

Court of last resort, has not been sustained, for the following reasons: If any appellate Court exists in the Island, it must owe its origin either to an Imperial Act of Parliament, a Statute of the Island Legislature, or to Letters Patent under the Great Seal of the United Kingdom, or of the Island, if indeed, a Court exercising a jurisdiction by way of appeal, which was unknown to the common law, could be created otherwise than by Statute. No such Statute can be shown to have been in existence, and no Letters Patent conferring such a jurisdiction are now extant; for this reason, and this reason only, I think the objection fails. As regards the merits, I agree on all points with the judgments of his Lordship the Chief Justice and my brother Ritchie.

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JUDGE TASCHEREAU'S DECISION.

MR. JUSTICE TASCHEREAU: The facts of the case have already been stated by my learned brother Judges who have just expressed their opinion, and I will therefore abstain from reflecting thereon. I shall neither mention the objection made on the part of Miss Sullivan to the right of appeal *de pleno*, in this case, from the judgment of the Supreme Court of Prince Edward Island, on the ground that the same appeal should have been, in the first instance to the Governor in Council, as a Court of Error and Appeal, and thence to our own Court, viz., the Supreme Court of Canada. As it has been clearly shewn, no such Court of Error and Appeal exists in the Island, and, therefore, the appeal was rightly brought before this Court, the judgment complained of being rendered by the Court of last resort in P. E. Island. But, coming to the merits of the case, I say that the respondent had no right, such as she claimed in the Court below, and such as the same Court entertained, that is to say: to set aside the award made by the Commissioners appointed under the Land Purchase Act, 1875, stating the amount of money to be paid to respondent, Miss Sullivan, as proprietor of certain township lands. The grounds on which the respondent based her motion to set aside the award, were on account of pretended irregularities and insufficiency in the wording of the award. Looking at the text of the Act in question, we find, at section 4, that the amount of money to be paid as an indemnity to any such proprietor, shall be found and ascertained by three Commissioners, or any two of them duly appointed; no form of procedure is indicated, and it seems that the duty of the Commissioners is purely and simply