The case appears to me to be a very plain one for the application to secs. 773-4 of the rule of ejusdem generis, or its congener—the rule as to the construction of associated words, noscitur a sociis—and to call for the limitation of the term "disorderly house" to one of the class or character of those specifically mentioned in the words which immediately follow it, viz., house of ill fame or bawdy houses. Where the legislature meant that the compendious expression "disorderly house" should have the general and distributive meaning attributed to it in sec. 228, it has shewn that it knew how to say so by using the term without qualification or limitation, which adds force to the argument that where the general phrase is followed by or associated with the enumeration of specific words, as in secs. 238 and 773, 774, the ordinary rule of construction was intended to apply, and that the former was to take its colour and meaning from the latter and to be read in a qualified or limited sense as confined to the classes specified, in the present instance houses of ill fame or bawdy houses. It shews, as Lindley, M.R., said in In re Stockport Schools, [1898] 2 Ch. 687, the type the legislature was referring to.

Section 238 (k) is the only clause, so far as I am aware, which penalizes the habitual frequenter of a disorderly house, house of ill fame, or bawdy house, and sec. 774 (2) saves the absolute summary jurisdiction given to any justice or justices by any other part of the Act, which is probably that given by sec. 238, though under that section the prosecution would in form be for the offence of vagrancy, and the offender liable to a milder punishment. In either case it appears to me that the disorderly house meant is that specifically mentioned, and that the absolute summary jurisdiction of the magistrate is limited to that case.

The precise point now before us came before the Court of Queen's Bench (Quebec), appeal side, in The Queen v. France, 1 Can. Crim. Cas. 32, where it was decided, Bossé, J., dissenting, that the expression was thus limited, and that the magistrate had no jurisdiction to try summarily the offence of keeping a common gaming house. The reasoning of Wurtele, J., who delivered the judgment of the Court, based upon the authorities and the history of the legislation on the subject, seems to me entirely satisfactory. I cannot follow the Chambers decisions in British Columbia and the Yukon.