councils, when that exercise falls within the proper limits of their powers. And, as the jurisdiction to quash a by-law is discretionary, it may be asserted further that when the subject legislated upon is clearly within municipal authority, and the objection is merely to the mode in which the particular power has been exercised, and the defect can be remedied by further or different action, the by-law will not be quashed unless it is clear that the method adopted cannot be supported in any view of the matter.

The sole question here was, whether the Board must act first and, if desirable, lay down certain limitations, restrictions, and conditions to which any by-law thereafter passed must conform before approval; or whether, when a by-law has passed its third reading, and is, but for the want of approval, a complete act of legislation, the Board can then approve of it, if its provisions seem to the Board to be proper and reasonable.

Read literally, the enactment that "by-laws may be passed by the councils of urban municipalities . . . with the approval of the Municipal Board" would seem to require concurrent consent to the act of passage; but, this being a practical impossibility, the action of the Board must be either prior or subsequent.

The by-law is inoperative till approval is gained, and that approval is intended to be a consent to the particular by-law.

If the consent of the Board were a condition precedent, and the Board delcined to initiate matters, no urban municipality could ever pass such a by-law. See Rex v. Lincolnshire Appeal Tribunal, [1917] 1 K.B. 1, 14.

As a matter of discretion, the by-law should not be quashed.

The principle was the same as that adopted in other cases where approval was needed to validate some act.

See Mackenzie v. Maple Mountain Mining Co. (1910), 20 O.L.R. 615, 618; In re Huson and Township of South Norwich (1892), 19 A.R. 343, 350, 351; In re Boulton and Town of Peterborough (1859), 16 U.C.R. 380, 386, 387; Rex v. McDevitt (1917), 39 O.L.R. 138, 140; Cartwright v. Town of Napanee (1905), 11 O.L.R. 69, 72.

Both appeals should be dismissed, but without costs, as when the original motion was launched the by-law had not secured approval.