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Primary Source: An Act for Preventing Tumultuous and Riotous Assemblies [1]

From the mid-1760s to 1771, the friction between the royal colonial government and the Regulators continued. Following the riots and violence in Hillsborough in September 1770, Herman Husband and William Butler were arrested and jailed in Hillsborough. Although released, Husband was later jailed in New Bern for threatening the Assembly and for inciting rebellion. He was released, but Governor Tryon and the Assembly were worried about more violence and rebellion and a possible attack on New Bern, the Governor's home. In order to give the royal government additional power to squelch rebellion and punish the Regulators, the Assembly passed the Riot Bill on January 10, 1771. The bill was introduced by Assembly representative Samuel Johnston in December 1770.

The bill empowered the governor and colonial officials to use military force to put down rebellion. It also allowed rioters to be summoned to any court and to be considered outlaws if they failed to appear. The bill became known as the "Johnston Act" or "Johnston's Riot Act."

Somewhat ironically, Samuel Johnston later became a member of the Revolutioary Provincial Congress, a Revolutionary War leader for the Patriot cause, governor of North Carolina and a representative to the U.S. Senate.

Read the text of the Riot Bill below. The text includes annotations with definition and additional historical information.

An Act for preventing Tumultuous [2] and riotous Assemblies, and for the more speedy and effectually punishing the Rioters, and for restoring and preserving the public peace of this Province.

Whereas of late many seditious [3] Riots and tumults [4] have been in divers Parts of this Province to the disturbance of the Public Peace, the Obstruction of the Course of Justice, and tending to subvert [5] the Constitution, and the same are yet continued and fomented [6] by Persons disaffected [7] to his Majesty's Government. And whereas it hath been doubted by some how far the Laws now in Force are sufficient [8] to inflict Punishment adequate to suchheinous [9] Offences.

1. Any group of more than 10 persons gathered "unlawfully, tumultuously, and riotously," if refusing to disperse within one hour after being told to do so by a sheriff, will be guilty of a felony and punishable by death.

Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any Persons to the Number of ten or more, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the Public Peace, at any time after the first Day of February next, and being openly required or commanded by any one or more Justices of the Peace or Sheriffs to disperse themselves, and peaceably to depart to their Habitations [10], shall to the number of ten or more, notwithstanding [11] such Command or request made remain or continue together by the space of one Hour after such Command or request, that then continuing together, to the number of ten or more, shall be adjudged Felony and the Offenders therein and each of them, shall be adjudged Felons and shall suffer Death as in Case of Felony and shall be utterly excluded from his or their Clergy, if found guilty by a verdict of a Jury or shall confess the same, upon his or their Arraignment [12] , or will not answer directly to the same, according to the Laws of this Province, or shall stand mute or shall be outlawed...

2. If the sheriff must arrest such persons, he and any citizens assisting him may injure or even kill them if necessary.

And be it further enacted by the authority aforesaid, that if such Persons so unlawfully, riotously and tumultuously assembled, or ten or more of them, after such Request or Command 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 or Sheriff of the County where such Assembly shall be, and also to and for such Person and Persons as shall be commanded to be aiding and assisting to any such Justice of the Peace or Sheriff, who are hereby authorized, impowered and required to command all His Majesty's Subjects of this Province of Age and Ability to be assisting to them therein, to seize and apprehend such Persons so unlawfully, riotously and tumultuously continuing together, after such Request or Command 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 where such Persons shall be so apprehended [13] in Order to their being proceeded against for such their Offences according to Law. And that if the Persons so unlawfully, riotously and tumultuously assembled or any of them shall happen to be killed, maimed [14] or hurt in the dispersing, seizing or apprehending, or endeavouring [15] to disperse, seize or apprehend them, by Reason of their Resistance, that then every such Justice of the Peace, Sheriff, under Sheriff and all other Persons being aiding or assisting to them or any of them shall be free discharged and indemnified [16], as well against the King, his Heirs and Successors as against all and every other Person and Persons of for and concerning the killing, maiming or hurting of any such Person or Persons so unlawfully, riotously and tumultuously assembled.

