

knowledge of it by the parties proven, might have justified an inference that the lease in question was made subject to it: *Trappes v. Harter*, 2 C. & M. 153. I find no solid ground upon which to rest any implied agreement between the parties as to the character of the door in question. . . .

[Reference to *Reynolds v. Ashby & Son*, [1904] A. C. 466, 473.]

The rule laid down by Blackburn, J., in *Holland v. Hodgson*, L. R. 7 C. P. 328, at p. 335, has been so often affirmed by the highest authority that it admits of no question. It is stated in these terms: "Perhaps the true rule is, that articles not otherwise attached to the land than by their own weight are not to be considered as part of the land, unless the circumstances are such as to shew that they were intended to be part of the land, the onus of shewing that they were so intended lying on those who assert that they have ceased to be chattels; and that, on the contrary, an article which is affixed to the land, even slightly, is to be considered part of the land, unless the circumstances are such as to shew that it was intended all along to continue a chattel, the onus lying on those who contend that it is a chattel. This last proposition seems to be in effect the basis of the judgment of the Court of Common Pleas delivered by Maule, J., in *Wilde v. Waters*, 16 C. B. 637. This, however, only removes the difficulty one step, for it still remains a question in each case whether the circumstances are sufficient to satisfy the onus."

Where there is some annexation, the mode and degree as well as the object of such annexation, the ease or difficulty in detaching the article without injury to itself or to the freehold, and whether the purpose be to use the thing as "accessory to a matter of a personal nature" or to use it "to improve the inheritance," must largely determine the effect to be given to such annexation, from which, in the absence of evidence of agreement, the intention of the annexation must be deduced. . . .

[Reference to *Stack v. Eaton*, 4 O. L. R. 335, 338, 1 O. W. R. 511; *Hobson v. Gorringe*, [1897] 1 Ch. 182, 193.]

I have carefully read and considered *Lancaster v. Eve*, 5 C. B. N. S. 717; *Wood v. Hewett*, 8 Q. B. 913; *Mant v. Collins*, 5 Q. B. 916; *Ex p. Ashbury*, L. R. 4 Ch. 630; *Chidley v. Churchwardens of West Ham*, 32 L. J. 486; *Liscombe Falls Gold Mining Co. v. Bishop*, 35 S. C. R. 539; and many other cases in which articles annexed to the free-