

of August; so that but little, if any, damage could be attributable to any delay from this on.

A memorandum was found in the handwriting of Mr. Wilson, the chief clerk of the Medical Office of Health, as follows: "Water runs into bakeshop, 27 Arthur street, said to be from stable 29. Inspectors report trouble is not there, but probably from a water pipe. Will you please have this inspected and let me know." It is suggested that this refers to the leaking pipe in front. I do not think so. Mr. Wilson cannot recall the circumstance; but to my mind the memorandum clearly relates to the leak at the rear. I think that it is fair to suppose that it preceded the inspection referred to in Mr. Wilson's letter of July 5th, when he notified the owner of the livery stable that "upon inspection of 29 Arthur street, it is found that your washrack is not tight and that water runs into the adjoining cellar."

In the complaint-book of the Water Works Department, there is an entry under date of 26th June: "27 Arthur street; stopcock N. G.: burst," which the clerk in charge interprets as meaning that a pipe inside the building was burst and required repair and that the stopcock on the street line could not be sufficiently closed to enable the repair to be made.

Men were sent to make this repair. They called at the plaintiff's premises, No. 27, and were told that there was nothing wrong there. They then went to No. 29, and found existing there the precise condition of affairs suggested by the instruction. Plumbers were endeavouring to repair a burst closet pipe, but could not solder, owing to the defective stopcock. The repair gang then dug to the stopcock, removed the defective parts, and in due course made a report, on the following day, June 27th: "Stopcock leaking through 29 Arthur street. Dug out, tunnelled under sidewalk, shut down: used $\frac{3}{8}$ stopcock."

Hutchinson, the bookkeeper who received the telephone message, said that when he received it on the 26th, he was told that no harm was being done, so he did not send the "hurry-up wagon," as he would have done in the case of an emergency.

I think that Peter Petrozzi, when he went on the plaintiff's behalf to the health office, directed his complaint to the leaks in the rear; and it may well have been that what he