

recovery of \$1,885.75, on account of a promissory note made by Evans & Evans, hardware merchants, of this city, in favour of the Provincial Hardware Manufacturing Company, of Kingston, Ont., for 90 cases of locks sold and delivered, and by them endorsed to the plaintiff as discounter, who also held the policy under which they were insured and the warehouse receipt as collateral security. The case is chiefly remarkable for the conflicting testimony as to the damage to the goods by reason of fire.

It appeared that the locks were in the first instance placed on storage in a warehouse on Common street, and were there insured with the defendants. Subsequently they were removed, and the policy transferred to the stores of the Montreal Warehousing Company, on Wellington street. While lying in storage there, in May last, the policy matured, and was renewed for one month, to the 15th June ensuing. In the course of this month a destructive fire occurred at these stores, by which the goods in question sustained damage, chiefly by water. The company did not dispute their liability to make compensation for this damage, but demurred as to the extent thereof.

Mr. W. C. Evans, President of the Provincial Hardware Manufacturing Company, of Kingston, who was the first witness for the plaintiff, deposed that the locks were manufactured by his company, and were of the value of \$2,500, and that if they were damaged by water they would not be worth more than the value of the castings (2c. per lb.) This witness, on cross-examination, admitted that he had not seen the locks since they were damaged, yet upon some such vague testimony the action seems to have been based.

Mr. James Brown had been appointed arbitrator for the Insurance Company, and Mr. J. J. Evans for the Plaintiff. The latter suggested at the outset that they should award 20 per cent. damage to close the matter at once. This, however, Mr. Brown did not see fit to accede to; and as his estimate was only 13 per cent., while Mr. Evans raised his to 30 per cent., Mr. J. P. Seybold was called in as umpire, who, setting aside both estimates, assessed the damage himself at 15 per cent., amounting to \$377.15. This award was deemed satisfactory by the Company, who tendered the amount in satisfaction of the claim, which the Plaintiff did not accept. Other witnesses estimated the damage at 37½ and 50 per cent. The evidence being closed, Mr. Perkins addressed the jury for the Plaintiff, and Mr. S. Bethune, Q. C., for the Defendants, and the Court adjourned to 10 o'clock the next morning.

On the Court reassembling, Jan. 26, Mr. Justice Mackay proceeded to sum up the evidence. He ruled that it was the duty of the umpire to have concurred with one or the other of the arbitrators. He did not do so; and therefore the Court did not think that his award could be sustained. The evidence was most conflicting,—the estimates of damage ranging from 13 to 15, 20, 30, 37½ and 50 per cent. to within a mere shade of total loss. The Plaintiff manifestly claimed too much, but the Court was of opinion that 15 per cent. was too little. The jury retired, and after considerable deliberation found a verdict for the Plaintiff, awarding damage at 30 per cent., amounting to \$754.30, being double the amount tendered, and \$1131.45 less than that claimed.

By the calamitous fire Sunday, 29th, reported in last advice, the Royal loses over \$500 on the building; the Commercial Union \$600, out of \$800 insured on Thos. Milton's stock of fancy goods and toys; the Northern \$360 out of \$2,000 on D. A. Harper's stock of jewellery and fancy goods. Miss Paradise, in whose shop the fire had its origin, has not yet determined what amount to claim of the unexhausted \$1,900 of her policy with the British America.

Feb. 2.—At 7.25 this evening a destructive fire was discovered in a large, first class, two storied, brick building, extending from 17 to 29 Mill street, between the Lachine canal and the river

St. Lawrence, occupied on the ground floor and basement by Messrs. W. P. Bartley, of the St. Lawrence Engine Works, as a machine shop, and adjuncts; and on the upper floor by Messrs. W. M. Mooney & Co., as a manufactory for patent horse nails. The building was filled with lathes, planing, slotting, boring and other machines, of the most improved and costly character, adapted for the production of the powerful engines for the manufacture of which the reputation of this firm stands so high: besides an almost incalculable and quite irretrievable quantity of patterns and drawings belonging to them, in addition to the work in hand, and the valuable horse-nail machinery in the floor above. The flames burst out through the numerous windows with irresistible fury, and the roof speedily fell in, when they shot up illuminated the atmosphere for miles round: fortunately, a strong breeze which prevailed at the time, blew from the north west, and drove the flames in the direction of the river where they could do no damage, had the wind lay in almost any other quarter, the probability is that the losses would have been enormous. Messrs. Bartley's boiler shop and other buildings must inevitably have fallen, and the whole neighborhood, which is composed entirely of mills and manufactories, have been fearfully damaged. The fire brigade were speedily on the spot, in force, but their efforts were all but futile, as there is but a five inch main in the street, so that after wasting their energies, in vain, for a considerable time, with the unaided hose, the chief sent for one of the hand engines, which are still kept in reserve, and this being well-manned, and the supply of water inexhaustible, soon began to tell upon the burning mass, and the fire was finally suppressed between 10 and 11 o'clock. The wall next the street fell outward, happily injuring no one, and the scene which, but a few hours before, was alive with the whirr and clang of costly and beautiful machines, which one might almost imagine to be endowed with intelligence, guided and controlled by men of high intelligence, was transformed to an inextricable chaos of blackened and distorted wheels and shafts, worth little but what they might fetch for old metal. The fire is supposed to have taken from a stove in the drawing office, but nothing is known on this head.

