforth and others against Teche Lines, Inc. Judgment for plaintiffs, and...</p>	Apr. 05, 1943	Case		—
Cited by	<p><b>24. Orick v. State</b> 105 So. 465, 471 , Miss.</p> <p>In Banc. Appeal from Circuit Court, Tishomingo County; C. P. Long, Judge. Hose Orick and Clovis Clingan were convicted of possessing intoxicating liquor, and they appeal. Reversed...</p>	Oct. 05, 1925	Case		—
Cited by	<p><b>25. Moore v. State</b> 103 So. 483, 492 , Miss.</p> <p>Section 23 of the Mississippi Constitution, which provides that, "The people shall be secure in their persons, houses, and possessions, from unreasonable seizure or search; and no...</p>	Apr. 06, 1925	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>26. City of St. Louis v. Gloner</b> 109 S.W. 30, 32, Mo.  Error to St. Louis Court of Criminal Correction; Hiram N. Moore, Judge. Jacob Gloner was prosecuted, under a provision of the municipal code of the city of St. Louis, for...	Mar. 17, 1908	Case		—
Cited by	<b>27. City of St. Louis v. Roche</b> ¶¶ 31 S.W. 915, 917, Mo.  Appeal from St. Louis criminal court; James R. Claiborne, Judge. Thomas Roche was convicted of knowingly associating with persons having the reputation of being thieves, and...	May 21, 1895	Case		—
Cited by	<b>28. City of Lancaster v. Reed</b> 207 S.W. 868, 869, Mo.App.  Appeal from Circuit Court, Schuyler County; M. M. Pettingill, Judge. "Not to be officially published." Complaint by the City of Lancaster against Wes Reed, for violation of an...	Jan. 06, 1919	Case		—
Cited by	<b>29. State v. Caez</b> 195 A.2d 496, 498, N.J.Super.A.D.  Defendant was convicted of loitering in violation of city ordinance. The County Court entered judgment, and the defendant appealed. The Appellate Division of the Superior Court,...	Nov. 25, 1963	Case		—
Cited by	<b>30. Com. v. Reeves</b> 297 A.2d 142, 143+, Pa.Super.  Appeal by Commonwealth from suppression of results of defendant's blood test by the Court of Centre County, Criminal Action No. 623 of 1971, R. Paul Campbell, P.J. The Superior...	Nov. 16, 1972	Case		—
Cited by	<b>31. City of Watertown v. Christnacht</b> 164 N.W. 62, 62, S.D.  Appeal from Municipal Court of Watertown; Irvin H. Meyers, Judge. Maurice Christnacht and Patsy McAleer were convicted of violating an ordinance of the City of Watertown, and they...	Aug. 23, 1917	Case		—
Cited by	<b>32. State ex rel. Thompson v. Reichman</b> 188 S.W. 225, 233, Tenn.  Appeal from Chancery Court, Shelby County; F. H. Heiskell, Chancellor. Petition by the State, on the relation of F. M. Thompson, Attorney General, for the removal from office of J....	Aug. 09, 1916	Case		—
Cited by	<b>33. Myers v. Collett</b> 268 P.2d 432, 434, Utah  Action for damages for false imprisonment. The Third District Court, Salt Lake County, Fred W. Keller, J., entered judgment for plaintiff, and defendants appealed. The Supreme...	Apr. 03, 1954	Case		—
Cited by	<b>34. TREASURY DECISIONS 3686</b> T.D. 3686, 3686, IRS TD  IV-15-2123 Treasury Department, Office of Commissioner of Internal Revenue, Washington, D. C. To Federal Prohibition Directors, Collectors of Internal Revenue, and Others...	Mar. 02, 1925	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>35. Honorable Basil Brown</b> 1985-1986 Mich. Op. Atty Gen. 79, 79  Warrantless misdemeanor arrest for spouse abuse Warrantless misdemeanor arrest for spouse abuse not committed in presence of peace officer Am IV— warrantless misdemeanor arrest for...	May 21, 1985	Administrative Decision		—
