

Toronto, upon which he erected a factory building, for the purpose of carrying on the business of manufacturing engines and boilers. The building was divided by a partition wall. One portion of the building was used for manufacturing boilers, and the other portion for manufacturing engines. The owner had placed in the boiler shop machinery required in the manufacturing of boilers, and in the machine shop machinery required in manufacturing engines, etc. Perkins carried on business in the buildings erected by him, manufacturing engines and boilers, with the machinery which he had placed upon the said premises, until shortly before the commencement of this action.

At the trial a list was put in by the plaintiffs (referred to in the judgment as Exhibit 9), showing the mode of attachment of the different machines in the machine shop and in the boiler shop.

Exhibit No. 9 was substantially as follows :

In Boiler Shop—(1) *Engine*.—Horizontal engine built on brick and stone foundation specially prepared, engine bolted to this foundation 4 feet deep with anchor bolts ; bolts are built in with the brick and stone foundation. Engine is enclosed in engine house within main building ; could not be removed without removing part of engine house ; even if nuts removed engine could not be got out without breaking the joints of steam pipes, drip pipes, exhaust pipes and other connections with the boiler ; crank shaft or fly wheel is fastened to main building. (1a) *Boiler*.—Bricked in and resting on stone and brick foundation about one and a half feet deep ; held in position by four lugs, let into the brick work. Iron smoke stack is fastened to the boiler and to the roof ; steam pipes for heating building, feed pipes, etc., are connected with and fastened to the engine or boiler or both. (2) *One set of 7 feet power rolls*.—Bolted to timbers which are let in several inches into ground ; run off counter shaft, which was bought as part of machine. This counter shaft is securely fastened to ceiling timbers. Weight about 15,000 lbs. (3) *Large punching machine*.—Bedded in ground about one foot and bolted to timbers cased with wood around foundation. Run from main shaft. Weight about 3½ tons. (4) *One small lever punch*.—Bolted to timber let into ground several inches. Run off main shaft. Weight about 1,800 lbs. (5) *One small punch*. Bolted to timbers let some inches into ground. Run off main shaft. (6) *One horizontal punch*.—Bolted to stone foundation specially prepared and let into ground about one foot. Also fastened to sills of building by bolts. Run off main shaft. (7) *One shearing machine*.—Bolted to timbers which are embedded in ground several inches ; run from main shaft. (8) *One bevel shears*.—Bolted on a large block, which in its turn was bolted on blocks embedded in ground. In addition to this they were bolted to pillars upporting the roof ; run off main shaft. (9) *One marine drill*.—Bolted to main timbers of ceiling, strengthened by cross pieces of oak, specially put in for holding up machine to ceiling. This drill is for the purpose of drilling boilers, and is used in connection with a railway track, which is embedded and spiked into ground underneath. (10) *Reamer*.—Bolted to beams of building in south-west corner. (11) *One set of three foot-power rollers*.—At present resting on the ground ; when Bacon mortgage given bolted to a stone laid into ground ; it was then used with steam power. Removed about two years ago by unfasten-