

will entitle them to compensation under the Riot (Damages) Act, 1886.

The term 'riot' includes two distinct offences. To constitute a riot at Common Law, which was the offence proved in the case referred to, there are five necessary elements:—

(1) A number of persons, three at least; (2) common purpose; (3) execution or conception of the common purpose; (4) an intent to help one another by force if necessary against any person who may oppose them in the execution of their common purpose; (5) force or violence not merely used in demolishing, but displayed in such a manner as to alarm at least one person of reasonable firmness and courage. (See *Field v. Receiver of Metropolitan Police*, 23 The Times L.R. 736; [1907] 2 K.B., 85°.)

If any one of these five elements is absent it is not a riot. If they are present it is a riot, whether the common purpose in itself be lawful or unlawful, unless the case is one where the law authorizes the use of force, as, for example, if a number of persons collect for the purpose of suppressing a riot actually in progress. It may further be observed that the common purpose must be of a private character, such as forcing a particular employer to give better conditions to his workpeople, or the removal of obstructions to an alleged right of way. If the common purpose be of a public character, such as to compel the Government to change its policy, or to destroy all rights of private property, the offence is not riot, by high treason by 'levying war.'

It is one the question of violence causing alarm that claims for damages for riot are apt to break down: for on occasions of public rejoicing a crowd may become noisy and even destructive and yet remain perfectly good tempered, so that no reasonable person would be alarmed at their demonstrations.

Riot at Common Law is a misdemeanour, punishable by fine and/or imprisonment. Under section 1 of the Riot Act, 1714, riot in certain circumstances is made a felony; this felonious rioting was originally a capital offence, but is now punishable by penal servitude for life or any less term. To constitute the offence there must be at least twelve persons 'riotously and