

With all due respect to those who hold the contrary opinion, we venture to believe that the Real Property Limitations Act is intended to apply to real "land" and not to merely imaginary or theoretical "land." It is quite true that the definition of "land" in that statute is wide enough to include, "unless a contrary intention appears," messuages and all other hereditaments whether corporeal or incorporeal and money to be laid out in the purchase of land (and chattels and other personal property transmissible to heirs), and also to any share of the same hereditaments and properties or any of them, and to any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and to any possibility, right or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, title, and interests, or any of them, are in possession, reversion, remainder or contingency, R.S.O., c. 133, s. 2. A room in a house may, according to the authorities above referred to, be the subject of a corporeal hereditament, and as such within the terms of the statute, but the statute requires in effect an exclusive possession by a squatter before he can acquire a title under its provisions, and the dilemma which Mr. Justice Garrow put, we do not think is at all answered by the Supreme Court. In order to establish his title under the statute the squatter must shew an exclusive and undisputed possession of the land or of the corporeal hereditament he claims, which in the case in hand was not shewn, but merely a possession jointly with the true owner, which would not be sufficient under the statute to oust the latter's title.

Not only have the Supreme Court declared a room to be "land," but this species of "land" being of such an aerial character that it needs support, they have also declared that the possession of a room draws with it a right to have the substructure, to which no title has been acquired, maintained in statu quo, so far as necessary for the support of the room.

Whether the judgment of Mabee, J., was modified in this respect is not very clear. Duff, J., seems to have disagreed with Davies, J., as to the nature of the plaintiff's right to support,