

LEGAL.

SHEPHERD V. CAMPBELL.—Watson, Q.C., for plaintiff, appealed from order of a divisional court, allowing an appeal from judgment of Robertson, J., in action for damages and dismissing it with costs. The plaintiff agreed to purchase from defendant two buildings in course of erection on McLaren street, in the city of Ottawa, and plaintiff alleges that defendant agreed to complete the buildings according to certain plans and specifications, but failed to do so in respect of the heating and capacity of furnaces furnished. The No. 26 Monarch furnace supplied has a capacity of 10,000 cubic feet, and the cubic area of the building is 27,000 cubic feet. The trial judge held that upon the proper construction of the specifications, the terms of which are, "provide and fit up in the basement one No. 26 size of the Monarch coal furnaces or equal of sufficient size to give a uniform temperature of 70 degrees Fahrenheit, when 20 below zero outside, and to maintain that temperature at all times," the words as to the uniform temperature and the maintenance of it were applicable to the Monarch furnace as well as to the substitute which the contractor had liberty to supply. It was contended that the foregoing words

amounted to a representation and warranty of the capacity of a No. 26 Monarch furnace, and if not they amounted to a warranty of the capacity of the equal of a No. 26 Monarch, and if so of the Monarch itself. Appeal dismissed with costs by the Court of Appeal, Toronto.

For two-thirds of their height the walls of a dining room in a flat on the upper west side are hung with a Delft blue buckram, which contrasts well with the oak finish that has been filled with a deep yellow paste filler and then finished with a dull luster. The remainder of the wall, above a four inch plate rail, is hung with a dull, mustard yellow damask in a two-toned stripe. Blue and white Delft plates arranged in a row upon the shelf-molding give character to the frieze. The ceiling is paneled in oak, with narrow bead moldings round the panels, picked out with blue and gold. In the bracketed cornice electric lamps are arranged between the carved modillions and illuminate the room without the disagreeable glare of a chandelier. The floor is covered with a dull blue Daghestan rug, with a red and yellow border. The furniture, heavy in character, and of the florid German type, is of Flemish oak, the chairs being upholstered in dull blue and gold stamped leather.

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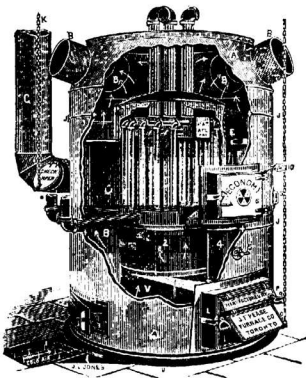
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