

a person suspected of having committed such offence is justified in assisting, if he knows that the person calling on him for assistance is a peace officer, and does not know that there is no reasonable ground for the suspicion. 55-56 V., c. 29, s. 23.

See *McGuinness v. Dafoe* (1896), 27 O. R. 117, 23 A. R. 704, 3 Can. C. C. 139, under section 30, as to assisting a peace officer and the codification of the common law. See also *Allen v. Wright* (1838), 3 C. & P. 522; *Lectre v. Harte* (1806), L. R. 3 C. P. 322, as to what are reasonable grounds for suspicion.

32. ARREST OF PERSONS FOUND COMMITTING AN OFFENCE BY NIGHT.—Every one is justified in arresting without warrant any person whom he finds committing any offence for which the offender may be arrested without warrant, or may be arrested when found committing. 55-56 V., c. 29, s. 24.

See note as to word "justified" under section 24.

It is not clear that it was necessary to enact in these sections that a person who, being by law duly authorized to do so, arrests any one without warrant, is justified in so doing.

The words "finds committing" in this and similar enactments are to be construed strictly. *R. v. Phelps*, Car. & M. 180. See remarks under section 646, *post*, as to arrests.

33. ARREST AFTER COMMISSION OF CERTAIN OFFENCES.—If any offence for which the offender may be arrested without warrant has been committed, any one who, on reasonable and probable grounds, believes that any person is guilty of that offence is justified in arresting him without warrant, whether such person is guilty or not. 55-56 V., c. 29, s. 25.

See section 649, also *Jordan v. McDonald* (1898), 31 N. S. R. 129.

34. ARREST DURING NIGHT.—Every one is protected from criminal responsibility for arresting without warrant any person whom he, on reasonable and probable grounds, believes he finds committing by night any offence for which the offender may be arrested without warrant. 55-56 V., c. 29, s. 26.

"Found committing" means: 1, either actually discovering the person committing the offence; or, 2, immediately and continuously pursuing him from the time he is seen committing the offence (even if seen by a person other than the one pursuing) until he is captured. *R. v. Curran* (1828), 3 C. & P. 397; *Hannay v. Boutbee* (1830), 1 M. & R. 15.

If an offender is seen committing an offence by one person, he may be arrested by another, although he did not actually see the commission of the offence, but was immediately informed thereof by a witness and thereupon immediately pursued the offender. *R. v. Hotwarth* (1828), Moody's C. C. R. 207.