

of parliament from now on from being liable for any offence under the section as originally drawn.

Mr. McMASTER: This bill is to protect the public, and it does seem a little easier to get the minister to lighten the burden on the public than to make it stronger. You cannot possibly cover every place by specifying them all. I can think of a noise being made in an automobile. I do not see why a man should make a big noise in his own house. This government will keep a good man out of his own house and will not let a bad man be turned out of somebody else's house.

Mr. HARTT: Why not read the clause first and speak afterwards?

Mr. McMASTER: I still think the amendment weakens the clause. A man should not be allowed to create a disturbance in his own house. In Toronto if you telephone the police and say that there is an awful noise next door, unless you can prove that there is somebody almost being murdered the police will say, "That is going on in his own house". The public have a right to be protected against a disturbance.

Amendment agreed to.

Section as amended agreed to.

Sections 11 and 12 agreed to.

On section 13—"Dwelling-house".

Mr. FRASER: Will this clause not have to be changed?

Mr. ILSLEY: No.

Mr. DIEFENBAKER: I wish to make a suggestion in regard to section 13. I do not know whether the draftsman in drafting this section had before him a case that took place in Saskatchewan in reference to having liquor in a dwelling-house. There the definition was very much the same as here, and it was held that a room in a hotel did not constitute a dwelling-house. I would suggest that the amendment does not exactly cover what the minister had in mind. What harm would there be in adding, in order to ensure certainty, words somewhat to this effect: "without restricting the generality of the foregoing shall be deemed to include a room or rooms in a hotel or house." Once you define it as it now is, I am little afraid that some judge might hold that it does not cover what the minister has in mind, namely, hotel rooms. I make that suggestion because I know of a case under the liquor act—I sent out for it but did not get the right volume—in which the person was

charged with having liquor in a hotel room. The question of the definition of "dwelling-house" came up, and the appellant won his appeal because the definition of "dwelling-house" was not sufficiently explicit.

Mr. ILSLEY: It certainly was intended to cover a hotel room which was occupied as a permanent or temporary residence. I was a little concerned about getting too far away from what I assumed was the common law. This is a change of definition of part VII of the criminal code. That is the part that deals with offences against rights of property and rights arising out of contracts and offences connected with trade. This has the effect of making theft in a hotel bedroom a much more serious offence than it has been heretofore, because if we have properly drafted the section it will hereafter be the same as theft in a dwelling-house. That is, the offence carries twice the punishment or something like that. I do not think there would be any objection to making it explicit if it is necessary. I doubt whether it is necessary. It has been drafted at the request of one of the provinces where there is considerable trouble with this kind of theft.

Mr. DIEFENBAKER: Was it drafted in that form by the province which submitted it?

Mr. ILSLEY: I cannot say exactly. They did not refer explicitly to hotel bedrooms; they used general language. The deputy thinks it is just as it came to us.

Section agreed to.

Sections 14 and 15 agreed to.

On section 16—Tampering and interfering with fire extinguishers or equipment.

Mr. FRASER: This section reads:

Everyone is guilty of an indictable offence and liable to one year's imprisonment, or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine, who wilfully damages or interferes with any fire protection or fire safety equipment or device so as to render it inoperative or ineffective.

There should be a period after the word "device", because if a person interferes with any fire equipment he certainly ought to get the full penalty. There should be no half-way measure.

Mr. ILSLEY: If they knock some enamel off or something like that?

Mr. FRASER: They would not do that wilfully.

Mr. ILSLEY: Yes, they would.