boundaries of school sections *within* a township, and for the formation and alteration of boundaries of *union school sections;* but has not provided for the alteration of the boundaries of a school section by the addition to that section of land in an adjoining township, unless we read the words "union school sections" as meaning not only a union of school sections, but a union of parts of different sections in different townships to form *one* school section.

We cannot do so without giving to the language used a forced construction, and one which the words do not naturally bear.

The only provision in the Act for the formation of a union school section is that contained in sec. 41. which speaks of it as the union of "two or more sections."

There cannot be a union of sections unless there be at least two sections to form the union. There may be a union of parts of two sections; but where the result is only one section, it cannot, with any propriety of language, in a School Act, or any other Act, be denominated "a union school section."

It is safer that we should allow the Legislature to supply its own omissions, or correct its own errors, than that we should, under the guise of interpretation, assume to legislate.

The conclusion at which we have arrived is, that the Legislature have omitted to provide for the formation or alteration of a section consisting of parts of two or more townships, &c., and this is what the Reeves of Tilbury East and Raleigh, in conjunction with the County Inspector of Schools, have, without legislative authority, attempted to do.

Where there is power to do a thing, and the only question is, whether the power has been regularly exercised, and the inquiry is into a matter of fact, which may be differently found by different tribunals, and the right to office depends on the finding, it is only proper to hold, as we did in this case, that the inquiry can only be properly made in some proceeding where the question will be once for all so decided as to bind the rights of all parties concerned.

When this case was before us on demurrer, it was assumed that the reeves and county superintendent had power *after notice* to alter the boundaries of a school section in one township by adding to it a portion of a school section in an adjoining township, and the Court, on that assumption, held that the plaintiff could not in this action, as against the defendants in office, dispute that—the fact as to notice, but must try it in another proceeding, where the finding would be final and bind all parties concerned.

If the law on this point were otherwise, the effect might be that, in a suit by one ratepayer, a jury would find a sufficient notice, and in a suit by another ratepayer, a jury might find no sufficient notice, so that in the one case it would be held that the alteration was properly made, and in the other the reverse.

Such procedure, if permitted, could manifestly only end in confusion.

But where the question is, not merely the regular exercise of power, but the possible exercise of power, and there is no dispute, and can be no dispute, as to the facts, there is no reason why the question of *law* should not be determined in any suit where it properly arises for decision.

Our decision of the demurrers proceeded chiefly on the authority of *Penney et al.* v. *Slade*, 5 Bing. N.C. 319; and *Re Gill and Jackson*, 14 U.C.R. 119.

In *Penney et al.* v. *Slade*, 5 Bing. N. C. 319, there was power to appoint overseers, and the only question was, whether the person assuming to hold that office had been duly appointed.

Tindal, C. J., on delivering judgment said, at p. 331, "It is obviously a much more convenient course that *the validity of the appointment* should be brought into controversy in a direct way immediately upon the appointment, than that a party should lie by till a rate has been made and levied, and should then be allowed to revert back to *some miscarriage* in the appointment. No objection arising in such a way ought to prevail, *unless it rests on the most solid ground*, which, in our judgment, the present objection does not."

In *Re Gill and Jackson*, 14 U. C. R. 119, the question was, whether the trustees claiming to act, or a different body of trustees, were entitled to the office.

Sir John B. Robinson, in delivering judgment, said, at pp. 126, 127: "However, there was an *unfortunate irregularity* to this case, the resolution (if that alone would have sufficed in making the alteration), not specifying with any distinctness what was thereafter to form sec. No. 7, and what to form sec. 11. * * But, independently of the question whether the local superintendent's decision upon the point can thus be incidentally overruled in an action, the learned Judge left out of view that the trustees who imposed and received this rate were the trustees *de facto*, and that, until *they are removed*, the acts which they do in the ordinary current business of trustees must of necessity be upheld, or everything would fall into confusion."

In our former decision we meant to follow these authorities; we did not intend to go any further.

