

## MUNICIPAL DEPARTMENT

### LEGAL DECISIONS AFFECTING MUNICIPALITIES.

In the Division Court at Toronto the following appeals, affecting the city of Ottawa, were heard recently:

**ROCHESTER V. OTTAWA**—Defendants appealed from judgment of Falconbridge, J., upon the report of the Master at Ottawa finding plaintiffs entitled to \$450 damages and directing the defendants to restore a drain known as the Crannell drain and to provide suitable and proper drainage for the plaintiff's premises on Preston street, Ottawa. The Master found that the plaintiffs had a right to use the Crannell drain, and that the defendants in digging and filling the trenches when putting in their waterworks system cut and then blocked the said drain, and in altering the grade on Somerset street, caused surface water to flow on the plaintiffs property, which had not formerly flowed there, and damaged it. The defendants contended that on the law and the facts the plaintiffs have no right to use the Crannell drain, that the contractors in respect of the waterworks are liable for damages, if any, and that they were not guilty of negligence in altering the street grade. Appeal dismissed with costs.

**JAMIESON V. OTTAWA**—Defendants appealed from judgment of Falconbridge, J., for \$250 upon the report of Master at Ottawa, finding by reason of the acts of the defendants, their agents or servants, a drain known as the Jamieson drain, into which the plaintiff had the right to drain, was rendered useless and that the plaintiff's property had suffered damage occasioned by an extra flow of water in consequence. The defendants urged the same reasons against the judgment as those in *Rochester v. Ottawa*. Appeal dismissed with costs.

**MCLEAN V. OTTAWA**—Plaintiff appealed from the judgment of Street, J., in an action for damages for injuries sustained by the plaintiff owing to alleged negligence of the defendants in allowing the sidewalk on the east side of Bank street to become out of repair and ice and snow to accumulate and form a ridge over which the plaintiff fell and was injured. The defendants denied negligence and gross negligence on their part and alleged contributory negligence of plaintiff and failure by her to give notice of injury. The court upheld the decision of the trial judge, who dismissed the action.

### CRUDE PETROLEUM FOR HIGHWAYS.

The use of crude petroleum for keeping down dust extends every day in the United States. It is well known that several important railways have their road-bed sprinkled with oil, to the great advantage of passengers and freight conveyed over them, as the oil practically prevents all dust from rising from the ballast. For school-houses and public buildings a deodorized oil is used, the smell of crude

petroleum being disagreeable, and this deodorized petroleum is found of great service. Quite recently, several towns in Southern California have employed the crude oil for treating highways, and it is reported that the results have been extremely satisfactory. On sandy roads petroleum is of little value, as it has not binding quality enough to cement the particles of sand; but on a clayey road, with a good foundation, it is found that the oil combines with the dust on the surface of the road, forming a sort of asphalt, elastic, but firm enough to resist the action of wheels. A road which had, in dry weather, a covering of dust averaging two inches thick, presented, after the application of the petroleum, "a surface as polished, clean and clear as an asphalt street." On macadam pavement the oil has an equally good effect, cementing the broken stone in place, combining with the surface dust to produce an elastic finish, and making the whole road waterproof. In the California towns, the oil is applied to the roads in three doses. In the first treatment, sixty barrels of oil are used to the mile of road, a space eighteen feet wide being sprinkled. The oil must be applied hot, and the road itself must be warm and dry, the hottest part of a summer day being best for the application. If the conditions are favorable, the oil soaks immediately into the surface, without running into puddles. An hour or so after the first application, a roller is run over the surface.

Some time later, a second treatment is applied, with twenty barrels of oil to the mile, and a third, with a similar quantity of oil, completes the saturation. After this, nothing more need be done to the road for several years. As petroleum is found very abundantly in Southern California, the cost of the treatment is moderate, averaging two hundred and fifty dollars a mile for complete saturation.

The deterioration of a cement plaster on the filter basins of the Leipzig Waterworks is referred to in an interesting note in Number 23 of the "Thon-Industrie-Zeitung" for the current year. This plaster was as smooth as glass when the basins were put in service about two years ago, but it is now so soft that it can be scraped from the walls like clay with the fingers. The deterioration is uniform throughout the basins and is not restricted to work executed with any one brand of cement. It is believed to be due to the carbonic acid in the water, which combines with the carbonate in the cement to form a bicarbonate easily dissolved in water. Since the flow through the basins is practically continuous, this bicarbonate is dissolved gradually. An examination of the reddish brown mud in the bottom of the basins shows that silicic acid, iron oxide and sulphuric acid have also been separated from the cement plaster. The addition of trass to the cement apparently had no effect on the rate of deterioration.



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