

be done by the cars ; . . . it is nothing without its locomotive vehicles." Very much the same reasoning led Drummond, J., in the Quebec case of *Grand Trunk Ry. Co. v. Eastern Townships Bank*, 10 L.C.J., at p. 15, to hold a locomotive engine an "immovable by destination." See also *Ontario Car Co. v. Farwell*, 18 S.C.R. 20.

Now these arguments apply with greater force to electric trolley roads ; for inasmuch as trolley cars are not independent of the tracks and permanent structures of the railroad, in respect to their motive power, like a train of steam-cars, they are obviously more in the nature of "fixtures" in the primary and literal sense.

We think we have laboured the points at variance between Lord Davey and Mr. Justice Osler sufficiently to show that the latter was guilty of doing violence neither to the English language nor to the elementary principles of English law in his judgment in the *Kirkpatrick* case. We think also that upon our review of the law and the facts, it is pretty well established that Lord Davey's objectionable language in the *Toronto Railway Company's* case was simply a bit of petulant hypercriticism. But we do not imagine that it is going to stimulate in any way the aversion to maintaining the system of appeals from this country to the Privy Council, of which we hear something now and again in the press and Parliament. The tone of the Bench and Bar in Canada is above any vindictive or prolonged resentment of a slight such as this. Circumstances may prompt us to forgive it, if we cannot wholly forget it. We recognize Lord Justice Davey as a good and able judge ; but we also recognize that "quandoque bonus dormitat Homerus," and that it is now possible for the lowered standard of judicial behaviour in the Privy Council to suffer in comparison with that of a Canadian Court.