

The reasoning which leads to such a conclusion cannot but be faulty. And, in fact, in this case it is based entirely upon the assumption that the law must have intended, in allowing the right of an elector to obtain the annulment of a resolution of a council, to give him, once that annulment obtained, the right to exercise all the actions which might result therefrom in favor of the municipality. Now the law certainly does not say that it so intends, and surely if such had been the design of the legislator he would have said so clearly and distinctly. Nor is the court aware of any system of logic, in which it is recognized as an axiom, that because one has a right to what may serve as the means to many ends, one is therefore entitled to all those ends to which it may be a means. Because I, as an elector, am given by the law the right to have annulled the illegal resolution passed by the councillors, and because such annulment relieves the municipality from the obligations purporting to be imposed upon it by such resolution, it by no means follows—in the absence of express legislation to that effect, that I have the right to exercise against third parties all the actions which the municipality so freed may have to exercise. On the contrary, once the resolution is annulled, and the municipality discharged in consequence from any responsibility, liability or obligation in virtue of it, my right of action would seem to be at an end, and it would then devolve upon the officers of the municipality charged with that duty to prevent encroachments on its property in virtue of any pretended rights under such annulled resolution. As said by Judge Badgley in *Bourdon & Benard* above cited, “individuals may compel the municipal authorities to enforce the removal of encroachments upon the public thoroughfare,” (we might add, and other municipal properties or rights) “but they cannot themselves enforce the removal.”

For these reasons the court is of opinion that the plaintiff has shown no sufficient interest, and consequently no right to obtain the writ of injunction prayed for by him, that neither suffering nor even pretending to suffer or apprehend any damage whatsoever peculiar to himself, and different from that common to all the public by the alleged unlawful works of defendant in the streets of *Maisonneuve*, he is, in asking for a writ of injunction, taking upon himself, without authorization, the protection of the public rights and those of the municipality, and in reality en-