

Section 646 enumerates the cases in which "any person may arrest without warrant any one who is found committing any of the offences" therein mentioned. These are very numerous and include not only crimes of violence and injury to the person, but all the more serious crimes.

By section 647, "a peace officer may arrest without warrant, any one who has committed any of the offences mentioned in the last preceding section" and also those mentioned in other sections enumerated in section 647.

By section 648, "a peace officer may arrest, without warrant, anyone whom he finds committing any criminal offence. 2. Any person may arrest, without warrant, anyone whom he finds committing any criminal offence at night."

By section 649, "Anyone may arrest, without warrant, a person whom he, on reasonable and probable grounds, believes to have committed a criminal offence and to be escaping from, and to be freshly pursued by, those whom the person arresting, on reasonable and probable grounds, believes to have lawful authority to arrest such person."

(See further on this subject sections 650-652.)

Section 43 deals with preventing escape in cases other than those referred to in sections 41 and 42, and says: "Everyone proceeding lawfully to arrest any person for any cause other than an offence in the last section mentioned is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by flight, unless such escape can be prevented by reasonable means in a less violent manner, if such force is neither intended nor likely to cause death or grievous bodily harm."

In cases coming under this section not even a peace officer would be justified in shooting at a person flying from arrest. It must be remembered in dealing with these sections that "every one authorized by law to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess" (section 66).