

MUNICIPAL DEPARTMENT

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

An important verdict was given at Owen Sound, Ont., recently, by Chancellor Boyd in the non-jury sittings of the High Court. The action was brought by Mr. Wesley Owens, implement agent, against the town of Owen Sound, for damages for injuries received in a fall on Poulett street, as the result of tripping over some iron grating which had been left loosely lying on the new granolithic pavement. The verdict was for \$750 and costs. The town endeavored to make the owners of the Paterson House, to which the grating belonged, parties to the action, but this was not allowed.

HOMWOOD VS. CITY OF HAMILTON.—Judgment in action tried at Hamilton brought to recover damages for injuries sustained by plaintiff, who, while walking along the south side of Market square, and stepping towards a doorway leading into the premises of the third party, Hughes, struck his toe against the step or door-sill, and stumbling, fell back into an area or opening in the sidewalk used by Hughes, by permission of defendants, for putting beer, etc., into his cellar. Held, that the third party had not been negligent, and so defendants had not, and that plaintiff by the exercise of such care as was incumbent upon him to use owing to his defective vision, could have avoided the accident. See *Davenport vs. Ruckman*, 3, N.Y., 568. Action dismissed with costs, and also the claim of defendants against the third party. Costs of third party to be paid by defendants.

For two years the city of Brantford has been taking gravel from a pit at the foot of Market street owned by Messrs. Thomas Elliott, R. Henry and H. McK. Wilson, Q.C. No pay was ever received, as the remuneration could not be decided upon. Finally the gentleman in question pressed for a settlement, and the

municipality expropriated the property and tendered \$1,700 in payment of all claims. The offer was rejected and the matter referred to arbitration. The city named Sheriff Watt, the three gentlemen selected A. H. Baird, of Paris, and these two chose Judge Snider, of the city of Hamilton, as third man. They met and heard expert and other evidence during two days. The arbitrators have just made their award, Sherriff Watt dissenting. The award was that the city should pay to Messrs. Elliott, Henry and Wilson \$6,100, being the sum of \$6,000 for 12 acres of gravel land, which includes two acres of river bed, and \$100 for two acres of old river bed and \$140 interest from June 4th last at 5 per cent., together with the costs of the arbitrators. The other costs will be borne by each side. It is a valuable gravel pit and has supplied the material for the construction of the dykes on Erie avenue, Eagle avenue and Port street. A portion of the property is replenished each year by the action of the river.

MUNICIPAL WATER COOLING EXPERIMENT.

The innovation of the city of Philadelphia in establishing a water cooling system in the basement of the City Hall will be watched with

interest by every other large city in the country. It seems strange that other cities have not taken up the idea, for it is cheaper than using ice, besides having additional advantage of being less bothersome. The estimates for the cost of establishing the plant have been furnished, and it remains for the city council to appropriate the money. These estimates are somewhat higher than expected, amounting to \$45,728.50. This system is designed to cool 50,000 gallons of water, of which about four-fifths is wasted. For this service the total weight of the plant will be about 120,000 pounds. The refrigerating plant will be in the basement and about 20,000 feet of distributing pipes will be necessary. The rising mains will consist of two 4-in. pipes, carried from the basement to the ceiling of the seventh floor. There 2-inch pipes will be run around the seventh floor, to which will be connected forty-two 1-inch distributing pipes. These will be run to 4-inch return mains in the basement to insure circulation. It is proposed to furnish the wash basins with this water and place porcelain wall fountains where necessary. In addition to this work of supplying sixty basins and one hundred and twenty-eight wall fountains, it is proposed to put fountains in the entrances and corridors, seven such fountains to be placed on each floor. Of the total cost, \$27,678.50 will be required for materials. The installation of the refrigerating plant will cost \$13,050.

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