The insurances are as follow:

Bartley & Co., on Building—	
Royal.....	\$5800
N. British & Mercantile.....	2,500
	\$8,300
Bartley & Co., on Machinery, &c.	
Queen.....	9,375
Royal.....	4,687
do.....	1,200
N. British & Mercantile.....	4,600
	19,662
	\$28,162
Mooney & Co. on Machinery &c. Western.	6,000
	\$34,162

One half of the Western's risk is re-insured with the Scottish Imperial, the loss has been adjusted at fifty per cent. Messrs. Bartley and Co.'s loss has not yet been ascertained but there is little doubt that it will exhaust all the policies and leave them heavy sufferers.

Feb. 5.—At about 9 o'clock this (Sunday) morning an alarm was given that the "Terrapin" tavern in Notre Dame street was on fire. On the brigade arriving on the spot, the smoke was found to proceed from the building which was destroyed last summer, the restoration of which is not yet completed. It turned out to be nothing but the steam from the newly plastered walls of the upper stories, which were in process of drying by means of the not very pleasant looking contrivance which plasterers favour for the purpose, and the steam from the heated walls had found an escape by a broken pane in one of the windows.

Several alarms have been given during the past few days but proved to be on account of over-

heated stove-pipes and chimneys occasioned no doubt by the more than usual free use of fuel during the intensely cold weather we have had here. On Sunday morning the thermometer stood at 7 a. m. at 27 below zero.

FIRE RECORD.—Strathroy, Feb. 1.—The boot and shoe store of Cameron & Son was burned down; stock mostly all saved, of which the value was about \$8,000. Insured in the Provincial for \$1,400; British America, \$1,400; Western, \$1,000. Loss partial.

Newmarket, Feb. 4.—This morning, a fire was discovered to have made considerable headway in the saddlery shop of Mr. Botsford. It was out of the power of the fire brigade to extinguish it or even to prevent it from devouring Mr. Wallis' saddlery shop and D. & N. Reid's marble works, George Wallace's barber shop, and the dwelling occupied by Mr. Denne, the butcher. As there was a strong wind from the north, it was feared the store of R. R. Smith would next take its fate, but the exertions made by the fire brigade stayed the progress, otherwise it would have swept all the west side of Main street. Wallis has no insurance. D. & N. Reid's loss is about \$1,000; insured in the Provincial for \$500. Mr. Denne's furniture was insured in the Provincial for \$500 and his house for \$400. The millinery goods of R. H. Smith were removed without much damage. The billiard rooms in rear of Mr. Botsford's shop were also burned and nothing saved. Mr. Botsford had an insurance of \$250 in the British America.

Saugeen, Jan. 27.—The barn of Henry Thede was destroyed by fire with all its contents. He was insured for \$500 in the Beaver Mutual Insurance Co., but that will cover but a small portion of the loss sustained. The origin of the fire is uncertain.

Eramosa Township, Jan. 25.—A fire broke out in the dwelling house of Michael Cummings. He had been from home that day, and had arrived to see his house in flames. There was no insurance, and only a portion of the contents were saved.

Cobourg, Feb. 4.—The most terrible fire which has ever occurred at Cobourg took place on Saturday morning, 4th inst., commencing between two and three o'clock. This fire resulted in the destruction of the two finest blocks on the south side of King street, belonging, respectively, to Messrs. McCallum and Jeffrey. About the time stated, flames were seen issuing from the rear of Mr. Sutherland's store, in McCallum's block; and in an incredibly short time the fire had gained such headway that it was impossible to save any of Mr. Sutherland's stock, and but very little of that of P. McCallum & Son, in the store adjoining. Though the firemen and hundreds of citizens were early on the spot, the extreme coldness of the weather, together with the prevailing high wind, rendered their efforts of but little avail. In a very short time it was evident that McCallum's block was doomed to destruction; and the efforts of both companies were directed to saving Jeffrey's block from a like fate. Their exertions, however, proved of no avail, and soon that fine building was a mass of ruins. McCallum's block contained the dry goods business of P. McCallum & Son, the grocery of J. Sutherland & Co., the office of the Canadian Express Company, and the office of the Montreal Telegraph Company. Jeffrey's block contained Jeffrey & Co.'s hardware store, and the branch of the Bank of Toronto. These are all in ruins, as well as a number of offices and tenements in the upper stories. The loss is estimated at one hundred thousand dollars. The Bank of Toronto saved all their books, papers and money. Jeffrey & Co.'s warehouse in the rear of the building, which contained part of their stock, was saved. The Montreal Telegraph and Canadian Express Companies saved their instruments, books and valuables. Messrs. Sutherland, McCallum and Jeffrey's safes were burned; but on opening McCallum's and Sutherland's this morning, the contents were found to be perfect. Messrs. Jeffrey