

session of any house or land to the possession of which he, or some person under whose authority he acts, is lawfully entitled.

2. ASSAULT IN CASE OF LAWFUL ENTRY.—If any person, not having or acting under the authority of one having peaceable possession of any such house or land with a claim of right, assaults any one peaceably entering as aforesaid, for the purpose of making him desist from such entry, such assault shall be deemed to be without justification or provocation.

3. TRESPASSER PROVOKING.—If any person having peaceable possession of such house or land with a claim of right, or any person acting by his authority, assaults any one entering as aforesaid, for the purpose of making him desist from such entry, such assault shall be deemed to be provoked by the person entering. 55-56 V., c. 29, s. 54.

63. CORRECTION OF CHILD BY FORCE.—It is lawful for every parent, or person in the place of a parent, schoolmaster or master, to use force by way of correction towards any child, pupil or apprentice under his care, provided that such force is reasonable under the circumstances. 55-56 V., c. 29, s. 55.

A school teacher is to be regarded as having parental authority to chastise a pupil: *R. v. Robinson*, 7 Can. C. C. 52.

A teacher in one of the public schools was charged before a magistrate with assaulting, beating, and ill-using J. O., one of the pupils under his care, and was acquitted on the ground that there was no evidence of malice on his part or of permanent injury to the child. Held, that the only question properly before the magistrate was whether the punishment was reasonable in the circumstances, or, in other words, whether there was excess. Held, that there is no warrant in the Code for the test applied in the American case of *State v. Pendergrass*, 31 Am. Dec. 365, and adopted by the magistrate, that it is necessary for the prosecutor to prove either that the person inflicting the punishment was actuated by malice or that his act resulted in permanent injury to the child: *R. v. Gaul*, 24 Occ. N. 135, 36 N. S. R. 504, 8 Can. C. C. 178.

See *R. v. Couner* (1836), 7 C. & P. 438; *R. v. Cheeseman* (1836) 7 C. & P. 455; *R. v. Hopley* (1860), 2 F. & F. 202.

64. MASTER OF SHIP.—It is lawful for the master or officer in command of a ship on a voyage to use force for the purpose of maintaining good order and discipline on board of his ship, provided that he believes, on reasonable grounds, that such force is necessary, and provided also that the force used is reasonable in degree. 55-56 V., c. 29, s. 56.