

teacher, that caused the boy's removal: that the passing of the resolution as to apologizing was not an expulsion: that the teacher in not instructing the boy was not acting under the trustees' direction; and that they were not liable for not compelling her to give the instruction.

Quere, whether in such a case as this malice must not be shewn, unless followed by some act amounting to assault or trespass; and whether a mandamus, and not an action, was not the proper remedy.

The action of the trustees in proceeding in the absence and without notice to the parties interested, and also the unreasonable conduct of the father, commented on. *In re The Minister of Education and McIntyre v. The Public School Trustees of section Eight in the Township of Blanchard et al.*, 439.

2. *New school section—Selection of school site—Change of same—Necessary requisites under 48 Vic. ch. 49, sec. 64—Costs.*—A new rural school section being formed, it became necessary for the then trustees to provide a school site, &c. A public meeting of the ratepayers was called pursuant to 48 Vic. c. 49, sec. 64 (O.), which nearly all the ratepayers attended, when the site T. was chosen by a majority vote of both the ratepayers and trustees as against the J. C. site.

A complaint against this result was lodged with the School Inspector under s. 32 of the statute, which led to his making attempts to have an amicable adjustment of the difficulty, the outcome of which was that two of the trustees gave notice of a subsequent meeting for the purpose of changing and selecting a school site, at which meeting a unanimous

vote was had in favour of a third site called the C. site.

In an action by the other trustee and some ratepayers to have it declared that the last meeting was illegal, and to restrain building on the C. site in which it appeared that fifty out of sixty-seven ratepayers approved of the latter site. It was

Held, that the necessary pre-requisite under sec. 64 of the statute, of taking the opinion of the ratepayers, had been complied with, and the selection made was the T. site: that no change of a school site should be made without the consent of a majority of ratepayers present at a special meeting called for that purpose, and that under the circumstances of this case the school site had been ascertained and fixed by the first meeting, but it was competent for the second meeting to change the site with the consent of the necessary majority.

The whole tendency of recent amendments of the education Acts has been to give the rural school sections greater powers of self-regulation and self-government, and the Courts should not be astute to interfere unless there has been a plain violation of the statute, or a manifest usurpation of jurisdiction, or a reckless disregard of individual rights.

The action was therefore dismissed, but without costs, as it was a new point, and the statute was not plainly expressed. *Wallace et al. v. The Board of Public School Trustees for Union School Section Number Nine of the Township of Lobo, in the County of Middlesex, et al.*, 648.

PUBLIC WORKS.

Public works—Expropriation—Compensation—Ownership of roads