not think the offence should be broadened unless there are very good reasons therefor. I would urge the minister to give us the reason for which the amendment is sought. Is it urgent? Is it considered advisable to have this enlargement at the present time?

Mr. ILSLEY: I think the draftsmanship of the section is all right. I am not impressed with the observations of the hon. member for Lake Centre on that score. The question is whether the content is defensible or not. The reason for the section is the unsatisfactory state of the existing law. The wording of the present section requires a change mainly on account of the interpretation given to the words "public place".

In Rex v. Benson, 50 Canadian Criminal Cases, page 426, to which my hon. friend referred, restaurants, railway stations, public libraries and shops were declared not to be public places.

In Rex v. Carney, 12 Canadian Criminal Cases, page 349, licensed saloons and billiard halls were considered public places.

In *ex parte* Ashley, 8 Canadian Criminal Cases, page 325, a theatre was considered to be a public place.

There is therefore considerable confusion as to what is or is not a public place, and it was considered that it would be an offence for any person to make a disturbance in any place except a dwelling house. Causing a disturbance has been defined as raising a clamour or commotion, or quarreling or fighting, and applies to the comfort and convenience of the inhabitants and not necessarily to a breach of the peace. This was decided in Rex v. Martin, 12 Ontario Reports, page 800.

This offence is being moved from the vagrancy section, 238, to the nuisance sections, because it would appear to be at present wrongly placed. A person who engages in a fight on the street, or who obstructs traffic, is not necessarily a loose, idle, disorderly person or vagrant. In Rex v. Law, 42 Canadian Criminal Cases, MacDonald, P.M., dismissed such a case and said that it shocked his sense of justice to hold that a respectable citizen should be dubbed a vagrant simply because he blocked the sidewalk through causing a disturbance. He said he felt it could not have been the intention of the parliament of Canada to brand a man as a vagrant unless there was something else to show that he was a loose, idle or disorderly person.

Therefore the reason underlying the amendment was that causing a disturbance is not a badge of vagrancy. It is a nuisance, and the offence should be moved out of the vagrancy section into the nuisance sections. It was thought that when it was placed in the nuisance sections something should be done to define with more consistency the place within which a disturbance created by persons would be a nuisance.

Mr. DIEFENBAKER: Could you not define "public place" as including a place where the public have or have not an inherent right to enter? I think that would cover it. I would point out once more to the minister that to create a disturbance, as he has indicated, has been defined as raising a clamour or a commotion, and I again point out the incongruity of the fact that, as it is at present worded, it would apply to the raising of a clamour in this house or in any other public place. I know the reason for the amendment. My hon. friend mentioned Rex v. Benson, 50 Canadian Criminal Cases. I happened to be counsel for the appellant in that case, where it was decided that a restaurant was not a public place and I realize that, since that case was decided, wrongs have been committed which have gone unpunished. For that reason there must be some change in the law.

I think it is a good move to transfer this offence from section 238 and put it under the head of nuisance, because in the past any person who was noisy and was convicted under section 238 was forever thereafter designated as a vagrant.

Mr. ILSLEY: I will see what can be done in the way of drafting between now and eight o'clock.

Mr. ADAMSON: I certainly think the words "or singing" should be taken out. Every time there is a division in this house we might be charged under that.

Mr. ILSLEY: Yes, but it does not cause a disturbance.

Mr. ADAMSON: It says "swearing or singing".

Mr. ILSLEY: Yes, but in addition to that it must cause a disturbance, and what my hon. friend mentions in illustration does not cause a disturbance within the meaning of the act.

The CHAIRMAN: Is it the intention of the committee to proceed with the consideration of this bill after private bills?

Mr. ILSLEY: Yes.

Progress reported.

At six o'clock the house took recess.