

That the parties requesting the removal of the said causes shall, before removing the same, give security in such sum as the court of common pleas of Lehigh county may direct, conditioned for the payment of all costs of suit in case of judgment being rendered against them.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 255.

AN ACT

For the better regulation of police in the city of Philadelphia, and the adjacent districts.

City, districts
and township, to
establish police.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city of Philadelphia, and the districts of Southwark, Spring Garden, incorporated Northern Liberties, Kensington and Penn, and the township of Moyamensing, in the county of Philadelphia, be and they are hereby required to establish and maintain, respectively, police forces, to consist of not less than one able bodied man, for every one hundred and fifty taxable inhabitants in the said city, districts and townships, respectively, for the prevention of riots, and the preservation of the public peace.

Superintendent
of; and

Regulation of.

SECTION 2. That the councils of the said city, and the commissioners of each of the said districts and township, shall appoint a superintendent of police for their respective corporate limits; and the councils of the said city, and the commissioners of the said districts and township, shall have power to provide, by ordinance, for the regulation and control of their respective police forces, as they may deem proper.

Penalty for non-
compliance with
first section.

SECTION 3. That on failure or neglect of the said city or township, or any of the said districts, to comply with the provisions of the first section of this act, the city, township or district, so failing or neglecting, shall be liable for all loss or damage which may accrue from injury to, or destruction of property within such city, township or district, occasioned by any riot, tumult, or unlawful assembly, within the limits of such city, township or district, to be recovered by action by the owner or owners of such property, against such city, township or district, and in such case the county shall not be liable for such loss or damage.

Proceedings in
case of riots, &c.

SECTION 4. That in case of a riot, tumult, or unlawful assembly, to the disturbance of the public peace, occurring, or being within the said city, township or districts, which the police force of the city, township or district, in which such riot, tumult, or unlawful assembly may be, is unable, or fails or neglects to suppress, it shall be the duty of the sheriff

of the county of Philadelphia, forthwith to make requisition on the several superintendents of police, provided for in this act, for the whole or any part of the police forces under their respective commands, as he may deem necessary for the restoration of the public peace, which requisition the said superintendents shall forthwith obey; and the said sheriff is hereby authorized to require and command the services of the said superintendents, and the police forces under their command, for the suppression of riot and the preservation of the public peace, in any part of the county of Philadelphia.

SECTION 5. That if any persons shall be unlawfully, riotously, and tumultuously assembled together, to the number of twelve or more, to the disturbance of the public peace within the city and county of Philadelphia, it shall be the duty of the sheriff of the said county, either in person, or by some one specially deputed by him for that purpose, or of one of the said superintendents, to go among the said rioters, or as near to them as he can safely go, and there with a loud voice, make proclamation in the name of the commonwealth, requiring and commanding all persons there so unlawfully, riotously, and tumultuously assembled, and all other persons not being there on duty as police, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if such persons, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain, or continue together to the number of twelve or more, after such proclamation made, then such continuing together after proclamation so made, shall be adjudged a misdemeanor, and the said offenders, upon conviction thereof, shall be sentenced to undergo a solitary confinement at labor in the county prison, for a period not less than one month, nor more than two years.

Duty of sheriff.

Proclamation.

Penal clause.

SECTION 6. That if after proclamation made as aforesaid, or if the said sheriff or other person authorized as aforesaid, shall attempt to make such proclamation, and shall be prevented by force from making the same, then, after such attempt made, if such persons so unlawfully, riotously and tumultuously assembled, or twelve or more of them, shall continue together, and not disperse themselves forthwith, then it shall be lawful for the said sheriff and superintendents of police, and also for every high constable, constable, and such other person and persons as shall be commanded to be assisting under such sheriff or superintendent of police, who are hereby authorized to command all citizens of age and ability to be assisting to them therein to disperse, seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together, after proclamation made or attempted to be made as aforesaid; and they are hereby required so to do, and to use all necessary force for that purpose; and the said sheriff, superintendents of police, and all and every person or persons so aiding and assisting them, shall be free, discharged and indemnified, as well against the commonwealth as against all and every other person and persons, for or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled or continuing together, after proclamation made or attempted to be made as aforesaid, that shall happen to be killed, maimed or hurt.

Powers of the sheriff when resisted.

Indemnification.

SECTION 7. Every person not belonging to the regular police, summoned, and aiding, and assisting the sheriff and officers of justice in the suppression of any riot, in pursuance of the provisions of this act, shall be paid by the commissioners of the said county the sum of one dollar for each day or part of a day that he shall be so employed, upon presenting the certificate of the sheriff of said county that he was so summoned, and that he did so aid the officers as aforesaid.

Pay of posse comitatus.

Military posse.

