

As Lord Watson remarks in a recent case: "In a court of law or equity, what the Legislature intended to be done or not to be done can only be legitimately ascertained from that which it has chosen to enact, either in express words or by reasonable and necessary implication:" (1897) A.C. p. 38.

With the ethical propriety of Statutes of Limitations we have, of course, nothing to do; it is enough to know that it is deemed to be in the general interest of the public that a period should be put to the time within which adverse claims to property in the possession of others may effectively be asserted.

The Real Property Limitation Act is undoubtedly designed to carry out this principle, and adopting Mr. McLaren's own basis of reasoning, it seems perfectly legitimate to say that a construction of the statute which will effectuate its admitted general policy, is *prima facie* preferable and more probably the true legal meaning of it, than one which may, in certain cases, practically abrogate that policy and admit of claims being asserted against persons in possession for an indefinite period. This, I submit, is not arguing in a circle.

While it may be conceded that a person wrongfully taking possession of another man's land is not to be regarded as an especial favorite of the law, and that he is not entitled to any more consideration than one who in good faith lends money upon the security of a mortgage, if indeed he is entitled to so much, still it is impossible to exclude from our consideration the fact that even to a mere wrongdoer so entering the land of another, the general policy of the law in question is to extend its protection from suit, after a certain period has elapsed. So that there appears to me to be a *prima facie* presumption that in construing the provision which the statute makes in favor of mortgagees, we are not to read anything into it which can be construed into a practical abrogation of the general principle of the Act, but only a reasonable measure of protection in favor of mortgagees as against their mortgagors and all those claiming under them.

It would surely be entirely contrary to the general policy