

home, and went all through it and were satisfied with it after conversation about bath and sewer with the owner. They visited the other house which had bath-room and conveniences installed, and for this reason the plaintiff's wife liked it better, but the price was higher and it was further from the river than Moore's. She preferred to take the defendant's house because it was closer to the water, and, from what she was told by Mrs. Moore, she believed that the necessary conveniences could be installed there in connection with the sewer, and that the whole outlay would be less than the price asked for the Workman house.

The evidence of the defendant and her husband is of a negative character; according to them, no questions were asked and no conversation was had about closet or bathroom or sewer, and these strangers bought the house as it was. One reason why the defendant sold the house was that from the condition of the sewer she could not have proper conveniences there; so Mrs. Porter reports.

It appeared that the owner of the whole area had put down a drain private main sewer through this part of it draining a row of three detached houses by lateral connection to the river. Moore's house was of the three farthest from the water and Mrs. Porter's nearest to it. The Moores had lived there nine years and knew that the sewer could not be used for bath purposes. It was at the first poorly and cheaply built of field tiles and had become blocked from various causes so that it did not discharge into the river nor was there any through-flow. About two years before this sale, Mrs. Porter had called in a plumber, Hungerford, to have a bath put in her house: he tested the place and reported against its being done, and this result was known to all the neighbours, including the defendant. Upon the evidence I find it was a well-known fact that the sewer was not and could not be used for bathroom and water-closet purposes. It had become clogged up, and was nothing more than a long underground hole or tunnel—a subterranean *cul de sac*, which was being gradually filled up to the ground level, on which the surface closets of the three houses were placed.

This was the plight of the private "sewer" (so-called) at the time of the sale, and when the agent and the plaintiff's wife visited the place. I see no reason to doubt the account given by the agent and the wife as to what occurred