We are not concluded by our former decision, or by these authorities, where the objection, so far from being a mere question of irregularity, rests on the broad foundation of entire want of power, from deciding the question where it properly arises between parties interested in the result.

It is impossible in any Act of Parliament intended to regulate the conduct of men in the transactions of life, to provide for all possible cases. Experience shews that the best framed Acts of Parliament are imperfect. Further legislation is required where unforeseen difficulties present themselves.

The present School Act is still imperfect. It not only omits to provide for the addition to a section in one township of land in an adjoining township, but also omits to provide for the equalization of the assessments as between the persons residing in the two municipalities affected by the change. It also omits to provide for the adiustments of assets, other than an existing school house property, &c., as between the ratepayers residing in the different municipalities.

In the absence of legislative light on these different points, the trustees of this school section have endeavoured to be a light unto themselves. Each step they have taken from the first is only a further and a further plunge into darkness. The sooner their career is stopped, the better for themselves, and the better for the distracted ratepayers.

The by-law of 24th December, 1873, was, in our opinion, passed without any legislative authority, and must, on that ground, fall; and with it falls all that was afterwards done resting on the foundation of its validity.

The rule will be absolute to enter a verdict for the plaintiff for $5 [a].

Rule accordingly.

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4. SYNOPSIS OF AMENDED SCHOOL ACT OF 1877.

The following is a synopsis of the amended School Act, which was recently passed by the Legislature of Ontario, and is now in force:—

Section 1, *Sub-section* 1. 37 V., c. 27, s. 27 (5), amended. Further powers to the Department to grant equivalents for passing High School Examinations.

Sub-section 2. 37 V. c. 27, s. 27 (11), amended. Arrangement with Trustees for County Model Schools.

Sub-section 3. 37 V. c. 27, s. 27 (17), amended. Examination of Normal School Students.

Sub-section 4. 37 V. c. 27, s. 27 (19), amended. Regulations as to Elementary Teaching.

Sub-section 5. 37 V. c. 27, s. 27 (22), amended. Condition for Teachers' Certificates.

Sub-section 6. 37 V. c. 27, s. 27 (23), amended. Power to grant Second Class Certificates.

Sub-section 7. 37 V. c. 27, s. 31 (34), amended. Minister to see that Examinations are duly held.

Sub-section 8. 37 V. c. 27, s. 31, amended. As to Second Class Certificates.

Sub-section 9. 37 V. c. 27, s. 31 (12*a*), amended. After Examination.

Sub-section 10. 37 V. c. 27, s. 31 (15*a*) and 16, amended. Encouragement to Teachers' Associations, &c.

Sub-section 11. 37 V. c. 27, s. 31 (15*b*), amended. Power to Commissioners appointed by Minister to administer Oaths.

Sub-section 12. 37 V. c. 27, s. 31, sub-sec. 29*a* added. Payment of costs of Maps, &c., not purchased from Education Department, authorized.

Sub-section 13. 37 V. c. 27, s. 31 (31), amended. Minister's Report to be for Calendar Year.

Sub-Section 14. 37 V. c. 27, s. 33, amended. Payment for travelling and other expenses of Normal School students authorized.

Sub-section 15. 37 V. c. 27, s. 70, amended. Equal amount payable by county.

Sub-section 16. 37 V. c. 27, s. 71.

Section 2, *Sub-section* 1. 37 V. c. 28, s. 129, amended. Encouragement of Teachers' Associations.

Sub-section 2. 37 V. c. 28, s. 130. Amended.

Section 3, *Sub-section* 1. 37 V. c. 28, s. 149*a*, repealed, and new section substituted. Terms and vacations in Public Schools. In cities, towns, and villages.

Sub-section 2. 37 V. c. 28, s. 71 (*a*). Mode of rating to be open, not ballot.

Sub-section 3. 37 V. c. 28, s. 72, amended. Close of Poll.

(*a*) See also *Halpin* v. *Calder*, 26 C. P. 501.