3. Any group of ten or more persons who interfere with court procedings, prevent the collection of taxes, or illegally destroy any public or private building will be guilty of a felony and punishable by death.

And be it further enacted by the Authority aforesaid that if any Persons to the Number of Ten or more, unlawfully, riotously and tumultuously assembled together to the disturbance of the public Peace, shall unlawfully and with Force at any time after the first Day of March next, during the sitting of any of the Courts of Judicature within the Province, with an intention to obstruct or disturb the proceedings of such Court, assault, beat or wound or openly threaten to assault, beat or wound any of the Judges, Justices or other Officers of such Court, during the continuance of the term or shall assault, beat or wound or openly threaten to assault, beat or wound, shall unlawfully and with Force hinder or obstruct any Sheriff, Under Sheriff, Coroner or Collector of the public Taxes in the discharge or execution of his or their Office or shall unlawfully and with Force demolish, pull down or destroy or begin to demolish, pull down or destroy any Church or Chapel or any Building for religious Worship or any Court House or Prison or any Dwelling House, Barn, Stable or other Outhouse that then every such Offence shall be adjudged Felony, And the Offenders therein their Leaders Abettor [17] and Advisors shall be adjudged felons and shall suffer death as in due case of felony and be utterly excluded from his or their Clergy, if found guilty by verdict of a Jury or shall confess the same upon his or their arraignment or will not answer directly to the same according to the Laws of this Province or shall stand mute or shall be outlawed.

4. The law is made retroactive to March 1 of the previous year. Persons violating this law may be tried anywhere in the colony.

And whereas it hath been found by experience that there is great Difficulty in bringing to justice Persons who have been or may be guilty of any of the Offences before mentioned: For Remedy thereof, Be it enacted by the Authority aforesaid that it shall and may be lawful to and for the Attorney General of this Province for the time being or his deputies to commence Prosecutions against any Person or Persons who have at any time since the first Day of March last or shall at any time hereafter commit or perpetrate any of the Crimes or Offences hereinbefore mentioned in any Superior Court within this Province or in any Court of Oyer and Terminer by the Governor or Commander in Chief for the time being, specially instituted and appointed and the Judges or Justices of such Court are hereby authorized, impowered and required to take Cognizance [18] of all such Crimes and Offences, and proceed to give Judgment and award Execution thereon, although in a different County or District from that wherein the Crime was committed and that all Proceedings thereupon shall be deemed equally valid and sufficient in Law as if the same had been prosecuted in the County or District wherein the offence was committed, any Law, Usage or Custom to the Contrary notwithstanding....

5. Names of persons charged with crimes under this law will be posted in court houses and churches. If a person charged then refuses to surrender within sixty days, he will be considered guilty, and any person may kill him without consequences.

And to the end that the Justice of the Province be not eluded by the resistance or escape of such enormous Offenders, Be it further enacted by the Authority aforesaid, that from and after the passing of this Act, if any Bill or Bills of an indictment be found or presentment or presentments made against any Person or Persons for any of the Crimes or Offences hereinbefore mentioned it shall and may be Lawful for the Judges or Justices of the superior Court or Court of Oyer and Terminer, wherein such indictment [19] shall be found or presentment made and they are hereby impowered and required to issue their proclamation [20] to be affixed or put up at the Court House and each Church or Chappel of the county where the crime was committed, commanding the Person or Persons against whom such Bill of Indictment is found or Presentment made to surrender himself or themselves to the Sheriff of the county wherein such Court is held within sixty Days. And in case such Person or Persons do not surrender himself or themselves accordingly, he or they shall be deemed guilty of the offence charged in the Indictment found or Presentment made in like manner as if he or they had been arraigned and convicted thereof by due course of Law, And it shall and may be lawful to and for any Person or Persons to kill and destroy such Offender or Offenders and such Person or Persons killing such Offender or Offenders shall be free discharged and indemnified, as well against the King, his Heirs and successors, as against all and every Person and Persons for and concerning the killing and destroying such Offender or Offenders and the Lands and chattles [21] of such Offender or Offenders shall be forfeited to His Majesty, his Heirs and successors, to be sold by the Sheriff, for the best Price that may be had, at public Vendue [22], after notice by Advertisement ten Days, and the Monies arising from such sale to be paid to the Treasurer of the District wherein the same shall be sold and applied towards defraying [23] the contingent charges of Government.