Cited by	<b>36. Honorable Anthony Yturri</b> 29 Or. Op. Atty. Gen. 330, 330  This is in response to your letter in which you ask my opinion as to whether any of the following contemplated laws would be in violation of any Oregon constitutional provisions:...	Feb. 17, 1960	Administrative Decision		—
Mentioned by	<b>37. U.S. v. Watson</b> 96 S.Ct. 820, 843 , U.S.Cal.  Defendant was convicted before the United States District Court for the Central District of California, of possessing stolen mail, and he appealed. The Court of Appeals for the...	Jan. 26, 1976	Case		—
Mentioned by	<b>38. People v. Brooks</b> 274 N.W.2d 430, 441 , Mich.  Defendant was convicted before the Oakland Circuit Court, Richard D. Kuhn, J., of receiving stolen property with a value over \$100, and he appealed. The Court of Appeals reversed,...	Jan. 19, 1979	Case		—
Mentioned by	<b>39. People v. Southern</b> 265 N.W. 759, 760 , Mich.  Jack Southern was convicted of obstructing, resisting, opposing, and assaulting peace officers, and he appeals. Reversed, and defendant discharged.	Mar. 02, 1936	Case		—
Mentioned by	<b>40. Gallagher v. Michigan Secretary of State</b> 229 N.W.2d 410, 412 , Mich.App.  State appealed from a judgment of the Circuit Court, Macomb County, William John Beer, Circuit Judge of Oakland County, sitting in Macomb County, permanently enjoining Secretary of...	Mar. 10, 1975	Case		—
Mentioned by	<b>41. People v. Dixon</b> 205 N.W.2d 852, 855 , Mich.App.  Defendant was convicted before the Circuit Court, St. Clair County, Stanley C. Schlee, J., of unlawful possession of a narcotic drug, and he appealed. The Court of Appeals, R. B....	Feb. 21, 1973	Case		—
Mentioned by	<b>42. Rouda v. U.S.</b> 10 F.2d 916, 919 , C.C.A.2 (N.Y.)  In Error to the District Court of the United States for the Southern District of New York. Joseph Rouda and another were convicted, under the National Prohibition Act, of...	Mar. 01, 1926	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 <b>43. Moreno v. Baca</b> 400 F.3d 1152, 1161 , 9th Cir.(Cal.)  CIVIL RIGHTS - Arrest and Detention. Police officers did not have reasonable suspicion to detain parolee, and thus violated parolee's Fourth Amendment rights.	Mar. 07, 2005	Case		—
Mentioned by	<b>44. Landry v. Daley</b> 288 F.Supp. 183, 187 , N.D.Ill.  Action to enjoin state court prosecutions. The District Court, Will, J., held that evidence that one party charged in state court with disorderly conduct refused to obey two...	Mar. 27, 1968	Case		—
Mentioned by	 <b>45. Orloff v. Los Angeles Turf Club</b> 208 P.2d 987, 994 , Cal.App. 2 Dist.  Appeal from Superior Court, Los Angeles County; Charles S. Burnell, Judge. Action by Morris Orloff against the Los Angeles Turf Club, Inc., and Raymond H. Williams, to enjoin...	Aug. 12, 1949	Case		—
Mentioned by	 <b>46. City of Chicago v. Blakemore</b> 305 N.E.2d 687, 689 , Ill.App. 1 Dist.  Defendant was convicted in the Circuit Court of Cook County, Jack Arnold Welfeld, J., of violation of a city ordinance by breaching the peace. Defendant appealed. The Appellate...	Nov. 21, 1973	Case		—
Mentioned by	<b>47. Oratowski v. Civil Service Commission of City of Chicago</b> 123 N.E.2d 146, 151 , Ill.App. 1 Dist.  Consolidated actions to review orders of civil service commission of city that plaintiffs be discharged from positions as patrolmen in city department of police. The Circuit...	Oct. 19, 1954	Case		—
Mentioned by	<b>48. Com. v. Carpenter</b> 91 N.E.2d 666, 667 , Mass.  George P. Carpenter was convicted in Superior Court, Buttrick, J., of wilfully and unreasonably sauntering and loitering in a public street for more than seven minutes after being...	Mar. 29, 1950	Case		—
