

8 which reads as follows:—"Whenever a site for a school-house is selected by the school commissioners or trustees.....an appeal shall at all times lie to the Superintendent of education; but no such appeal shall be brought without the approbation in writing of three school visitors other than the school commissioners or trustees of the said municipality."

The portion of the section first quoted with regard to the power of the superintendent to make orders in the matter, is not found in the Consolidated Statutes of Lower Canada.

Art. 2988 of the R. S. [1909], presently in force, is as follows:—"Le tribunal peut, par son jugement, confirmer la résolution dont appel est apporté, ou l'annuler, rectifier toute irrégularité de procédure s'y rattachant, rendre telle décision que les commissaires ou syndics auraient dû rendre originairement, ou d'ordonner d'exercer les attributions qui font l'objet du recours."

A matter closely allied to this question, came up before the Queen's Bench, in appeal, in 1888, in the case of *Bouchard et al v. Les Commissaires d'école pour la municipalité de la paroisse de St-Valier*, (1). In this case, there had been an appeal by the tax-payers in the parish in question to the Superintendent of Education, against a resolution of school commissioners, and the superintendent had gone beyond the demands made on the appeal to him, and it was held as follows:—"Que sous les dispositions de la section 11 du ch. 22 Victoria, (2) le surintendant de l'instruction publique a non seulement le droit d'ordonner aux commissaires de faire une chose qu'ils refusent de faire ou de s'abstenir de faire une chose qu'ils veulent

(1) 19 *Revue Légale*, p. 276. (1) S. ref., [1888], art. 2055.