

MUNICIPAL DEPARTMENT

TESTS OF CEMENT.

The annexed table gives the results of cement used by the city of Toronto during the year 1899. These tests were conducted by the City Engineer's department, the

by Hoddinott and another man on a scaffold about 8ft. or 9ft. from the ground, which was put up in the morning and taken down at night. The buildings or stables were more than 30ft. in height. On August 19th, 1898, as one of the stays was being lifted, it tilted, and striking Hoddinott threw him off the scaffold on to some bricks, and he died from the injuries he received. The County Court Judge held that the scaffold was not insufficient, and that the accident was not caused by any insufficiency of the scaffold, and he gave judgment for the defendants. Counsel for the plaintiff then applied for compensation under the Workmen's Compensation Act, and after taking further evidence

That cannot be," said his Lordship, "for it had already been constructed, and what was then done was only an addition to that which it had already been contemplated would be wanted. How could it be said that the man was employed in a building which was being constructed? The construction was at an end, but some strengthening was afterwards needed to be done." He did not think that construction could be limited to the original construction. That would be in effect substituting "erection" for construction. Construction, repair, demolition—these covered, he thought, the varying phases in the life of a building from its beginning to its end. He preferred to rest his judgment on this

BRAND OF CEMENT.	NO. OF SAMPLES TESTED	AVERAGE SPECIFIC GRAVITY	RESULT OF BLOWING TEST	RESIDUES % SIEVES PER INCH			TENSILE STRENGTH NEAT					TENSILE STRENGTH 3 TO 1				
				50	75	100	1 week	1 mo.	2 mos.	3 mos.	6 mos.	1 week	1 mo.	2 mos.	3 mos.	6 mos.
BELGIAN WHITE STAR	3	3.04	Good	1.3	9.0	12.3	231	311	359	385	...	85	153	170	239	...
ENGLISH GLOBE	1	2.94	Good	1.5	6.2	9.4	267	349	415	429	421	115	168	194	231	256
BELGIAN JOSSON	1	3.08	Good	.0	6.3	9.0	396	453	506	520	536	91	133	202	215	...
GERMAN DYKERHOFF	1	3.16	Good	.0	5.0	13.0	439	495	416	515	600	132	178	215	198	...
BELGIAN ELEPHANT	1	3.00	Good	.0	6.0	11.0	306	320	422	361	...	89	190	215	246	...
GERMAN HEMMOOR	1	3.08	Good	.0	8.0	15.5	520	474	500	551	570	104	211	220	210	208
GERMAN 3 STARS	2	3.07	Good	.25	2.2	5.2	359	442	487	495	456	159	190	202	256	313
CANADIAN BEAVER	4	3.07	Good	.0	.5	2.4	363	397	388	444	471	123	161	249	243	328
CANADIAN ENSIGN (Silica)	8	2.98	Good	.0	.0	0.8	346	395	468	488	497	112	177	233	230	254
BELGIAN WHITE CROSS	5	3.05	Poor	1.0	7.4	13.0	360	443	449	520	537	126	169	231	273	321
CANADIAN SAMSON	10	3.09	Good	1.0	8.0	4.8	429	490	535	554	559	134	211	251	273	285
CANADIAN STAR (Rathbun's)	41	3.07½	Good	.0	0.6	1.7	459	515	516	558	590	183	247	297	331	358

samples being taken promiscuously from cement employed on the various works. The specifications provide for a specific gravity of 3.09; sieve, 10 per cent. on 100 sieve; strength, 350 pounds in one week; faja blowing test (hot water.) The clause in the specifications relating to the quality to be supplied reads:

"The cement to be well and carefully packed, and to stand a tensile strain of 350 pounds per square inch after 24 hours in air and 5 days in water. Samples of the cement being sifted through a 100 wire gauge sieve of 10,000 to the square inch must not leave a residue of more than ten per cent."

It will be observed that 63 samples of Canadian cement and 15 samples of foreign cement were tested. Mr. Cecil B. Smith, under whose direction the tests were made, explains that the small number of foreign samples tested is due to the fact that very little foreign cement is now used in Toronto. The results of these tests are interesting, showing but a slight variation from the conditions called for in the specifications.

LEGAL.

THE DIFFERENCE BETWEEN CONSTRUCTING AND ERECTING A BUILDING.—In the House of Lords on December 10th the case of Hoddinott (pauper) v. Newton, Chambers & Co., Ltd., was heard. This was an appeal, says the Irish Builder, from a judgment of the Court of Appeal, and it arose under the Workmen's Compensation Act. The action was originally brought in the County Court under the Employers' Liability Act, 1880, by the widow of Benjamin Hoddinott, a riveter employed by the respondents, contractors, Westminster, to recover compensation for the loss of her husband, who was killed through alleged negligence. One Parker, a builder, had under contract completed the construction of a building in Lower Richmond road, Putney, which was used as stables by the London General Omnibus Company. After the completion of the building the company employed the respondents to fix certain iron stays in the ground floor from girder to girder to stiffen or strengthen them. The work was performed

the judge held that the plaintiff was entitled to damages under that Act, and he awarded as compensation £245 14s. The Court of Appeal reversed that decision, and gave judgment for the respondents, mainly on the ground that, in the words of the statute, the man was not employed on a building that was being constructed or repaired, but on a building that was being added to or altered. Lord Macnaghten, in now giving judgment, said that all the learned judges concurred in holding that the building in which the accident happened was not at the time being constructed nor being repaired, and that the respondents were not undertakers within the meaning of the Act. The ground of their decision was stated very clearly by Lord Justice Smith: "Were the ironfounders," he asked, "who put in these stays constructing the building?"

broad ground, but he could not help thinking that something narrower would lead to the same result in the present case. One would say with the strictest propriety that a building was in the course of construction when it was being reconstructed in order to make it what it was intended to be, a firm substantial structure, capable of resisting the action of the wind. He thought in this case the learned judges of the Court of Appeal had taken too narrow a view. If they construed the words of the act so narrowly as to exclude one of the commonest operations of the building trade, the alteration of a building already erected, and so debarred a workman engaged in that operation from all benefit of the Act, they would, he ventured to think, violate the letter as well as the spirit of the Act. The appeal ought to be allowed with costs in Court of Appeal.

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