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CANADIAN CONTRACT RECORD

A WEEKLY JOURNAL

PUBLIC WORKS • TENDERS •
ADVANCE • INFORMATION •
AND MUNICIPAL • PROGRESS

EVERY THURSDAY

This paper reaches every week the Town and City Clerks, Town and City Engineers, County Clerks and County Engineers, Purchasers of Municipal Debentures and leading Contractors in all lines throughout Canada.

VOL. 8.

JUNE 17, 1897

No. 20.

THE CANADIAN CONTRACT RECORD, PUBLISHED EVERY THURSDAY

As an Intermediate Edition of the "Canadian Architect and Builder."

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G. H. MORTIMER, Publisher,

CONFEDERATION LIFE BUILDING, TORONTO.
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Information solicited from any part of the Dominion regarding contracts open to tender.

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Tenders Wanted

Sealed Tenders, addressed to the undersigned and marked "Tenders for Debentures," will be received up to the 23RD DAY OF JUNE INST., at six o'clock p. m., for the purchase of \$40,000.00 Town of Parrsboro Water Debentures, bearing interest at four per cent., payable half-yearly. Debentures for \$1,000.00 each and payable in thirty years. Lowest or any tender not necessarily accepted. Debentures issued under authority of an Act passed 1897.

Office of the Town Clerk and Treasurer,
Parrsboro, N.S., June 5th, 1897.

N. H. UPHAM, Town Clerk.

Notice to Contractors

Tenders will be received by the undersigned between JUNE 17TH AND JULY 1ST, for the erection of a solid brick Hotel, 52 x 85 ft., three stories high, gravel roof, steam heating, electric wiring; also solid brick Stable, 42 x 90 ft., gravel roof, and frame shed 75 x 25 ft. The lowest or any tender not necessarily accepted. Plans and specifications can be seen by applying to S. P. TESCHART, Architect, Formosa, or to J. H. BRICK, Proprietor, Teeswater.

Tenders for Bridge

TO BRIDGE CONTRACTORS

Tenders for a Steel Bridge on behalf of the County of Perth and County of Oxford, to be erected on the boundary of West Zorra and Gore of Downie, near Fairview, being 45 feet in clear (45 feet over all) and 14 foot roadway. Floor to be covered with pine joist tarrack floor, or all white oak.

Tenders to be in by 12 O'CLOCK, NOON, TUESDAY, JUNE 29TH, 1897, addressed to the undersigned.

Lowest or any tender not necessarily accepted.

JOHN CORRIE,
Inspector.

Stratford, June 8th, 1897.

TENDERS FOR SIDEWALKS

Tenders addressed to the Chairman of the Board of Works, Victoria Building, Brockville, Ont., will be received up to 4 o'clock p.m., on THURSDAY, JUNE 24TH, 1897, for the construction of about 20,000 superficial feet of granolithic sidewalks, required by the Corporation of the Town of Brockville.

Specifications may be seen and forms of tender obtained at the office of the Town Engineer, Brockville. A deposit in the form of a marked cheque, payable to the order of the Town Treasurer, for the sum of \$700, must accompany each tender, otherwise they will not be entertained.

The lowest or any tender not necessarily accepted.

E. A. BUCKMAN,
Chairman Board of Works.

Victoria Building, Brockville, 11th June, 1897.

\$72,000.00

OF THE

**TOWN OF RENEW Waterworks
and Sewerage Debentures—
\$58,000 Waterworks and
\$19,000 Sewerage.**

Sealed tenders will be received by the undersigned up to twelve o'clock, noon, on TUESDAY, THE TWENTY-NINTH DAY OF JUNE, 1897, for the purchase of the whole or any of the above mentioned debentures.

These debentures are issued on the instalment plan, extending for 30 years from the 1st day of July, 1897. Interest payable yearly at the rate of 4½% per annum. For further particulars apply to

J. K. ROCHESTER,

Municipal Clerk.

JAS. CLARK, Mayor.



NOTICE TO BUILDERS

Tenders addressed to the undersigned will be received through registered post up to noon on THURSDAY, THE 24TH INST., for the following works, viz.:

- (1) Erection of pig pens.
- (2) Erection of horse stables, and
- (3) Alterations to Machinery Hall Building: all in the Exhibitor Grounds.

