

using such force as he, on reasonable and probable grounds, believes to be necessary for carrying into effect such orders.

2. QUESTION OF LAW.—It shall be a question of law whether any particular order is manifestly unlawful or not. 55-56 V., c. 29, s. 41.

Military law defined, section 2, sub-section 20.

Riot defined, section 94.

See the language of Tindal C.J., in *R. v. Pinney*, 5 C. & P. 254, and *R. v. Rose*, 15 Cox C. C. 540.

50. SUPPRESSION OF RIOT BY PERSONS APPREHENDING SERIOUS MISCHIEF.—Every one, whether subject to military law or not, who in good faith and on reasonable and probable grounds believes that serious mischief will arise from a riot before there is time to procure the intervention of any of the authorities aforesaid, is justified in using such force as he, in good faith and on reasonable and probable grounds, believes to be necessary for the suppression of such riot, and as is not disproportioned to the danger which he, on reasonable grounds, believes to be apprehended from the continuance of the riot. 55-56 V., c. 29, s. 42.

51. PROTECTION OF PERSONS SUBJECT TO MILITARY LAW.—Every one who is bound by military law to obey the lawful command of his superior officer is justified in obeying any command given him by his superior officer for the suppression of a riot, unless such order is manifestly unlawful.

2. QUESTION OF LAW.—It shall be a question of law whether any particular order is manifestly unlawful or not. 55-56 V., c. 29, s. 43.

See sections 91, 92, 93 in regard to reading the Riot Act and what is to be done in case the proclamation has no effect.

52. USE OF FORCE.—Every one is justified in using such force as may be reasonably necessary in order,—

- (a) TO PREVENT COMMISSION OF OFFENCE—to prevent the commission of any offence for which, if committed, the offender might be arrested without warrant, and the commission of which would be likely to cause immediate and serious injury to the person or property of any one; or,
- (b) ACT AMOUNTING TO OFFENCE—to prevent any act being done which he, on reasonable grounds, believes