

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1771, and continued by adjournments to the nineteenth day of September following, the following acts were passed:

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CHAPTER DCXXXIX.

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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 the back 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 preventing and suppressing such riots and tumults and for the more speedy and effectual punishing the offenders therein:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 justices 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 officers 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 the proclamation is making and after that shall openly and with a 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 eleventh 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 person 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 [the] 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, obstruct 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 here[by] 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 tumultuously 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 hindrance so made, having knowledge of such let or hindrance so made, shall be adjudged felons and shall suffer death as in case of felony without benefit of clergy.

[Section V.] And be 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 six months from the publication thereof and from thence to the end of the next sitting of assembly and no longer.

Passed October 19, 1771. Referred for consideration by the King in Council, February 8, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the notes to the Acts of Assembly passed November 27, 1700, Chapter 2; January 12, 1705-6, Chapter 128; May 31, 1718, Chapter 236; and the Act of Assembly passed January 22, 1774, Chapter 690. Expired.