Plans and specifications may be seen and all information obtained at the office of Mark Hall, architect, 62 Victoria street.

Each and every tender must be accompanied by a marked cheque, made payable to the order of the City Treasurer, or a cash deposit equal to 5 per cent. of the amount of the tender if under \$1,000, or 2½ per cent. thereof if over that amount, which deposit will be forfeited to the city in the event of the party whose tender is accepted failing to execute the necessary contract and bond. The deposits of unsuccessful tenderers will be returned.

The lowest or any tender not necessarily accepted.

ROBERT J. FLEMING, (Mayor),
Chairman Board of Control,

City Hall, Toronto, June 11th, 1897.

Toronto Public Schools

TO BUILDERS AND CONTRACTORS

SEALED TENDERS

will be received by the Secretary Treasurer of the Toronto Public School Board until FRIDAY, JUNE 25TH, at 9 a.m. sharp, for the usual midsummer

Repairs, Alterations and Improvements

in all trades at the several schools. Also for

Heating Apparatus for Victoria Street School

Plans and specifications may be seen and all information obtained at the office of Mr. C. H. Bishop, Superintendent of Buildings, on and after Monday, the 14th inst., between the hours of 8 a.m. and 6 p.m., including Saturday.

Each tender must be accompanied by the deposit mentioned in the said specifications and form of tender as per regulation of the Board.

The lowest or any tender will not necessarily be accepted.

W. C. WILKINSON,
Secretary Treasurer.

JAS. BURNS,
Chairman of Committee.



Tenders for Roadways

Tenders will be received by registered post only, addressed to the Chairman of the Board of Control, City Hall, Toronto, up to

Noon on Thursday, the 24th inst.,

for the following works:

ASPHALT PAVEMENTS.

On Berkeley Street, from Gerrard Street to Carlton Street.
On Adelaide Street, from Yonge Street to Bay Street.

BRICK PAVEMENTS.

On Fenning Street, from Queen Street to Humbert Street.
On Gerrard Street (track allowance), from Pape Avenue to Leslie Street.
On Wellesley Place, from Wellesley Crescent to Wellesley Lane.
On Collier Street, from Park Road to East End.

GRAVEL ROADWAYS.

On Elm Grove, from King Street to Queen Street.
On Beaconsfield Avenue, from Queen Street to Afton Avenue.

Specifications may be seen and forms of tender obtained at the office of the City Engineer, City Hall, Toronto, on and after Thursday, 17th June, 1897.

A deposit in the form of a marked cheque payable to the order of the City Treasurer for the sum of 2½ per cent. on the value of the work tendered for, must accompany each and every tender, otherwise they will not be entertained.

Tenders must bear the bona fide signatures of the contractor and his sureties, or they will be ruled out as informal.

Lowest or any tender not necessarily accepted.

R. J. FLEMING (Mayor),
Chairman Board of Control.

City Hall, Toronto, June 10th, 1897.

TENDERS FOR PILING AND EARTHWORK

Separate tenders will be received by the undersigned up to Noon of SATURDAY, JUNE 26TH, for the Piling and Earthwork necessary for the approaches to the York Mills bridge on Yonge street, in the county of York. Plans and specifications may be seen and all necessary information obtained at the office of the undersigned on and after Saturday, June 19th, 1897. The lowest or any tender will not necessarily be accepted.

By order,
JAS. McDUGALL,
County Engineer.

Court House, Toronto, June 16th, 1897.

Tenders for Masonry Township of Toronto

Tenders for the construction of one Stone Abutment for the bridge over the river Credit on Dundas street at Springfield-Credit will be received by the undersigned up to noon of SATURDAY, JUNE 26TH, 1897. Plans and specifications can be seen and all necessary information obtained at the office of the County Engineer of York, Court House, Adelaide St. East, Toronto, or at the office of the undersigned on and after Monday, June 21st, 1897. The lowest or any tender will not necessarily be accepted.

By order,
WM. COOK,
Clerk of Township of Toronto.

Dixie, June 16th, 1897.



