

W. S. - Quite so, quite so! Did he answer?
Mr. C. C. - There is his reply. It adds insult to injury.

W. S. (*reads*). - Again expresses sorrow and sympathy - yes, yes, declines to consider himself liable - having sympathy with you in your trouble, does not desire that you should have more - eh? what? advises you to read the *Times* more regularly - refers you to a case, recent, quite recent, end of July - in which dispute almost similar, and the Appeal Judges held that the landlord was not liable simply tells you this out of feelings of kindness, and earnestly advises you to consult your lawyer.

Mr. C. C. - There! What do you say to that? Is it true that there has been such an infamous - such a disgraceful decision?

W. S. - Oh yes, quite true. He refers to a decision given by the Court of Appeal. (*Rings*.) Quiller, the *Times Law Reports* for July - here - stay - ah! here it is, p. 711, 25th July *Butler v. Goundry*. Yes, the facts quite similar - the statement, Lord Justice Lindley said, was "in fact untrue, but was honestly made." That being so there could not be said to be fraud or misrepresentation.

Mr. C. C. - What, sir! do you mean to say that I may safely make a false statement if I simply think it to be true?

W. S. Most certainly. You are not making a misrepresentation if you think you are telling the truth.

Mr. C. C. - And how the devil - pardon me how is any one to know what I *think*?

W. S. Question of evidence simply. Inward thoughts are indicated by outward acts. Your landlord, you see, *did* have the drains seen to: they worked well *then*: he lived there himself, and did not have fever: clearly he was justified in thinking his house well drained.

Mr. C. C. - Then are you - are you going to advise me that I have no remedy against him at all - that -

W. S. No, no, my dear sir, wait a moment. The gentleman, it is true, reads his *Times* diligently, and evidently relies on his legal knowledge; but we shall prove to him the truth of the old saying, that a man who is his own lawyer has a fool for his client. He will soon find this out when he is driven to seek his lawyer's assistance. Answer me one ques-

tion. I am right in thinking that you took the house for the season *furnished*?

Mr. C. C. Certainly, certainly. Had I taken a lease I should have sought your advice. As I only took the house for six months, furnished, I allowed the house agent to carry the matter through.

W. S. Then, my dear sir, we are all right. I will bring an action against him for damages for breach of an implied warranty that the house was reasonably fit for habitation.

Mr. C. C. But can we do that?

W. S. Certainly. When a man lets a furnished house there is such a warranty, and that will, it has been decided by a well-known case, *Wilson v. Finch Hatton*, cover defects in drains.

Mr. C. C. Ah! but then he will be able to say he didn't know of the defect.

W. S. That in this case will be no defence.

Mr. C. C. Well, well, no doubt you are right, only -

W. S. One moment. When you sue for damages for misrepresentation you have to prove knowledge. When you sue for breach of warranty, whether the man knows or does not know is immaterial.

Mr. C. C. Oh! really! Then supposing the house had been *unfurnished*, why could we not have sued for warranty?

W. S. Because on the letting of an *unfurnished* house there is no warranty, so that you can only sue for misrepresentation. On the letting of a furnished house there is a warranty that it is reasonably fit for habitation.

Mr. C. C. Then the whole question turns on whether the house is furnished or unfurnished?

W. S. Quite so. That is *the* point.

Mr. C. C. - You're quite certain about all this?

W. S. - Perfectly certain, my dear sir, perfectly certain.

Mr. C. C. - And supposing a man's wife and daughter catch typhoid fever in a house, why should his right of action depend on the presence or absence of furniture? The drains give them the typhoid fever, not the furniture.

W. S. - Really, my dear Mr. Capel Court, you must put that conundrum to the Bench.

Mr. C. C. - Well there! Never mind, the law seems intensely stupid on this point. However, according to you I shall be able to mulct