

“faire, mais encore de leur ordonner de faire toute autre chose en rapport avec la demande qui leur est faite; et qu'on peut obliger les commissaires, par *mandamus*, d'exécuter cette sentence.”

The School Act now in force, leaves out the section of the old Act giving an appeal to the Superintendent, and gives the Circuit Court of the Country or District, the same right. There does not appear to be any clause actually repealing the previous right of appeal to the Superintendent, but the new Article covers the whole matter of the previous one. It is a principle that no law is repealed except it be so repealed in expres term, or unless it is inconsistent with the new law, where, however, a new law covers the whole ground of the old one. the new one would be deemed to be inconsistent with the old one, so that in my judgment, there is now no appeal to the choice of a site for a school.

Article 2988 with regard to the powers of the Court, is not so wide as the previous article relating to the powers of the Superintendent. It, however, does give the Court the right to render such a decision as the commissioners should have rendered, which would practically, however, confine the Court to declare that the commissioners either should or should not have procured the new site. If the Court should declare that they should not have procured the new site, then, the commissioners would be obliged, under the orders of the Superintendent, to re-construct the school on the site where it now is, or to legally procure another site. The Court is in the position practically that it would be in, upon an appeal from a lower to a higher Court. It is a universal principle that where a case on appeal concerns facts, the appeal court does not vary the judgment of the Court of first