

L.R. 17) was reversed, IDINGTON and MACLENNAN, JJ., dissenting, that I.'s possession had ripened into title under the Statute of Limitations of the room and the landing inside the door.

Held, per DAVIES, J.—The possession of the room for the statutory period carried with it a proprietary right to the supports thereof and to the landing and staircase which provided access thereto.

Per FITZPATRICK, C.J., and DUFF, J.—The Statute of Limitations does not annex to a title acquired by possession incidents resting on the implication of a grant. I. had, therefore, acquired no rights in the supports of the room which he occupied or in the staircase leading thereto, but had in the landing inside the door which rested directly on the soil.

Per IDINGTON and MACLENNAN, JJ.—I. acquired a statutory title to nothing but the room itself; he had no "natural right" to the supports as incidental to his possession of the room; and his user of the landing and stairway was, at the most, an easement which must continue for twenty years to confer title.

Appeal allowed with costs.

W. N. Tilley, for appellant. W. D. McPherson, K.C., for respondent.

Province of Ontario.

COURT OF APPEAL.

Full Court.]

REX v. YALDON.

[June 19.

Criminal law—Perjury—Indictment—Lord's Day Act, C.S.U.C., c. 104 still in force—Record of trial—Police magistrate.

This was a case reserved by the chairman of the general sessions of the peace for Wentworth. The defendant was found guilty of perjury on an indictment which charged him with having committed perjury in reference to a charge of gambling on the Lord's Day by swearing that he did not see any such offence committed. The jury found the accused guilty, but the chairman deferred sentence, reserving certain questions for the opinion of the court.