

Associations heretofore organized may be incorporated.

8. That any association of persons heretofore organized, but not incorporated, for the general purposes and in the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes, in law and in fact, upon the directors filing a certificate of the corporate name of such association, as required by the second section of this act, and all the right, title and interest of any such association in any property, privileges or franchises shall be vested in the said body corporate and politic so created, and the directors or other officers heretofore elected or appointed shall hold their offices for the terms for which they were elected respectively, and until others are elected in their place.

Act may be altered, modified or repealed.

9. That the legislature may, at any time, alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act, and that the same shall take effect immediately.

Supplement.

P. L. 1879, p. 249.

Approved March 14, 1879.

10. SEC. 1. That section six of an act entitled "An act to incorporate rifle associations and for the promotion of marksmanship among the militia and citizens of this state," approved February seventh, one thousand eight hundred and seventy-eight, be amended so that the same shall read as follows:

Object of incorporation prescribed.

[That the sole and exclusive object of such corporations, under this act, shall be the maintenance of rifle ranges, club-houses and places of resort necessary or appropriate to the practice and improvement of their members in rifle-shooting and the skillful use of firearms, and the improvement of their members by such other means as may be appropriate to the object for which they are respectively organized; *provided*, that gambling and betting at, in or about any range, club-house or other place of resort established or maintained by any such association are hereby absolutely prohibited and forbidden, and the sale of intoxicating liquors is forbidden at such times as the range or other places of resort may be occupied by the members of the national guard for drill, instruction for practice, and any violation of this provision by any member of such association shall be taken and deemed to work a forfeiture of all rights and privileges of any member so violating or permitting the violation of this provision; *and provided further*, that any member who shall be expelled from such association on account of his or their violation of the foregoing provision, shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association.]

Proviso.

Proviso.

Riots.

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R. S. 597.

An act to prevent routs, riots and tumultuous assemblies.

P. L. 1864, p. 237.

Revision—Approved March 27, 1874.

Proclamation to be made among rioters, commanding them to disperse.

1. That from and after the publication of this act, if any persons, to the number of twelve or more, being armed with clubs, guns, swords, or other weapons, or if any number of persons, consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any justice of the peace, sheriff, under-sheriff, or constable of the county, where such assembly shall be, shall, among the rioters, or as near to them as he can

R. S. 597, § 1.

safely come, command silence, while proclamation is making, and shall, openly and with a loud voice, make, or cause to be made, proclamation in these or the like words :

State of New Jersey. By virtue of an act of this state entitled " An act to prevent routs, riots and tumultuous assemblies," I am directed to charge and command all persons, being here assembled, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains and penalties contained in the said act. God save the state.

Form of proclamation.

And all justices of the peace, sheriffs, under-sheriffs, and constables, within the limits of their respective jurisdictions, are hereby authorized, empowered and required, on notice or knowledge of any such unlawful, routous, riotous, or tumultuous assembly, to resort to the place where such unlawful, routous, riotous, or tumultuous assembly shall be, and there to make, or cause to be made, proclamation in manner aforesaid.

Justices, &c., to make proclamation.

2. That if such persons, so unlawfully, routously, riotously, and tumultuously assembled as aforesaid, shall, after proclamation made, or attempted to be made, in manner aforesaid, continue together and not disperse themselves within one hour, then it shall and may be lawful to and for every justice of the peace, sheriff, under-sheriff, or constable of the county 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, sheriff, under-sheriff, or constable (who are hereby respectively authorized and empowered to command all the citizens of this state, to be assisting to them therein), to seize and apprehend, and they are hereby required to seize and apprehend such persons, so unlawfully, routously, riotously and tumultuously continuing together, after proclamation made, or attempted to be made, as aforesaid, and forthwith to carry the persons so apprehended before one or more of the justices of the peace of the county where such persons shall be so apprehended, in order to their being proceeded against for such their offenses according to law ; and if the persons so unlawfully, routously, riotously and tumultuously assembled, or any of them, shall happen to be killed, wounded 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, then every such justice of the peace, sheriff, under-sheriff or constable, and all and singular person and persons, being aiding or assisting to them, or any of them, shall be held guiltless, and be absolutely indemnified and discharged.

Rioters to be apprehended. *Ib.*, § 2.

Persons killing rioters held guiltless.

