

MUNICIPAL DEPARTMENT

TO MUNICIPAL OFFICERS.

The CONTRACT RECORD is desirous of publishing, as far as possible, advance information regarding projected works of construction in all parts of Canada, such as sewerage and waterworks systems, railways, street pavements, public and private buildings, etc. Municipal officers would confer a favor upon the publisher by placing at our disposal particulars of such undertakings which are likely to be carried out in their vicinity, giving the name of the promoter, character of the work, and probable cost. Any information thus furnished will be greatly appreciated.

THE LATE COLONEL WARING.

Much regret was expressed both in the United States and Canada at the death of Colonel Waring, Street Cleaning Commissioner of New York City, which occurred at his residence in that city on October 29th last. His commendable work during the past three years had placed him in the front rank of municipal officials, and his method of operation was a revolution in many respects. Col. Waring contracted yellow fever at Havana, while making an inspection of the sanitary conditions of that city for the United States government. He was appointed, on October 2nd, as the head of the United States commission, to select camp sites in Cuba and to arrange for the sanitary improvement of the cities there. It has been reported that the plan to be recommended to clean out the harbor of Havana was a tunnel from the harbor, whose waters are foul and sluggish, to the east, under the Cabanas, so that the harbor might drain into the west-to-east current that sweeps by the north coast of Cuba. Col. Waring made a special study of Havana, with a view to suggesting plans by which that city could be put in perfect sanitary condition. He was to have reported to President McKinley almost immediately. The improvement of the sanitary condition of the Cuban coast towns will, it is believed, eventually prevent the recurring epidemics of yellow fever in the Southern States and save thousands of lives and millions of money there.

Col. Waring was born in Poundridge, N. Y., sixty-six years ago. He had a thorough training as an engineer, and took a special course in agricultural chemistry under the late Prof. Mapes. In 1857 he was appointed agricultural and drainage engineer of Central Park, and its present drainage system was designed by him. It was he who planted the two magnificent rows of elms on the Mall. He went to the front in the civil war as Major of the Garibaldi Hussars.

He was transferred to the Department of the Southwest and served as Colonel of the Fourth Missouri Cavalry. Mayor Strong appointed Col. Waring Street Cleaning Commissioner on Jan. 1, 1895, and he remained in office until Tammany came into power again on Jan. 1, 1898. The Citizens' State party this year nominated him for State Engineer and Surveyor.

TO PRACTICE AS LAND SURVEYORS.

A point of some interest to civil engineers was decided by Mr. Justice Martin at Vancouver, B.C., recently, it practically settling the question of the interpretation of the provisions of the act relating to the examination of candidates desiring to practice in the province. It came up on the argument on the motion of Mr. A. D. Crease, acting for Mr. John Coleman Fergusson, as to why a writ of mandamus should not issue to the board of examiners requiring them to grant a commission to Mr. Fergusson as a provincial land surveyor. Mr. Fergusson claimed that as he was a member of the Institute of Civil Engineers, a recognized body, he should only be required to pass an examination on the system of surveying as applied to the province, and that the board should not compel him to undergo also an examination such as pupils had to pass.

The Attorney-General admitted that the board had no authority to pass a minute prescribing that a recognized civil engineer should go through the same examination as a pupil, but he put in affidavits from the examiners stating that Mr. Fergusson had failed to satisfy them as to his knowledge of the system of provincial surveys.

The motion was refused on this latter ground, namely, that Mr. Fergusson had not proved to the examiners a proper knowledge of the provincial system of surveys; the statement of the Attorney-General settles that a recognized civil engineer does not require to pass the pupils' examination.

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

THE CITIZENS LIGHT AND POWER CO. VS. LEPITRE.—This was an action for damages resulting from the death of an employee of this electric company, which was caused by an electric shock. It appears that whilst engaged in placing wires

for the company, a man Lepitre, by accident, touched a wire which was alive and which he did not know to be a live wire, and that death resulted therefrom. It also appeared from the evidence that if the wire had been covered the accident could not have occurred. The Supreme Court rendered judgment dismissing the appeal, and held that the company was guilty of negligence in not causing the wires in question to be covered, and that the company was clearly liable for damages resulting from the death of its employe. Appeal was taken, but the case was dismissed with costs.

MCLEAN VS. THE CORPORATION OF THE VILLAGE OF VERDUN.—The plaintiff claimed from the corporation defendant a sum of \$127.17 for work and professional services as a civil engineer. The defendant pleaded that plaintiff was engaged by defendant to perform certain work as engineer in connection with the laying of a drain pipe, and that the remuneration for his services was to be two and one half per cent. on the total cost of laying the pipe. The defendant alleged that the amount due under the arrangement was \$63.17, which had been tendered to plaintiff, and the tender was repeated by the plea. The court held that it appeared by the evidence that the defendant was not indebted in any larger sum than \$63.17, and that the claim was unfounded as to the rest. The defendant's tender was therefore declared sufficient, and judgment was given for \$63.17, with costs of action of that class until plea filed, and the action was dismissed as to the surplus of the demand with costs.

The county of Simcoe has been successful in its suit against the London Guarantee and Accident Company, to recover upon a \$10,000 bond given as security for the county treasurer, Sanford, who defaulted to the extent of \$62,000. The action was tried before Mr. Justice Fergusson at Barrie. The bond was for \$10,000, for one year from its date, and during any year thereafter in which the premium of \$100 should be paid, against any loss the county might sustain by reason of embezzlement by its treasurer. The defence of the company was that the county was negligent in its dealings in regard to Sanford. His Lordship held that negligence to relieve a surety must amount to collusion, and it must be such as to imply connivance and amount to fraud. The surety guarantees the honesty of the person employed, and is not entitled to be relieved from the obligation because the employer fails to use all the means in its power to guard against the consequences of dishonesty. The evidence in the case in point did not disclose connivance, collusion nor fraud. Judgment was given the county for the full amount of the bond and costs.

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