

19, sec. 583, No. 34, gives direct and express power to cities to pass by-laws as to the licensing, limiting the number of, and regulating these victualling houses. If "regulation" means, as I think it does, the power to limit the time within which business may be carried on, or to specify the hours in which business shall be suspended on Sundays, and this is exercised in a reasonable way, no serious objection can be made to the by-law in hand. . . .

[Reference to *In re Campbell and City of Stratford*, 14 O. L. R. 184; *State v. Freeman*, 38 N. H. 426.]

It appears to me that it is no undue interference with private rights, and no undue restraint upon business, to impose such regulations as are here made as to seasonable hours and times for doing this necessary business on Sundays. . . .

There are 14 licensed hotels in Chatham, and these all have been, as a matter of public concern, "instituted for passengers and wayfaring men:" *Calye's Case*, 8 Co. Rep. 32. However convenient it may be for the hotel-keepers to have a near-by restaurant to which they can turn the belated and hungry traveller of a Sunday night, they cannot so relieve themselves of their proper obligation to provide food, shelter, and protection for travellers. They are required to supply food and accommodation, and have a lien for their charges on the belongings of the guest: *R. S. O. 1897 ch. 187, sec. 2*. It is their business as public servants to provide lodging and suitable entertainment for all at a reasonable price. The true definition of an inn is a house where the traveller is furnished with everything which he may have occasion for while upon his way: *Thompson v. Lacy*, 3 B. & Ald. 283, 286-7. . . .

[Reference to *Hawthorn v. Hammond*, 1 C. & K. 404; *Rex v. Ivens*, 7 C. & P. 213, 219.]

If the hotel-keepers do not supply midnight travellers, and the source of supply from the restaurant has been taken away by the council, it is for the municipal authorities to see that the hotel-keepers do their duty and preserve their licenses from being imperilled.

All that the Court can now do is to dismiss this application with costs.