

mitted for the defendant out of the funds of the local lodge, that as he was obliged to make good the amount, he was entitled to be subrogated to the rights of the lodge and had the right to sue.

Judgment for plaintiff for full amount of the four months' dues and assessments.

F. W. Hall, for plaintiff. *J. A. Stewart*, for defendant.

Province of Nova Scotia.

SUPREME COURT.

Meagher, J.] HART v. CITY OF HALIFAX. [Nov. 26, 1906.

Municipal Corporation—Illegal expenditures—Action by ratepayer—Attorney-General a necessary party.

Plaintiff, a ratepayer of the City of Halifax, in an action brought in his own name, sought to have declared illegal and re-payment enforced of moneys paid by the city to cover the expenses of the mayor and city engineer, delegates appointed to attend the convention of Canadian municipalities held at Winnipeg in July, 1905.

Held, that in the absence of any clause in the city charter authorizing such expenditures as those in question the expenditures were illegal and the moneys paid could be recovered in an action for that purpose at the suit of the city, to which the Attorney-General would be neither a necessary nor a proper party. But in this case, the city having declined to sue or to allow its name to be used for that purpose, the action must be in the name of the Attorney-General, and could not be brought in the name of plaintiff without shewing that he had suffered special injury.

Allison, for plaintiff. *Bell*, for defendants.