

SUIT AFFECTING BUILDERS.

On January 22nd Mr. Justice Dubuc delivered judgment at Winnipeg in Davidson vs. Francis, a contractor's suit, tried before his lordship a short time since. In June, 1899, plaintiffs entered into an agreement with defendant to erect an addition and make alterations to a block of stores at the corner of Notre Dame and Isabel streets. The work was to be completed by August 15, 1899, to the satisfaction of J. Greenfield, the architect. If the contractors failed to finish the work at or before the time agreed upon he was to pay the owner \$3 a day while unfinished. The contractor finished the work about January 20, 1900, when the architect gave a certificate, purporting to be a final certificate of completion of the work, except four small items.

Plaintiff instituted this suit to cover \$416.36, the amount due. Defendant declined to pay, alleging the work was not done in a proper and workmanlike manner; the main work, instead of being finished on Aug. 15, 1899, was only completed about Jan. 23, 1900. They claimed inferior material was employed by the contractors, the flooring of a portion of the building was made with flat grain instead of edge grain lumber as required by the specification, and was in very short length; there was a gap of four feet left undone between the weeping drains around the new walls and those around the old. The concrete floor sank at some places 3 to 3½ inches lower than the level of the catch basin, so that the water remained in the cellar; the outside of walls from footings were to be cemented, but it was not done, or done so badly that the rain got through and damaged defendant's goods. The roofing was improperly done, so that water and tar leaked through it, and defendant had to pay another man \$25 to do it. Other defects were shown to the contractors and architect, by defendant, but they did not remedy them.

Defendant also claimed damages by way of counter-claim, for damages to goods stored in the cellar, which were damaged or destroyed by water, and by his wife being obliged to remain away between Aug. 15, 1899, and the middle of January, 1900, on account of the noise caused by the work going on and by being deprived during the same period of an increase of \$10 a month rent from each of his two tenants, and defendant asked that the \$3 a day provided for by the contract for the delay which occurred between Aug.

15, 1899, and Jan. 15, 1900, should be allowed to him.

His lordship decided that, taking into consideration all the circumstances of the case, he would hold that the plaintiffs were not entitled to recover and judgment should be entered for the defendant, with costs of suit.

The dam now being constructed for New York's water supply will, when finished, be the largest in the world. It will form a reservoir 19¾ miles long, fed by a water shed of 373 square miles. The water will submerge the old Croton dam 34 feet, put farms and houses, now tenanted, 50 feet or more under the flood and increase the present available storage capacity of Croton Lake from 2,000,000,000 to 32,000,000,000 gallons. New York will then have in all reservoirs of the Croton water shed about 74,500,000,000 gallons of water in storage as protection against drought.

BUSINESS NOTES.

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