Tenders for Hook and Ladder Truck, Lorry and Delivery Wagon

Tenders addressed to R. J. Fleming, Mayor, Chairman Board of Control, will be received by registered letter only, up to noon on THURSDAY THE 4TH INST., for one hook and ladder truck, one lorry and one delivery wagon for the Fire Department. Specifications and forms of tender and all necessary information may be obtained upon application to the Chief of the Fire Department, Richmond Street Fire-hall, Toronto.

A cash deposit or marked cheque equal to 5 per cent. of the total amount of the contract if under \$1,000, and 2½ per cent. if over that amount, must accompany each tender, and the same will be forfeited to the city in the event of the person or persons whose tender is accepted failing to execute the necessary contract or give satisfactory sureties for the due fulfilment of the same. The deposit of unsuccessful tenderers will be returned.

The lowest or any tender not necessarily accepted.

R. J. FLEMING (Mayor),
Chairman Board of Control.

City Hall, Toronto, June 16th, 1897.

CONTRACTS OPEN.

MONCTON, N. B.—The First Baptist congregation will erect a parsonage, at a cost of \$2,500.

MIDGIC STATION, N. B.—Tenders are invited for the construction of a new Baptist church, to cost \$5,000.

SHERBROOKE, QUE.—C. H. Nutter has made a proposition on the town to erect an opera house, to cost \$20,000.

KAMLOUS, B. C.—Maxwell Muir, architect, of Victoria, is preparing plans for a jail building to be built here.

REVELSTOKE, B. C.—Plans have been prepared for a new court house and government buildings to be built here.

GUELPH, ONT.—The purchase of a road roller has been recommended by the Road Committee of the City Council.

PORTSMOUTH, ONT.—A bonus of \$10,000 is offered by the town for the erection of a 500,000 bushel grain elevator here.

BRISTOL, N. B.—The Baptist church congregation have decided to erect a new edifice. Rev. Amos Hayward, pastor.

ST. MARYS, ONT.—Contracts for the iron work and heating apparatus for the Whelihan block have not yet been let.

AMHERSTBURG, ONT.—The county council will raise a loan of \$10,000 to complete the county buildings improvements.

DUNDAS, ONT.—Tenders have not yet been accepted for the new Sunday school building. Chas. Mills, Hamilton, architect.

QUEBEC, QUE.—W. D. Baillarge, assistant city inspector, invites tenders for paving St. Louis street with massillon brick.

BROCKVILLE, ONT.—Arthur Ellis, architect, of Kingston, has been requested to prepare plans for alterations to Victoria school, this city.

SARNIA, ONT.—Mr. J. C. Robson, architect, is asking tenders for office and residence for Dr. Kinsman, corner Cromwell and Christiana streets.

BRANTFORD, ONT.—Plans have been prepared and tenders will shortly be asked for extending the market building, at a cost of \$5,000.

PARRSHORO, N. S.—N. H. Upham, town clerk, will receive offers until the 23rd inst., for the construction of a reservoir for the waterworks system.

KINGSTON, ONT.—The House of Industry Board is urging the City Council to erect a hospital for incurables and an addition to the House of Industry.

FORT WILLIAM, ONT.—Mr. F. F. Busted, C.E., has submitted estimates for waterworks and electric light systems. The cost is placed at \$35,000 and \$13,000 respectively.

LINDSAY, ONT.—Thomas Matchett, county treasurer, will build a new residence.—Tenders for a fire alarm system are asked until noon to-day (Thursday) by W. M. Robson.

RENFREW, ONT.—Plans for waterworks and sewerage systems have been prepared by Mr. A. Potter, C.E.—Tenders have been asked for a brick school-house. Address, W. M. Dickson.

BARRIE, ONT.—Thomas Kennedy & Son, architects, will receive tenders until June 29th for a public school house to be built in the village of Minesing. Plans at the office of the above architects.

FREDERICTON, N. B.—Tenders for repairs to the city hall are invited by C. H. Thomas until Saturday, June 19th, in accordance with plans prepared by R. C. John Dunn, architect, of St. John.

STRATFORD, ONT.—A communication has been received from the Provincial Board of Health asking what steps the council propose taking in regard to providing a system of sewerage disposal.

MITCHELL, ONT.—D. G. Downey, of this town, invites tenders for the erection of a brick presbytery in Logan. Plans may be seen at the offices of Messrs. Roger, Mitchell & Baxter, architects, Stratford.