SECTION 8. If in any case the sheriff of the said county shall certify in writing to the major general, or commanding officer of the military division, composed of the said city and county, that there is an existing riot, tumult, and unlawful assembly within the said city or county, which the police force under his command is not in his opinion competent to suppress without further aid, and shall require the said major general or commanding officer to assist him with the military force under his command, the said major general or commanding officer shall give the necessary orders to the effect that such military force, or such part thereof as he shall deem necessary, shall be mustered immediately into the service of the commonwealth, and be subject to the laws applicable to such service; and shall proceed in military array and subordination, and by military force, in any part of the said city or county, to restore the public peace by suppressing such riot, tumult, and unlawful assembly, and by seizing and securing the offenders therein for trial and punishment according to law; and it shall be lawful for the said military to proceed in suppression of such riot, tumult, and unlawful assembly, as aforesaid, by such military force and in like manner as in case of war or public insurrection; and the said military force shall continue and remain in service and upon duty and under due military command and subordination, until the said sheriff shall certify in writing to the said major general or commanding officer that the riot, tumult, and unlawful assembly is entirely suppressed; and the military body so called into service, shall be entitled while on actual duty to be paid as follows, to wit: Two dollars a day to the privates, non-commissioned officers and musicians, and four dollars a day to the commissioned officers, and two dollars a day for each horse employed, the amount whereof, together with the expense of their ammunition and artillery used on such duty, shall be paid out of the treasury of the said county; but such military body shall not be required to march to the place of any such riot, tumult, or unlawful assembly, until after the sheriff, or other person authorized by this act to make proclamation as aforesaid, in an audible voice and as near to the said rioters or persons unlawfully assembled as he can safely and with convenience go, shall have commanded such rioters and persons unlawfully assembled, and all other persons not being then and there on duty as police, or as a part of the sheriff's posse, civil or military, to return to their lawful homes and business.

Pay.

When to act.

Sheriff's requisition for military.

SECTION 9. The requisition of the sheriff so made as aforesaid upon the commanding officer of any division, brigade, regiment, battalion, or company, shall be conclusive evidence that the services of the military were necessary for the suppression of such riot, tumult, or unlawful assembly.

Penalty on sheriff, for neglect, &c.

SECTION 10. If the sheriff of the said county, or either of the said superintendents of police shall, after notice or knowledge of any riot, tumult, or unlawful assembly within the said city or county, and a requisition in writing by any two aldermen or justices of the peace, or any five citizens of said city or county, calling upon him or them to suppress the same, refuse or neglect to carry into effect the provisions of this act, he shall, on conviction thereof, be removed from his office and be fined in a sum not less than one hundred dollars nor more than five hundred dollars, in addition to any penalty prescribed by any existing law; and if either of the said superintendents shall refuse or neglect to obey any requisition or command of the said sheriff, which he, by this act, is authorized to make, the superintendent so refusing or neglecting shall, upon conviction thereof, be removed from office and be fined in a sum not less than one hundred dollars nor more than five hundred.

On Superintendents.

SECTION 11. In case of the death, absence, or inability to act of the Power of coroner sheriff, the coroner of the said county shall perform the duties by this in default of she-act directed to be performed by the sheriff; and in such case the said ruff. coroner shall have all the rights, powers, and authority by this act given to the sheriff, and shall be liable to the same penalty in case of his ne- Liability. glect or refusal to carry in effect the provisions of this act, and the said superintendents shall be subject to the same penalty in case of refusal or neglect to obey his lawful requisition or command.

SECTION 12. Nothing in this act contained shall be construed in any Powers of muni- way to impair, diminish, or restrain the duty or authority of any sheriff, cipal officers. coroner, mayor, alderman, justice of the peace, or other officer in this commonwealth, to suppress riot and preserve the public peace; but on the contrary it is expressly declared, that the said power and duty, and all other the powers and duties of sheriffs, coroners, mayors, aldermen, justices of the peace, and other officers, shall continue and remain in as full force as they now are at common law, or by virtue of any act of assembly.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 256.

AN ACT

To divide the wards of the district of Spring Garden into election divisions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* How divided. from and after the passage of this act, the first and fourth wards shall each be divided into two divisions, Eighth street, from Vine street to the northern boundary, shall divide said wards. The second ward shall be divided into two divisions, viz: By Spring Garden, running east and west; and Twelfth street, running north and south. The third ward shall be divided into two divisions, by Hamilton street, running east and west.

SECTION 2. So much of the first ward, as lies between Sixth street First ward. and Eighth street, shall be denominated the first division of the first ward.

So much of said ward, as lies between Eighth street and Tenth street, First ward. shall be denominated the second division of the first ward.

So much of the second ward, as lies between Vine street and Spring Second ward. Garden street, shall be denominated the first division of the second ward.