

Now referring to the 46th sections of the same act, we will see that the Supreme Court of P. E. Island has power to make rules and regulations not inconsistent with the provisions of the Act, for the purpose of more effectually carrying out the requirements of the Act, and I say that it is not shown that any such regulations have been made authorizing all the forms of proceeding claimed in respondent's brief.

But what did the Commissioners omit to do? To declare in their award on the matters mentioned in the 28th section of the Land Purchase Act of 1875 and therein vindicated as to be taken into consideration by them in estimating compensation to proprietors? An attentive perusal of that section has convinced me that the suggestions therein contained are merely directory for their investigation, and, as it was very well said in appellant's factum were intended merely *as beacons to light the Commissioners on their way to a final conclusion*, and that the mention of details was not a necessary ingredient in their award.

In arriving at their award the Commissioners must be presumed to have taken into their consideration all the suggestions contained in the Land Purchase Act, and this under the very common rule of law. *omnia pressum inter rite et soleminter acta*.

The Commissioners, by the Act in question, are put in the position of juries. It is not, either, evident that all the details required by the respondent can easily be reached, and in fact of what great use would it have been for the respondent, if the Commissioners had categorically alluded to each of the matters of fact mentioned in the 28th section? None whatever, for the report was final to all intents and purposes, it could not be questioned in any way nor reversed. The respondent, if desirous of knowing her true position, can easily ascertain it; the important facts being very few in number, her number of acres guaranteed and her rights to arrears of rent not affected.

All the presumptions are against the respondent and so is the law of the case. She did not comply with the law, she did not complain in due time (and she had ample time to do so) but allowed her adversary to rest in peace; she does not avail herself of the only efficient proceeding pointed out by the statute; but an after thought lead her to adopt in the Court below the proceedings alluded to. I consider the respondent is not rightly before this Court, and, as one of its members, I am not disposed to disturb the award of the Commissioners, for the reasons mentioned in