

ARTICLE 82.

RIOTS.

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| <p>1. Owner of property destroyed by rioters to be compensated by city or county.</p> | <p>2. Conditions of their liabilities; limitations.</p> <p>3. When indemnity shall not be recovered.</p> <p>4. Pleadings.</p> |
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An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1835, ch. 137, sec. 1.

1. If in any county or incorporated town or city of this State, any church, chapel or convent, any dwelling-house, any house used or designed by any person or any body corporate as a place for the transaction of business or deposit of property, any ship, ship yard or lumber yard, any barn, stable or other outhouse, or any articles of personal property shall be injured or destroyed, or if any property therein shall be taken away, injured or destroyed by any riotous or tumultuous assemblage of people, the full amount of the damage so done shall be recoverable by the sufferer or sufferers by suit at law against the county, town or city within whose jurisdiction such riot or tumult occurred.

As a conservator of the peace, the mayor has authority to call on citizens to aid in prevention and suppression of riots, and it is legal duty of latter to respond. The general rule that a municipal corporation is not liable for misfeasance or non-feasance of its officers in respect to a duty specifically imposed by statute on officer is not applicable to a suit under this section. Admissibility of evidence. Prayers. *Quaere*, whether there can be liability under this section where town's charter does not create a police force, nor confer any power to call on citizens to suppress riot. *Hagerstown v. Dechert*, 32 Md. 381.

Liability under this section is predicated on a tumultuous assembly too strong to be resisted without aid of city authorities. What is necessary to be proved to recover under this section? Damages. *Baltimore v. Poultney*, 25 Md. 125.

This article is constitutional and valid. *Hagerstown v. Sehner*, 37 Md. 189.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1835, ch. 137, sec. 1. 1867, ch. 282.

2. No such liability shall be incurred by any county, incorporated town or city, unless the authorities thereof shall have had good reason to believe that such riot or tumultuous assemblage was about to take place, or having taken place, shall have had notice of the same in time to prevent said injury or destruction, either by its own police or with the aid of the citizens of such county, town or city, it being the intention of this article that no such liability shall devolve on such county, town or city, unless the authorities having notice have also the ability of themselves, or with their own citizens, to prevent said injury; and all causes of action under section 1 shall be prosecuted within the period of three years from the time of accrual of the same.

The act of 1867, ch. 282 (dealing with limitations), is constitutional and valid. *Hagerstown v. Sehner*, 37 Md. 189.
See notes to sec. 1.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1835, ch. 137, sec. 1.

3. In no case shall indemnity be recovered when it shall be satisfactorily proved that the civil authorities and citizens of said county, town or