

*Unlawful Assemblies and Riots.*

**87. DEFINITION OF UNLAWFUL ASSEMBLY.**—An unlawful assembly of three or more persons who, with intent to carry out any common purpose, assemble in such manner or so conduct themselves when assembled as to cause persons in the neighbourhood of such assembly to fear, on reasonable grounds, that the persons so assembled will disturb the peace tumultuously, or will by such assembly needlessly and without any reasonable occasion provoke other persons to disturb the peace tumultuously.

**2. INTENTION NOT NECESSARY.**—Persons lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.

**3. EXCEPTION.**—An assembly of three or more persons for the purpose of protecting the house of any one of their number against persons threatening to break and enter such house in order to commit any indictable offence therein is not unlawful. 55-56 V., c. 29, s. 79.

See *R. v. Vincent*, 9 C. & P. 91; *O'Kelly v. Harvey*, 15 Cox. C. C. 435; *Beatty v. Gillbanks*, 15 Cox. C. C. 138; *Warb. Lead. Cas.*, 49; *Back v. Holmes*, 16 Cox C. C. 263; *R. v. Clarkson*, 17 Cox C. C. 483; *R. v. Cunningham*, 16 Cox C. C. 420; *R. v. Orton*, 14 Cox C. C. 226; *R. v. McNaughten*, 14 Cox C. C. 576; *R. v. Mailloux*, 3 Pugs. (N.B.), 493.

**88. DEFINITION OF RIOT.**—A riot is an unlawful assembly which has begun to disturb the peace tumultuously. 55-56 V., c. 29, s. 80.

See *R. v. Kelly*, 6 U. C. C. P. 372, and cases under preceding section.

**89. PUNISHMENT OF UNLAWFUL ASSEMBLY.**—Every member of an unlawful assembly is guilty of an indictable offence and liable to one year's imprisonment. 55-56 V., c. 29, s. 81.

Fine and sureties, section 1058. See *post*, under section 91, and *ante*, under section 87. The punishment was two years under the repealed section.