3. 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 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 a misdemeanor, and be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed one hundred dollars, nor the imprisonment, six months.

Opposing the making such proclamation, how punished. *Ib.*, § 3.

4. That all persons, who, for the space of one hour after proclamation made, or attempted to be made, as aforesaid, shall unlawfully, routously, riotously and tumultuously continue together to the number of twelve or more, if armed, or of thirty or more, if unarmed, as aforesaid ; then such persons so offending, shall be adjudged guilty of a misdemeanor, and on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, the fine not to exceed one thousand dollars, nor the imprisonment three years.

Punishment for unlawfully continuing together an hour after proclamation made. *Ib.*, § 4.

5. That whenever any buildings or other real or personal property shall be destroyed or injured, in consequence of any mob or riot, the city in which the same shall occur, or if not in a city, then the county in which such property was situated, shall be liable to an action, by or in behalf of

Compensation for damage by riot, &c. P. L. 1864, p. 237, § 1.

the party whose property was thus destroyed or injured, for the damages sustained by reason thereof. (a)

How collected.
Ib., § 2.

6. That such action or actions may be brought and conducted in the same manner that other actions may be prosecuted by law, and the judgment may be reviewed in the manner now provided for in civil actions; and whenever any final judgment shall be recovered against any such city or county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

When no recovery.
Ib., § 3.

7. That no person or corporation shall be entitled to recover in any such action if it shall appear upon the trial thereof that such destruction or injury of property was occasioned, or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city, or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge; and upon the receipt of such notice it shall be the duty of such officer to take all legal means to protect the property attacked or threatened.

Duty of officer.

Actions against rioters also.
Ib., § 4.

8. That nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed by any mob or riot from having or maintaining an action against each and every person engaged or in any manner participating in such riot or mob.

Limitation of actions.
Ib., § 5.

9. That no action shall be maintained against any city or county, under the provisions of this act, unless the same shall be brought within three months after the loss or injury; *provided*, if the parties bringing suit be in ward, as of unsound mind, or minors, or under coverture, this limitation shall not apply. (b)

City or county may agree with claimant.
Ib., § 6.

10. That it shall be lawful for any city, by its common council, and for any county, by its board of chosen freeholders, whenever such city or county shall be liable to an action under the provisions of this act, to agree in writing, with the owner of the property destroyed or injured, upon the sum to be paid by such city or county, without action; and the sum agreed upon shall be paid as claims of a general nature against such city or county.

City or county may recover from rioters.
Ib., § 7.

11. That any city or county which shall pay any sum under the provisions of this act, whether paid upon judgment or settlement, may recover the full value of the property destroyed or injured, in an action against any or all of the persons in any manner engaged in such destruction or injury; and in such action the judgment recovered against, or the settlement made by such city or county, may be offered and shall be received as prima facie evidence of the value of the property destroyed or injured.

(a) This section is within the title of the act and is constitutional. *Clark Thread Co. v. Freeholders of Hudson*, 25 Vr. 265.
(b) A married woman is not barred from her action for an

injury to her property, caused by a riot, by the lapse of three months after the injury and before suit, she being within the saving clause of this section. *Carey v. Paterson*, 18 Vr. 365.

Riparian Rights.

1. Commissioners appointed. Powers, duties.
2. Until report of commissioners made, no further grant, &c., to be made.
3. Oath of office.
4. Vacancies.
5. May appoint surveyors, agents, &c.
6. Repealed.
7. Meetings, notice of.
8. Exterior bulkheads and pier lines determined.
9. Unlawful to fill in beyond these lines.
10. Amended by section 43.
11. Leases and conveyances for land under water.
12. No grant in force until compensation or rentals secured.
13. Commissioners to be appointed to complete certain work.
14. Powers and duties of commissioners.
15. Proceedings to obtain grant of lands under water.
16. Compensation of commissioners.
17. Proceeds of sales, how applied.
18. Commissioners' oath.
19. May commence proceedings for trespass.
20. When grant made to person other than riparian owner, his rights, how extinguished.
21. Riparian owner may apply for lease or conveyance.
22. To what waters supplement not to apply.
23. Pier lines may be changed.
24. Encroachments prohibited.
25. Commissioners may make lease or sale.
26. Commissioners to fix purchase-money or rentals to be paid by any applicant.
27. Repealer.