

respective of the validity or otherwise, of these complaints themselves, unless there is some special law derogating from the general law which exacts an interest present or eventual on the part of the plaintiff as a *sine qua non* to an action at law. The interest plaintiff alleges he has in the good government of the city can at the most in this case founded only on sentiment or public spiritedness, is not a financial interest or founded on the infraction of some right present or eventual, is not special and peculiar to himself but is equally enjoyed by all the citizens in general, all the electors and tax-payers, but is not such an interest as the law exacts and as would entitle him to bring this action, unless such right were conferred upon him in virtue of some special legislative enactment, as aforesaid.

Can he, without that interest, in virtue alone of his being an elector or tax-payer, bring this action and ask to have these measures set aside? If he could, it could only be in virtue of special legislation to that effect, and that legislation would have to be found in the city charter. But the city charter does not confer such right. That charter (62 Vict. Ch. 58), it is true, does, by article 304, confer a right on any tax-payer, in virtue of that quality alone without exacting any special or particular interest on the part of a plaintiff to contest for illegality and *by-law*. But this report of the Board of Commissioners and its adoption by the city council which are attacked are not by-laws, and, in my opinion, cannot be assimilated to by-laws, so as to bring them under the operation of that article, and even if they could, plaintiff could not avail himself of the provisions of that article, inasmuch as by its terms, his action would have had to be taken within three months from the dates of these measures, the 24th and