

CHAPTER 15.

RIOT.

Ordinance
No. 19.

AN ORDINANCE RELATING TO RIOTS AND UNLAWFUL AND
TUMULTUOUS ASSEMBLIES.

[22nd July, 1844.]

Short title.

1. This Ordinance may be cited as the Riot Ordinance.

Interpreta-
tion.

2. In this Ordinance, the expressions "Affray," "Unlawful Assembly," "Rout," and "Riot" shall respectively have the same meanings as they have according to the law of England, and the expression "Constable" shall include any member of the Constabulary Force.

Affray.

3. Whosoever shall take part in an affray shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding fifty pounds, or to be imprisoned for any term not exceeding two years, with or without hard labour, or to both such fine and imprisonment.

Unlawful
assembly and
rout.

4. Whosoever shall take part in an unlawful assembly or in a rout shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding fifty pounds, or to be imprisoned for any term not exceeding one year, with or without hard labour, or to both such fine and imprisonment.

Riot.

5. Whosoever shall take part in a riot shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one hundred pounds, or to be imprisoned for any term not exceeding two years, with or without hard labour, or to both such fine and imprisonment.

Taking part
in armed
riot, etc.

6. Whosoever shall take part in any unlawful assembly, rout, or riot, knowing that any one taking part therein is or is intended to be armed with any weapon of offence, shall be guilty of a misdemeanor, and on conviction thereof

shall be liable to a fine not exceeding two hundred pounds, or to be imprisoned for any term not exceeding three years, with or without hard labour, or to both such fine and imprisonment.

7. Whosoever, being armed with any weapon of offence, shall take part in any unlawful assembly, rout, or riot, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any term not exceeding five years, with or without hard labour.

Being armed and taking part in riot, etc.

8. Where any person is convicted before the Supreme Court of any offence involving the taking part in a riot, the Court may, if it thinks fit, in addition to any other punishment authorized by this Ordinance, order that the offender shall, from and after the expiration of his term of imprisonment, be subject to Police supervision under the Prevention of Crimes Ordinance for any term not exceeding seven years.

Supervision by Constabulary.

Cap. 91.

9. Where any person charged with any offence punishable under this Ordinance is brought before a Magistrate for examination, and such Magistrate is satisfied that the person charged has committed an offence punishable under this Ordinance but is of opinion that a punishment not exceeding six months imprisonment will be sufficient, he may, with the consent of the person charged, dispose of the charge summarily, and order the person charged to be imprisoned for any term not exceeding six months, with or without hard labour.

Power to convict summarily.

10. If any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by one or more Magistrate or Magistrates, by proclamation under 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 for the space of one hour after such command or request made by proclamation, then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony, and every person so offending shall be adjudged a felon, and on conviction

Twelve persons or more unlawfully assembled, and not dispersing after being commanded by a Magistrate, by proclamation, to be adjudged felons.

shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

How
proclamation
to be made.

11. The order and form of any proclamation made under this Ordinance shall be as follows; that is to say, the Magistrate 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 kept while proclamation is making, and after that shall openly and with a loud voice make or cause to be made proclamation of these words or like in effect :

“ Our Sovereign Lord the King charges and commands all persons being assembled, immediately to disperse themselves, and peaceably to depart to their houses or to their lawful business, upon the pains contained in the Ordinance in such case provided.—*God save the King.*”

And all such Magistrates, 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.

Persons so
assembled,
and not
dispersing
within one
hour, to be
seized.

12. If any 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, then it shall be lawful to and for every Magistrate having jurisdiction where such assembly shall be, and to and for such other person or persons as shall be commanded to be assisting unto any such Magistrate (who is hereby authorized and empowered to command all His Majesty's subjects of age and ability to be assisting to him 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 the Magistrate of the district or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and 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 endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such Magistrate, and all and singular the persons aiding or assisting him shall be free, discharged, and indemnified, as well against the King's Majesty, as against all and every other person or persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled, as shall happen to be so killed, maimed, or hurt as aforesaid.

13. If any person shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person 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, such person shall be guilty of felony, and on conviction thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour; and every such person or persons so being unlawfully, riotously, and tumultuously assembled together 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, be guilty of felony, and on conviction thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Opposing the making such proclamation.

14. No person shall be prosecuted for any of the offences in sections 10 and 13 of this Ordinance mentioned, unless such prosecution shall be commenced within twelve months after the offence was committed.

Limitation.

15. All members of the Legislative Council of the Colony, and all Magistrates and Justices, shall respectively be Magistrates for the purposes and within the terms and meaning of sections 10, 11, and 12 of this Ordinance.

Magistrates under this Ordinance.

Arrest.

16. (1) Any person found committing any offence made punishable by sections 3, 4, 5, 6, and 7 of this Ordinance may be apprehended without warrant by any Justice, Warden, or constable.

(2) Any person apprehended under this section shall be taken as soon as conveniently may be before a Justice to be dealt with according to law.