6. The Governor may use the militia to enforce this law.

And whereas by the great Riots andInsurrections [24] at the last superior Court held for the district of Hillsborough it may be justly apprehended that some endeavours [25] will be made to protect those who have been guilty of such Riots and Insurrections as well as those who may hereafter be guilty of the crimes and Offences hereinbefore mentioned: For prevention thereof and restoring Peace & Stability to the regular Government of this Province, Be it enacted by the Authority aforesaid, that the Governor or Commander in Chief for the time being is hereby fully authorized and impowered to order and command that necessary Draughts be made from the different Regiments of Militia in this Province to be under the command of such Officer or Officers as he may think proper to appoint for that purpose at the Public Expence to be by him employed in Aid and Assistance of the Execution of this Law, as well as to protect the Sheriffs and collectors of the public Revenue [26] in Discharge of their several Duties, which draught or Detachments of Officers and Soldiers when made shall be found, provided for, and paid, in the same manner and at the same Rates and subject to the same Rules and Discipline as directed in case of an Insurrection in and by an Act of Assembly made in the year of our Lord One thousand seven hundred and sixty eight, intitled An Act for establishing a Militia in this Province....

7. Any armed men who resist the military force of the Governor will be considered traitors.

And be it further Enacted by the Authority aforesaid, that if any number of Men shall be found embodied and in an armed

and hostile [27] manner, to withstand or oppose any military Forces, raised in Virtue of this Act, and shall when openly and publickly required commanded by any Justice of the Peace or Sheriff of the County where the same shall happen, to lay down their Arms and surrender themselves, that then and in such Case the said Persons so unlawfully assembled and withstanding, opposing and resisting shall be considered as Traitors and may be treated accordingly....

And be it enacted, by the Authority aforesaid that this Act shall continue and be in Force for one year and no longer.

Read three times in open Assembly &Ratified [28] the 15th Day of January 1771.

WILLIAM TRYON
James Hasell, President
Richard Caswell, Speaker.

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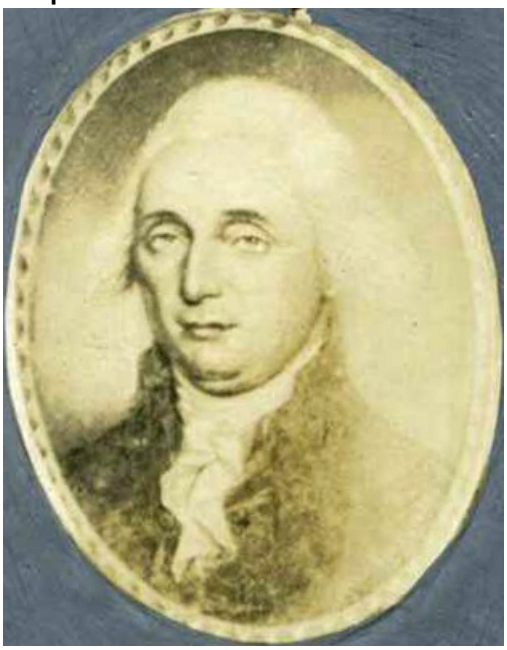
[42]
Portrait of Samuel Johnston

- Samuel Johnston [42]
- Herman Husband [43]
- William Butler [44]

Related Topics:

Johnston Riot Act [45]

The Regulator Movement for K-8 Students [46]

Primary Sources:

Regulator Movement Digital Collection, State Archives of North Carolina[47]

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