Mentioned by	 <b>49. Elwell v. Township of Lower</b> 2006 WL 3797974, *19 , N.J.Super.L.  This action filed on November 28, 2005, presents four legal challenges to the validity of Lower Township's Ordinance No.2005-14 adopted in August 2005, and as amended on December...	Dec. 22, 2006	Case		—
Mentioned by	<b>50. People ex rel. Conley v. Frank</b> 281 N.Y.S. 158, 161 , N.Y.A.D. 3 Dept.  Appeal from Supreme Court, Albany County. Proceeding by the People of the State of New York, at the relation of Mary Conley, against Glenn A. Frank for a writ of habeas corpus. ...	June 27, 1935	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> <b>51. Renker v. Village of Brooklyn</b> 40 N.E.2d 925, 930 , Ohio</p> <p>Action by one Renker against the Village of Brooklyn, Cuyahoga County, Ohio, to enjoin the enforcement of an ordinance of the defendant regulating trailers and licensing and...</p>	Apr. 01, 1942	Case		—
Mentioned by	<p> <b>52. City of Seattle v. Jones</b> 488 P.2d 750, 752 , Wash.</p> <p>Defendant was convicted in the Superior Court, King County, Solie M. Ringold, J., of violations of city prostitute-loitering ordinance, and she appealed. The Court of Appeals,...</p>	Sep. 09, 1971	Case		—
Mentioned by	<p> <b>53. City of Seattle v. Drew</b> 423 P.2d 522, 524 , Wash.</p> <p>Prosecution for violation of loitering ordinance. The Superior Court, King County, Howard J. Thompson, J., held the ordinance unconstitutional, and the state appealed. The...</p>	Feb. 02, 1967	Case		—
Mentioned by	<p><b>54. City of Yakima v. Johnson</b> 553 P.2d 1104, 1105 , Wash.App. Div. 3</p> <p>Defendant was convicted in the Superior Court, Yakima County, Carl L. Loy, J., of soliciting prostitution in violation of ordinance of city of Yakima and she appealed. The Court...</p>	Aug. 20, 1976	Case		—
Mentioned by	<p> <b>55. City of Mountlake Terrace v. Stone</b> 492 P.2d 226, 229 , Wash.App. Div. 1</p> <p>Defendant was convicted before the Municipal Court of violating city ordinance making it a misdemeanor to refuse or neglect, after due notice, to make or furnish a statement,...</p>	Dec. 20, 1971	Case		—
—	<p><b>56. Constitutionality of statute or ordinance authorizing an arrest without a warrant</b> 1 A.L.R. 585</p> <p>The reported case for this annotation is Ex parte Rhodes, 202 Ala. 68, 79 So. 462, 1 A.L.R. 568 (1918).</p>	1919	ALR	—	—
—	<p><b>57. Gillespie MI Crim. Law &amp; Proc. s 11:9, § 11:9. Grounds for probable cause</b></p> <p>While an anonymous tip standing alone does not provide the officer with reasonable cause to arrest without a warrant, the assistance of an anonymous informer is not to be per se...</p>	2021	Other Secondary Source	—	—
—	<p><b>58. Am. Jur. 2d Constitutional Law s 624, § 624. Rights in public vehicles and places for purposes of liberty interest of Due Process Clause</b> Am. Jur. 2d Constitutional Law</p> <p>Under the constitutional guarantee of liberty one may, under normal conditions, move at his or her own inclination along the public highways or in public places, and while...</p>	2021	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p><b>59. THE DEGRADATION OF POLITICAL IDENTITY UNDER A NATIONAL IDENTIFICATION SYSTEM</b> 8 B.U. J. Sci. &amp; Tech. L. 37 , 74+</p> <p>Abstract. 38 I. Introduction. 39 II. What Constitutes NIDS and How Is It Developing?. 41 III. What Would a Formal NIDS Look Like?. 45 IV. History of Abuses with Identity Systems...</p>	2002	Law Review	—	—
