

35. WHILE COMMITTING OFFENCE.—Every peace officer is justified in arresting without warrant any person whom he finds committing any offence. 55-56 V., c. 29, s. 27.

"Peace officer" defined section 2, sub-section 26. As to arrest without warrant, see section 648, which applies only to offences against this Act. An officer is bound to arrest in many cases, but the Code has no reference to it.

36. BY NIGHT.—Every one is justified in arresting without warrant any person whom he finds by night committing any offence.

2. LOITERING BY NIGHT.—Every peace officer is justified in arresting without warrant any person whom he finds lying or loitering in any highway, yard or other place by night, and whom he has good cause to suspect of having committed or being about to commit any offence for which an offender may be arrested without warrant. 55-56 V., c. 29, s. 28.

37. ARREST DURING FLIGHT.—Every one is protected from criminal responsibility for arresting without warrant any person whom he, on reasonable and probable grounds, believes to have committed an offence and to be escaping from and to be freshly pursued by those whom he, on reasonable and probable grounds, believes to have lawful authority to arrest that person for such offence. 55-56 V., c. 29, s. 29.

See sections 649 and 652. Night defined section 2, sub-section 23. Peace officer defined section, 2 sub-section 26.

38. STATUTORY POWER OF ARREST.—Nothing in this Act shall take away or diminish any authority given by any Act in force for the time being to arrest, detain or put any restraint on any person. 55-56 V., c. 29, s. 30.

39. FORCE IN EXECUTING WARRANT, PROCESS OR SENTENCE.—Every one executing any sentence, warrant or process, or in making any arrest, and every one lawfully assisting him, is justified, or protected from criminal responsibility, as the case may be, in using such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, process or warrant can be executed or the arrest effected by reasonable means in a less violent manner. 55-56 V., c. 29, s. 31.