

warrant under the section should not be granted by any commissioned officer of police. The delay involved in finding a Justice of the Peace during very late hours of the night and the very early hours of the morning may well defeat the purposes of the section. Gaming-houses are a nuisance and a menace, and the law should make their suppression as easily effective as possible. If effect is given to our recommendation, a consequential amendment to section 7 will be necessary.

399. Section 2: Definition of "public place."—The Commissioner of Police suggests that the definition of a public place is not sufficiently wide to cover enclosed but vacant sections where numbers of men on occasion gather. Apparently complaints are received about the playing of unlawful games at these places. Implicit in the suggestion is the incorporation within the definition of places which are essentially private and to which any access to the public is denied. Such a suggestion is very radical for it conflicts with the conception of the word "public" in the phrase "public place" and is inconsistent with those particular kinds of places to which specific reference is made in the definition. There is a natural reluctance to include private property in such a category, and, in any event, its inclusion might produce undesirable consequences. If premises are being used for the playing of unlawful games, they are amenable to police action now. We do not feel justified in making the recommendation asked for by the Commissioner.

400. Section 11.—The Commissioner suggests that the proviso to this section should be repealed. This again is somewhat radical, and any suggestion of the kind would be certain to meet with resistance from every type of chartered club. We have no evidence that justification for their inclusion exists, but, in any event, before they are brought within the ambit of the section they should be notified of the proposal and given an opportunity of being heard.

401. Section 26 (2).—The Police Department suggests that, in addition to a power of removal of persons found betting on sports-grounds, the police should be given power of arrest. Betting on sports-grounds is so undesirable that any expedient that will make it difficult or dangerous for offenders cannot but meet with approbation. It is therefore suggested that a right of arrest be given to the police when any person is found making or offering to make any bet or wager on any sports-ground. This may necessitate an amendment to the whole section, as subsection (2), in so far as it postulates the necessity for a warning, would lose point and applicability. There seems no reason why the suggestion of the Police Department that wrestling matches and dog racing should be included within the definition of "sports" in the section should not be given effect.