

are marked distinctions between the two by-laws. . . . It would appear from the judgment that the word "govern" is taken as being synonymous with "regulate."

The words "regulate" and "regulation" have been construed in a number of cases in our own Courts. . . .

[Reference to *Baker v. Town of Paris*, 10 U. C. R. 621; *Re Greystock and Township of Otonabee*, 12 U. C. R. 458; *In re Campbell and City of Stratford*, 14 O. L. R. 184.]

I am of opinion that the principle laid down by the Judicial Committee in *Hodge v. The Queen*, 9 App. Cas. 117, is strongly in favour of the validity of the present by-law. . . . See also the reasoning of Dubuc, C.J., in *Re Fisher and Carman*, 16 Man. L. R. at p. 562. . . .

On the whole, I am of opinion that such a regulation as that now in question is, under the authorities, well within the powers of the municipal council of Chatham under sec. 583 (34) of the Municipal Act.

Counsel for the appellant also urged that the by-law in question should be quashed on the ground that it is unreasonable and oppressive. This point is in reality partly involved in the other, and it was in part argued under that head. The legislature probably refrained from making any uniform regulations for the province on this head, because it is essentially one that can be best determined by the authorities in each locality. . . . On the material . . . I do not think any such case is made out as would justify the interference of a Court. If, in the result, the public should prove to be inconvenienced by the by-law, which does not appear at all probable, the council would, no doubt, amend the by-law in accordance with the public desire; but, if they should refuse to do so, the electors have the remedy in their own hands

Under this head we were urged to set aside the by-law on the ground that among the motives influencing those who promoted the by-law was that of aiding in the enforcement of Sunday legislation. In reality it is a question of power rather than of motive. The later authorities shew that the Courts should be slow in setting aside the by-laws of public representative bodies clothed with ample authority on the ground of supposed unreasonableness.

[Reference to *Kruse v. Johnson*, [1898] 2 K. B. at pp. 99, 100; *Kelly v. Armstrong*, 12 Man. L. R. 87; *Re Fisher and Carman*, supra; *Waldron v. Westmount*, Q. R. 8 S. C. 324; *Corporation of Ste. Louise v. Chouinard*, Q. R. 5 Q. B. 362; *Haggerty v. Victoria*, 4 B. C. R. 163.]

In my opinion, the appeal should be dismissed.