that had taken place between L. and the defendants and the consent by L. that the machinery should remain affixed in the mill, constituted an absolute sale thereof so long as it continued incorporated with the freehold, and, in so far as regarded the rights of persons who were not parties to the agreement, the engine and boilers had become immoveables by destination and formed part of the real estate.

That such parts of the machinery as were actually attached to the mill or built into the foundations at the time of the hypothecs were charged thereby as part of the freehold, and that the conditions in the agreement did not confer any privilege upon the unpaid vendor which would deprive the registered hypothecary creditor of the priority he had acquired under the provisions of the law relating to the registration of real rights.

Wallbridge v. *Farwell*, 18 Can. S.C.R. 1, followed.

Appeal dismissed with costs.

Belleau, Q.C., for appellants.

Robitaille, for respondent.

Nova Scotia.] [May 18

CITY OF HALIFAX *v.* LITHGOW.

Municipal corporation—Repair of streets—Pavements—Assessment on property owner—Double taxation—24 Vict., ch. 39 (N.S.)—53 Vict. ch. 60, sec. 14 (N.S.)

By sec. 14 of the Nova Scotia statute, 53 Vict., ch. 60, the City Council of Halifax was authorized to borrow money for covering the sidewalks of the city with concrete or other permanent material, one-half the cost to be a charge against the owners of the respective properties in front of which the work should be done, and to be a first lien on such properties. A concrete sidewalk was laid, under authority of this statute, in front of L.'s property, and he refused to pay half the cost on the ground that his predecessor in title had in 1867, under the Act 24 Vict., ch. 89, furnished the material to construct a brick sidewalk in front of the same property, and that it would be imposing a double tax on the property if he had to pay for the concrete sidewalk as well.

Held, reversing the judgment of the Supreme Court of Nova Scotia, that there was nothing dubious or uncertain in the Act under which the concrete sidewalk was laid ; that it authorized no exemption in favor of property owners who had contributed to the cost of sidewalks laid under the Act of 1861 ; and that to be called upon to pay half the cost of a concrete sidewalk in 1891 would not be paying twice for the same thing, because in 1867 the property had contributed bricks to construct a sidewalk which, in 1891, had become worn out, useless and dangerous.

Appeal allowed with costs.

MacCoy, Q.C., for appellant.

Bell, for respondent.

Nova Scotia.] [June 6.

WARNER *v.* DON.

Personal chattels—Fixtures—Mortgage.

The "fixtures" included in the meaning of the expression "personal chattels" by sec. 10 of the Nova Scotia Bills of Sale Act are only such articles