

had the effect of relieving the pressure upon the Ontario Street sewer of the intruding water :

"Considering that the argument made by the defendant that the Ontario Street sewer was free from structural defects and sufficient to answer all ordinary needs at the time that it was constructed, is not sufficient in law to protect the defendant from responsibility for the reason that experience constantly repeated during many years, had established the recurrence of the flooding of cellars in the neighborhood of the plaintiff's store :

"Considering that this flooding in the cellars of divers citizens culminated in many claims and law suits against the defendant :

"Considering that these facts have been continuously brought to the knowledge of the city authorities, and that the remedy has been applied only after much damage has been suffered by individual citizens :

"Considering that the defendant has failed to give the plaintiff adequate protection against the flooding of this cellar which flooding has caused him damages to the extent of \$244.76, for which sum the plaintiff has proved his demand :

"Considering that the plaintiff has proved the essential allegations of his demand to the extent of \$244.76 :

"Considering that the defendant has not proved the essential allegations of its plea :

"Considering that there is error in the judgment rendered by the Superior Court on the 26th of December, 1913, dismissing the plaintiff's action, with costs :

"Proceeding to render the judgment which should have been rendered, doth maintain plaintiff's action, and doth condemn the defendant to pay the plaintiff, the sum of