

in law. He regards it as a "very modern word," with its bearings still in a welter of ambiguities. Again, so far has the word departed from its "elementary" meaning that Brown on Fixtures (4th ed. p. 2) says: "The term 'fixtures' originally connoted in every instance of its use that sort of positive fixation and positive annexation which the etymology of it suggests; and it now connotes in the general instance no such idea at all; but on the contrary the very opposite idea, namely, the right of the tenant to unfix and remove." Another able writer (6 Am. Law Rev. p. 412) has said: "The student who seeks to determine a question relating to 'fixtures' has before him a task by no means easy. He finds at once that the primary definitions are not merely vague but conflicting; and, proceeding further, he meets a variety of ingenious theories and distinctions quite out of harmony with each other, and complex in the extreme: and finally, in his last resort, the reports, he encounters a mass of heterogeneous cases." Setting aside the "wavering definitions," as he styles them, Brown, in the work quoted, would venture "to define the term in the following neutral manner, that is to say, things associated with, and more or less incidental to the occupation of lands and houses or either thereof."

Accepting as authoritative these expositions of the vagueness and ambiguity surrounding the subject of "fixtures", we think that Lord Davey was just as unhappy in his criticism of Judge Osler's knowledge of "the 'elementary' principles of English law" as he has been shown to be in his sneer at the esteemed Canadian judge's acquaintance with the use of his native language. Furthermore, we hazard the opinion that the professional mind will find in Judge Osler's application of the doctrine of "fixtures" in the *Kirkpatrick* case more harmony with the definition stated by Brown, and quoted by us above, than it will in Lord Davey's view that "the cars are no doubt adapted for use in connection with the railway and trolley wires, but they are not part of the railway, and are not fixed in any sense whatever to anything which is real estate." We submit, with deference, that any one acquainted with the system of electric trolley traction as it obtains