

No. 124.

**REPORT**  
**OF THE SELECT COMMITTEE ON PETITION OF**  
**Joseph Turton.**

Report on the claim of Mr. Joseph Turton, Builder, for a balance of £290 15 8 on work and materials expended on the Parliament House, in 1830, 1831 and 1832.

*To the Honorable the Commons House of Assembly.*

The select committee to whom was referred the petition of Joseph Turton, of this city, Builder, **BEG LEAVE TO REPORT:—**

That Mr. Turton was a sub-contractor for the erection of the Parliament buildings, he having taken the contract which Mr. Priestman felt himself unable to fulfil; on making up his accounts he (Mr. T.) considered that a balance was due him from the government of £290 15 8, to this as a just debt he made oath before James Fitzgibbon, Esq., one of the Commissioners, on the 3rd of March, 1834, and applied to the House of Assembly for an enquiry into the justice of his claim, and for payment.

The House referred his petition to a select committee, composed of Mr. Jarvis, then member for the city, Mr. John Roblin, and the late Colonel Thomas Hornor, member for Oxford, who called before them and examined Grant Powell and James Fitzgibbon, Esquires, James G. Chewett, Esq., Mr. William Heather, Surveyor, Mr. Edward Wood and Mr. George Norris. They had also in evidence the certificate of forty master masons and carpenters of the town of York. (No. 6 in Appendix.) Mr. Turton's account of work done and payments made, Messrs. Ewart and Parke's remarks on the said account, (Nos. 2 3 and 4 of Appendix) and the specification under which Mr. Turton became a contractor (see appendix No. 10).

On the day before the session closed, the committee agreed to a report which was signed by Colonel Hornor, their chairman, and is hereto annexed and numbered *one*. It states that on competent evidence they had recommended that payment should be made of Mr. Turton's claim. But it appears that an opportunity was not given Colonel Hornor to present the report, consequently Mr. Turton continued unpaid.

Early in the present session Mr. Turton again applied to the House, and it was pleased to refer his memorial to this committee, who re-examined Messrs. Chewett, Heather, Wood, and Norris; these witnesses adhered severally to the testimony they had given in 1834.

By far the greater part of Mr. Turton's claim is made up of a difference in the measurement of brick work. Messrs. Ewart and Parke have only allowed 15 bricks to the foot, while Mr. Turton insists that the customary and proper method of measuring such work in this city is by allowing 16 bricks to the foot.

Mr. Turton is supported in this opinion by Messrs. John Richey, Jacob Latham, James Turner Robert Petch, John Harper, William Heather, Robert Ford, Isaac White, Daniel Morrison, William Hutchison, Joseph Hill, Robert Stewart, James Dunn, and a number of other highly respectable master workmen, whose certificate is appended (No. 6). It even appears that in some cases 17 are allowed to the foot. Mr. Chewett corroborates the testimony of the builders, and states that in the range of houses he lately erected 16 bricks were allowed.

On a reference to the specification the House will perceive that Mr. Turton was compelled to furnish bricks of a given size, but that no special agreement was entered into by him for an admeasurement of his work done for the country upon terms different from what is customary and proper in all similar cases.

Messrs. Heather and Norris's testimony, and the facts furnished by the contractor himself, has enabled this committee to confirm the decision of the committee of last session, with regard to the plastering, which forms the other material item of difference. It is to be regretted that a tradesman having so fair a claim for remuneration, as Mr. Turton's appears to be, should have so long been deprived of the reward of his labour, and we respectfully recommend that provision should be made for the payment of his account.

DAVID GIBSON,  
*Chairman.*

*Committee Room, House of Assembly, }  
March 30th, 1835. }*

**No. 1.**

The committee to whom was referred the petition of Joseph Turton, respectfully report:—

That the petitioner was employed as a sub-contractor in the erection of the buildings for the use of the Legislature, and as such contractor received from time to time a sum of money amounting to £4325 6 6½, which sum was paid to the petitioner by the commissioners, under the certificate of Messrs. Ewart and Parke, who were employed to measure the same. The petitioner complains that in such measurement, fifteen bricks only were computed to the square foot, when, in fact, sixteen bricks by the usage of the country are always computed to the square foot, by which estimate, and a difference in measurement in other items, the petitioner declares to be due to him the sum of £290 15 8. And your committee having had before them, competent persons, whose evidence, together with the original specification of the Parliament buildings, substantiate the claim of the petitioner, recommend to Your Honorable House the payment of the above sum, and have hereunto subjoined the documents relative thereto, for the fuller information of your Honorable House.

THOMAS HORNOR,  
*Chairman,*

*Committee Room, House of Assembly, }  
5th March, 1834. }*