

of the case, and that direct evidence of intention on the part of the person fixing the chattel is not admissible: (see *Hobson v. Gorringe*, 75 L. T. Rep. 610; (1897) 1 Ch. 182). Hence the importance of the mode of annexation—an importance derived from the fact that annexation is one of the best indications of intention.

In *Hellawell v. Eastwood* (1851, 6 Ex. 295) cotton-spinning machines which were fixed by means of screws, some into the wooden floor, some into lead which had been poured in a melted state into holes in stones made for the purpose of receiving the screws, were held to be fixtures and removable as such. "The question whether the machines when fixed were parcel of the freehold," said Baron Parke (at p. 312), "is a question of fact, depending on the circumstances of each case, and principally on two considerations: first, the mode of annexation to the soil or fabric of the house, and the extent to which it is they are united to them, whether they can easily be removed *integre salve et commode* or not, without injury to them or the fabric of the building; secondly, on the object and purpose of the annexation." Then the learned Baron went on to say that the object and purpose of the annexation was not in that particular case to improve the inheritance, but merely to render the machines steadier and more capable of convenient use as chattels. *Hellawell v. Eastwood* (*sup.*) has been somewhat severely criticised. Lord Lindley in *Reynolds v. Ashby and Son* (91 L. T. Rep. 607; (1904) A. C. 466, at p. 473) observed that it has been much commented upon in later cases, and that it was of questionable authority. But, notwithstanding this, it is conceived that the dicta of Baron Parke cited above illustrate the principle very lucidly.

"Whenever the chattels," said Lord Blackburn in the case of *Wake v. Hall* (48 L. T. Rep. 834; 8 App. Cas. 195, at p. 204), "have been annexed to the land for the purpose of the better enjoying the land itself, the intention must clearly be presumed to be to annex the property in the chattels to the property in the land, but the nature of the annexation may be such as to show that the intention was to annex them only temporarily."

In *Viscount Hill v. Bullock* ((1897) 2 Ch. 482) the Court of Appeal (Lord Justices Lindley, Lopes, and Chitty), affirming the decision of Mr. Justice Kekewich, held that cases containing