—	<p><b>60. THE DECLINE OF THE RIGHT OF LOCOMOTION: THE FOURTH AMENDMENT ON THE STREETS</b> 75 Cornell L. Rev. 1258 , 1337</p> <p>A. Much Police Activity Lies Beyond Fourth Amendment Scrutiny 1. The Origins of the Right-to-Inquire Rule 2. The Post-Terry Cases: The Fourth Amendment Becomes Inapplicable to the...</p>	1990	Law Review	—	—
—	<p><b>61. EVANGELICAL REFORM AND THE PARADOXICAL ORIGINS OF THE RIGHT TO PRIVACY</b> 75 Md. L. Rev. 362 , 382</p> <p>The story of how American constitutional law came to recognize a right to privacy in matters pertaining to sex and reproduction has been told many times. The most familiar version...</p>	2015	Law Review	—	—
—	<p><b>62. ARRESTS WITHOUT PROSECUTION AND THE FOURTH AMENDMENT</b> 59 Md. L. Rev. 1 , 108</p> <p>Introduction. 2 I. The Fourth Amendment. 9 A. The Text. 9 B. Drafting History. 10 C. Application to Arrests. 12 D. State Laws and the Fourth Amendment. 17 II. The Magnitude...</p>	2000	Law Review	—	—
—	<p><b>63. WHITE CALLER CRIME: RACIALIZED POLICE COMMUNICATION AND EXISTING WHILE BLACK</b> 24 Mich. J. Race &amp; L. 335 , 415</p> <p>Over the past year, reports to the police about Black persons engaged in innocuous behaviors have bombarded the American consciousness. What do we make of them? And, equally...</p>	2019	Law Review	—	—
—	<p><b>64. WARRANTLESS MISDEMEANOR ARRESTS AND THE FOURTH AMENDMENT</b> 58 Mo. L. Rev. 771 , 853+</p> <p>I. Introduction. 774 II. The Origin of the Common Law Rule. 788 III. Judicial Treatment of Warrantless Misdemeanor Arrests. 789 A. State and Lower Federal Courts. 789 B. The United...</p>	1993	Law Review	—	—
—	<p><b>65. THE CONSTITUTIONALITY OF LARGE SCALE POLICE TACTICS: IMPLICATIONS FOR THE RIGHT OF INTRASTATE TRAVEL</b> 14 Pace L. Rev. 203 , 233</p> <p>Feeling thirsty on a hot summer night, you head out to the corner store for a soda. On your way home you see an old friend on the street. You stop and shake hands. The police...</p>	1994	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<b>66. PROVING IDENTITY</b> 44 Pepp. L. Rev. 731 , 798  United States law, over the past two hundred years or so, has subjected people whose race rendered them noncitizens or of dubious citizenship to a variety of rules requiring that...	2017	Law Review	—	—
—	<b>67. THE ORIGIN OF ARTICLE I, SECTION 7 OF THE WASHINGTON STATE CONSTITUTION</b> 31 Seattle U. L. Rev. 431 , 467  For approximately sixty years, the Washington State Supreme Court deemed the protections afforded by article I, section 7 of the Washington State Constitution and the Fourth...	2008	Law Review	—	—
—	<b>68. PROVING PROBABLE CAUSE: ALLOCATING THE BURDEN OF PROOF IN FALSE ARREST CLAIMS UNDER S 1983</b> 73 U. Chi. L. Rev. 347 , 376  When George Hinshaw walked into the sheriff's office to inquire about his son's arrest, he probably did not expect to be beaten and arrested. But after a short confrontation with...	2006	Law Review	—	—
—	<b>69. TYPES OF ACTIVITY ENCOMPASSED BY THE OFFENSE OF OBSTRUCTING A PUBLIC OFFICER</b> 108 U. Pa. L. Rev. 388 , 413  The vast majority of jurisdictions in this country make criminal the act of obstructing a public officer. The statutes establishing the offense can be broken down into two major...	1960	Law Review	—	—
—	<b>70. CRIMINAL REGISTRATION ORDINANCES: POLICE CONTROL OVER POTENTIAL RECIDIVISTS</b> 103 U. Pa. L. Rev. 60 , 106  During the past twenty years, the enactment and administration of the body of laws known as "criminal registration ordinances" have introduced an intriguing and important...	1954	Law Review	—	—
