

aforesaid, That this act shall be and continue in force until the first day of February next, and no longer.

Passed October 22, 1763. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the Act of Assembly passed May 30, 1764, Chapter 514. Expired.

CHAPTER DVIII.

AN ACT FOR PREVENTING TUMULTS AND RIOTOUS ASSEMBLIES AND FOR THE MORE SPEEDY AND EFFECTUAL PUNISHING THE RIOTERS.

Whereas of late several dangerous riots and tumults have been in divers parts of this province, to the disturbance of the public peace and the great terror of His Majesty's subjects, and the same are yet continued and fomented by many turbulent and evil-minded persons.

Therefore, for the preventing and suppressing of such riots and tumults and for the more speedy and effectual punishing the offenders therein:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any persons to the number of twelve or more being unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace at any time after the publication of this act, and being required or commanded by any one or more justice or justices of the peace or by the sheriff of the county or his under-sheriff, or by the mayor, bailiff or bailiffs or other head officer or justice of the peace of any city or town corporate where such assembly shall be, by proclamation to be made in the King's name in the form hereinafter directed to

disperse themselves and peaceably to depart to their habitations or to their lawful business, shall, to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more after such command or request made by proclamation shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons and shall suffer death as in case of felony without benefit of clergy.

[Section II.] And be it further enacted by the authority aforesaid, That the order and form of the proclamations that shall be made by the authority of this act shall be as hereafter followeth, That is to say, the justice of the peace or other person authorized by this act to make the said proclamation shall, among the said rioters, or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be while proclamation is making, and after that shall openly and with loud voice make or cause to be made proclamation in these words or [like] in effect:

“Our Sovereign Lord, the King, chargeth and commandeth all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business upon the pains contained in the act of the general assembly of this province made in the fourth year of George the Third for preventing tumults and riotous assemblies.

“God Save the King.”

And every such justice and justices of the peace, sheriff, under-sheriff, mayor, bailiff and other head officer aforesaid within the limits of their respective jurisdictions are hereby authorized, empowered and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, to resort to the place where such unlawful, riotous and tumultuous assembly shall be of persons to the number of twelve or more and there to make or cause to be made proclamation in manner aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That if such persons so unlawfully, riotously and tumultuously assembled, or twelve or more of them after proclamation made in manner aforesaid shall continue together and

not disperse themselves within one hour, that then it shall and may be lawful to and for every justice of the peace, sheriff or under-sheriff of the county where such assembly shall be, and also to and for every high or petty constable and other peace officer within such county, and also to and for every mayor, justice of the peace, sheriff, bailiff and other head officer, high or petty constable and other peace officer of any city or town corporate where such assembly shall be, and to and for such other person and persons as shall be commanded to be assisting unto any such justice of the peace, sheriff or under-sheriff, mayor, bailiff or other head officer aforesaid (who are hereby authorized and empowered to command all His Majesty's subjects of age and ability to be assisting to them therein) to seize and apprehend and they are hereby required to seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more of His Majesty's justices of the peace of the county or place where such persons shall be so apprehended in order to their being proceeded against for such their offenses according to law; and that if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed or hurt in the dispersing, seizing or apprehending or endeavoring to disperse, seize or apprehend them by reason of their resisting the persons so dispersing, seizing or apprehending or endeavoring to disperse, seize or apprehend them, that then every such justice of the peace, sheriff, under-sheriff, mayor, bailiff, head officer, high or petty constable or other peace officer, and all and singular persons being aiding or assisting to them, or any of them, shall be free, discharged and indemnified as well against the King's Majesty, his heirs and successors, as against all and every other person and persons of, for or concerning the killing, maiming or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled [that] shall happen to be so killed, maimed or hurt as aforesaid.

[Section IV.] Provided always, and be it further enacted by the authority aforesaid, That if any person or persons do or shall, with force and arms, willfully and knowingly oppose, ob-

struct or in any manner willfully and knowingly let, hinder or hurt any person or persons that shall begin to proclaim or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such opposing, obstructing, letting, hindering or hurting such person or persons so beginning or going to make such proclamation as aforesaid shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons and shall suffer death as in case of felony, without benefit of clergy; and that also every such person or persons so being unlawfully, riotously and tumultously assembled to the number of twelve as aforesaid or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall likewise, in case they or any of them to the number of twelve or more, shall continue together and not disperse themselves within one hour after such let or hinderance so made, having knowledge of such let or hinderance so made, shall be adjudged felons and shall suffer death, as in case of felony, without benefit of clergy.

[Section V.] And bē it further enacted by the authority aforesaid, That this act shall be openly read at the next and every other quarter sessions of the peace in each county respectively during the continuance thereof by the clerk of such sessions, by order of the justices thereof.

[Section VI.] And be it further enacted by the authority aforesaid, That this act shall be and continue in full force and virtue during the space of one year from the publication thereof and from thence to the end of the next sitting of assembly and no longer.

Passed February 3, 1764. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the note to the Act of Assembly passed January 12, 1705-6, Chapter 128; and the Act of Assembly passed February 9, 1771, Chapter 618.