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HOLLAND AND ANOTHER V. HODGSON AND ANOTHER.

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on a level and be steady, and keep its true direction perpendicular to the line of the shafting. If it merely rested by its own weight upon the floor, it would be liable in working to be shaken and drawn sideways from the true line. In order to keep the looms in question steady and in their proper position for working, the following methods were adopted:

In the case of the looms which were in rooms on the ground floor (the floors of which rooms were formed throughout of stone flags), the method adopted was as follows: holes about half an inch or three-quarters in diameter were drilled or cut in the stone floor, in the places where two of the four feet of each loom, at opposite corners, would stand. Into each of the holes was driven a plug of wood, so as to fill it up completely, and make it a tight fit. Then the loom was placed in position and brought to a proper level by thin pieces of wood, packed where necessary under the loom feet, and then a nail about four inches long, in some cases with a flat head, and in others with a square bolted head, was driven through the hole in the loom foot into the wooden plug. The other two feet of each loom were left free.

In the case of the looms which were in rooms on the upper floors, the method adopted for keeping the looms steady and in their proper position for working, was somewhat different. The floors of these rooms, like the others, were principally formed of stone flags, but beams of wood about four inches wide and three inches thick were built into the floor along the lines upon which the loom feet stand, and the nails used for keeping the looms in these rooms steady and in their proper position for working, were driven at once into these beams instead of into wooden plugs, as in case of the looms in the ground-floor rooms. The rooms in the upper floors were built and arranged specially to receive the looms, and the purpose for which the beams were introduced was to supersede the necessity of drilling or cutting holes for the wooden plugs. After the nails had been driven into the wooden plugs or beams, as above described, the looms could not be moved without drawing the nails from the wooden plugs and beams; but this could easily be done without any serious injury to the floors. It was not necessary for the purpose of keeping the looms in their proper position for working, that the nails so driven into the wooden plugs or beams as above described should have heads. Spikes without heads would equally have answered the purpose, and if such spikes had been used the looms could have been lifted up and removed, and again placed in their proper position for working, without disturbing or removing the spikes. Patterns of a loom foot, and of two or three of the nails or bolts used to keep the looms in question steady and in their proper position for working, will be in court on the hearing of this case, and may be referred to by either party. A photograph of a loom marked A accompanies and forms part of this case.

7. The Jacquard engines were machines used in conjunction with the looms as above described, when it was required to use the looms for weaving worsted stuffs or other fabrics with patterns. When so used, they were simply screwed on the

top part of the looms, and were not otherwise attached to the mill than were the looms themselves.

8. The shuttles are wooden instruments about eight inches long, so shaped as to carry the bobbins or reels on which the yarn or thread to be used for weaving worsted stuffs or other fabrics in the loom is wound. They are used in the process of weaving, and when used are shot backwards and forwards horizontally by the action of the loom, carrying the yarn or thread at each throw between the warp:

The shuttles are of no use without the loom, and the loom cannot be used for weaving without the shuttles; but the shuttles have an entirely distinct and separate existence from the looms, and form no part of the looms, and by breaking the yarn or thread can be removed from them at any time. Patterns of a shuttle and of a bobbin or reel will be in court on the hearing of this case, and may be referred to by either party.

Some of the shuttles in question were actually in the looms now in question at the time of their being taken possession of. The remainder were spare shuttles provided for use when wanted. Those which were so actually in the looms were sold by the defendants for 10*l.*, and the remainder for 9*l.* 3*s.* 4*d.*

9. The drill was a large machine for drilling holes in iron and other metals. It was about eight feet high, and stood on a three-cornered base or foot about five feet long on two sides, and three feet long on the third. It was worked, like the looms, by means of a leather belt, which ran upon the permanent shafting, and was capable of being applied to and disconnected from the drill at pleasure. It was so heavy that it was capable of being worked without being fixed or attached to any part of the mill; but when it was removed by the defendants it was bolted to the floor at one corner by an iron bolt about five inches long, passing through a hole in its base or foot. This bolt was secured by a flat head at the top, and at the bottom was screwed into a nut, which was let into the under side of one of the flagstones of the room in which it was pinned. By unscrewing the bolt the drill could be removed. Its weight was about two tons.

The value of the different articles in question are to be taken to be the amounts for which the same were sold as above stated.

10. Amongst the articles in the Bank Top Mill which were sold by the defendants, and which were claimed by the plaintiffs under this said mortgage (but as to which there is now no dispute between the parties, the defendants having paid the money into court in respect of the same), there were several articles of machinery besides the steam engine and the shafting and going-gear, which were unquestionably fixtures, and passed as such to the plaintiffs under the said mortgage.

11. The question for the opinion of the court is, whether any and which of the articles now in dispute passed to the plaintiffs as against the defendants, and according to such opinion judgment is to be entered up on the issue joined on the replication for the plaintiffs for such sum as