—	<b>71. SOBRIETY CHECKPOINTS UNDER STATE CONSTITUTIONS: WHAT HAS HAPPENED TO SITZ ?</b> 59 U. Pitt. L. Rev. 453 , 503+  In the winter of 1996, Walter and Martha Limas were "on their way home from the christening of their 2-year- old daughter" when tragedy struck. Flying toward them from the...	1998	Law Review	—	—
—	<b>72. FLORIDA v. BOSTICK: THE FOURTH AMENDMENT--ANOTHER CASUALTY OF THE WAR ON DRUGS</b> 1992 Utah L. Rev. 601 , 645  "Our Nation, we are told, is engaged in a 'war on drugs.'" Unfortunately, the war on drugs has prompted many police departments, government agencies, and members of the public to...	1992	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p><b>73. THE FICTIONAL CHARACTER OF LAW-AND-ORDER ORIGINALISM: A CASE STUDY OF THE DISTORTIONS AND EVASIONS OF FRAMING-ERA ARREST DOCTRINE IN ATWATER V. LAGO VISTA</b></p> <p>37 Wake Forest L. Rev. 239 , 437</p> <p>Recent Supreme Court opinions have claimed that expansive police search and seizure powers are consistent with the traditional protections of liberty and security provided by...</p>	2002	Law Review	—	—
—	<p><b>74. SHOPLIFTING AND THE LAW OF ARREST: THE MERCHANT'S DILEMMA</b></p> <p>62 Yale L.J. 788 , 803</p> <p>Shoplifting is the theft of goods displayed for sale. Today, with retailers' emphasis on uncovered display and "self-service," the annual number of such thefts runs well into...</p>	1953	Law Review	—	—
—	<p><b>75. USE OF VAGRANCY-TYPE LAWS FOR ARREST AND DETENTION OF SUSPICIOUS PERSONS</b></p> <p>59 Yale L.J. 1351 , 1364+</p> <p>Individual liberty and the competing demands of crime prevention in the modern, highly-mobile community are often hard to reconcile. Faced with increasing crime as urban...</p>	1950	Law Review	—	—
—	<p><b>76. 53 NO 4 Criminal Law Bulletin ART 1, Common Law, Common Sense? How Federal Circuit Courts Have Misapplied the Fourth Amendment and Why Officers Must be Present to Make a Warrantless Arrest for a Misdemeanor Offense</b></p> <p>Associate Articles Editor, Mississippi Law Journal. Juris Doctor Candidate, 2018, University of Mississippi School of Law. I would like to personally thank Dean Jack Nowlin for his...</p>	2017	Other Secondary Source	—	—

## Table of Authorities (4)

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Mentioned	<p><b>1. Drennan v. People</b></p> <p>10 Mich. 169, Mich., 1862</p> <p>Is larceny to the amount of one dollar and fifty cents (in resisting the arrest for which the assault was made) an offense for which the constable might arrest the offender under...</p>	Case			583
Cited	<p><b>2. In re May</b></p> <p>1 N.W. 1021, Mich., 1879</p> <p>Complaint charging defendant with vagrancy criticised. The common council of Detroit cannot enlarge the meaning of the word "vagrancy," or extend it to causes of vagabondage not...</p>	Case			583
Cited	<p><b>3. People ex rel. Kingsley v. Pratt</b></p> <p>22 Hun 300, N.Y. Sup. Gen. Term, 1880</p>	Other			583
Cited	<p><b>4. Quinn v. Heisel</b></p> <p>40 Mich. 576, Mich., 1879</p> <p>A careful examination of the record fails to show that plaintiff in error has any cause of complaint. The court certainly charged the jury, as to the right of an officer to make...</p>	Case			583

### **Negative Treatment**

There are no Negative Treatment results for this citation.

### **History**

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### **Filings**

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