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NOVA SCOTIA.

SUPREME COURT.

JUNE 14TH, 1909.

CHAPPEL BROS. & CO. LTD. v. THE CITY OF SYDNEY.

*Municipal Corporation — Public Library — Committee —
Plans and Specifications—Approval by City Council —
Liability for Cost of.*

W. H. Covert, for plaintiff.

F. McDonald, for defendant.

LAURENCE, J.:—A library committee was appointed from time to time by the town of Sydney, which had charge of a public library maintained by the town. Mr. Carnegie in the year 1903 offered the town \$15,000 for the erection of a library building on conditions which are mentioned in an Act of the Legislature, c. 169, of 1903.

In the same year by c. 174 of the Acts of the Province, the Town of Sydney was constituted a city, and by the same Act the liabilities of the town were transferred to and imposed on the city.

The library committee referred to, without special authority from the city, proceeded to call for plans and specifications for the building contemplated by the donations of Mr. Carnegie and c. 169 of 1903 Acts referred to. The plaintiffs submitted plans and specifications to the committee—which I find were, after certain alterations made at the request of the committee—accepted, and on these plans and specifications tenders for the library building were asked for, and one, that of the plaintiffs, who are also building contractors, was received, but not accepted or at least acted on as the building has not been erected. The committee after this reported in full all they had done in the matter