

terms "landlord's fixtures" and "tenant's fixtures" will be found in practice to be seldom used in this manner. Generally when a chattel is termed a "landlord's fixture" the intended meaning is that the chattel is annexed to the inheritance, and in nine cases out of ten is not a fixture properly so called. And where a chattel is termed a "tenant's fixture" it will be found, in the great majority of cases, that the so-called "fixture" is no fixture at all; and that this is the very meaning which the speaker intends to convey when he speaks of the chattel as being a tenant's fixture. Such misuses of a legal term are, no doubt, excusable in persons other than lawyers, but unfortunately the misuse is not confined to such persons.

This subject was greatly elucidated by the judgment of the Exchequer Chamber in the case of *Climie v. Wood* (18 L.T. Rep. 609; L. Rep. 4 Ex. 328). "There is no doubt," runs the judgment of the court, delivered by Mr. Justice Willes, "that sometimes things annexed to land remain chattels as much after they have been annexed as they were before. The case of pictures hung on a wall for the purpose of being more conveniently seen may be mentioned by way of illustration. On the other hand, things may be made so completely a part of the land, as being essential to its convenient use, that even a tenant could not remove them. An example of this class of chattel may be found in doors or windows. Lastly, things may be annexed to land, for the purposes of trade or of domestic convenience or ornament, in so permanent a manner as really to form a part of the land; and yet the tenant who has erected them is entitled to remove them." It is only this last-mentioned class of chattel which is in strictness a fixture.

One circumstance, then, is a *sine quâ non* before there is a fixture strictly so called. That is annexation to the soil. That annexation is necessary which would *primâ facie* give the owner of the soil the ownership of chattel under the ancient legal maxim cited above.

There are a great number of authorities upon the question what does, and what does not, amount to annexation. It is not proposed to give an exhaustive list of the methods of fixation