

faire appel à cet art. 654 pour la décision de ce litige, et toute cette partie du *factum* de l'appelant se rapportant audit article, me semble devoir être en conséquence, regardée comme non avenue, inexistante.

Sur le tout, je suis donc d'opinion qu'il y a erreur dans le jugement du 10 septembre 1918, qui a rejeté la présente opposition sur motion du demandeur, faite en vertu de l'art. 651 du C. proc., et que ledit jugement devrait être infirmé.

Judgment of the Court of Review:—

*Mr. Acting chief Justice Archibald.* There is no doubt that moveable articles can become immoveable by destination of the proprietor in such cases and an opposition, which alleged that had happened with respect to things under seizure, article moveable could not on its face be considered frivolous.

The plaintiff points out that this opposition had been allowed to stand for three whole years, without any procedure and perhaps without the operation of the Mill itself; but it is explained on behalf of the opposant that fact resulted from the other fact, that the opposant managing officers were absent, taking part in the War in Europe.

It is true that many of the articles seized by their mere description appear to be articles, which would be consumed by use, for example, oil or other articles, which were not forming part of the mill itself, such as rolls of belting.

It might be considered a frivolous pretend that these articles would be immobilized, because articles of the same kind had to be used from time to time in the operation of the mill. But the article of our Code of allowing