MONTREAL, QUE.—Perrault & Lesage, architects, have prepared plans for alterations to the old Victoria School of Medicine on Pine ave., to meet the requirements of a morgue.—Chas. Chausse, architect, will open tenders this week for four residences for the Estate of Hon. Louis Tourville.

ST. THOMAS, ONT.—A local company has been organized for the purpose of electrifying the present street railway system. Mr. J. H. Still has a controlling interest in the company. The by-law to raise \$45,000 by issuing debentures, to purchase a site and erect a city hall, has been defeated.

CHATHAM, ONT.—T. C. Macnab, secretary public school board, asks tenders until noon Saturday, 26th inst., for 600 school seats.—The Reeve has given notice in the County Council that he will introduce a by-law asking for power to issue debentures to build a water tank and extend the water mains on Erie street south.—The tenders for an electric light plant have been referred to the fire, water and light committee for a report.

St. JOHN, N. B.—R. C. John Dunn, architect, is receiving tenders this week for a tower and spire to be built on St. Rose's church, Fairwell.—The city council have resolved to invite tenders for a complete fire alarm system for the city.—Mr. Murdoch, C. E., has presented a report to the city council recommending the utilization of the water of Silver Falls for waterworks purposes. The estimated expenditure in connection therewith is placed at \$5,000.

LONDON, ONT.—The Western Fair Board will erect a building for swine 56 x 36 feet.—Building permits have been granted as follows: James Matthews, brick veneer dwelling, 531 Gray street, cost \$1,000; Mrs. Rodner, brick cottage, between Ontario and Rectory streets, cost \$1,200; E. Anderson, two-story brick residence, corner Elizabeth and Queen's ave.; Mrs. A. Brock, two-story brick residence on Central ave., cost \$1,750; Hilliard & McKinlay, brick veneer residence on Central ave., cost \$1,600.—The Middlesex county council have decided to erect a wooden structure at Kilworth, at a cost of \$6,000.—A joint stock company is being formed to erect the proposed Jubilee hospital. The capital is placed at \$120,000.

WINNIPEG, MAN.—The Fire, Water and Light Committee have recommended the City Council to erect a new central fire-hall.—Walter Chesterton, architect, has prepared plans for the proposed addition to Fort Rouge school.—Tenders for proposed improvements to central No. 1 school have not yet been taken.—The Finance Committee has recommended that the sum of \$10,000 be granted towards the proposed Victoria wing at the General Hospital.—The construction of a sewer on Osborne and Pembina streets has been recommended by the Committee on Works.—S. Hooper, architect, has invited tenders for a brick and stone residence for L. Bawlf.

HAMILTON, ONT.—W. A. Edwards, architect, has in hand the erection of an office building for the Sawyer-Massey Company.—The Board of Works, at a recent meeting, decided to recommend the expenditure of \$20,000 in constructing asphalt pavements on Macnab and Merrick streets.—At the last meeting of the Finance Committee, plans of the proposed jubilee wing at the hospital were submitted and approved of. Tenders for the work, which will cost about \$70,000, will probably be invited at once.—The Finance Committee will be asked to grant the sum of \$1,700 for a new roof on the jail.—Building permits have been granted as follows: Thomas Larkin, two-story brick dwelling on Barton street, cost \$1,300; E. Smith, two-story brick residence on Main street, between Sanford and Sheran avenues.—A proposition has been made by the Brantford Street Railway Company to amalgamate with the Hamilton, Chedoke & Ancaster Electric Railway Company, for the purpose of making direct connection with Paris by way of Brantford.

OTTAWA, ONT.—The supplementary estimates were presented to the House last week. Among the items are \$25,000 to complete the Dartmouth branch of the Intercolonial, \$145,000 for Cornwall canal enlargement, and \$80,000 for construction at the Sault Ste. Marie canal.—Mr. Rudolph Hering, C.E., of New York, has submitted his report on a suitable drainage system for the city. The work will cost in the vicinity of \$431,000, made up as follows: Western sewage interceptor, outfall "A," \$18,423; western main sewer, outfall "B," \$220,006; eastern main sewer, outfall "D," \$148,171; Bank street relief sewer, \$10,396; Isabella street relief sewer, \$34,019.—Plans have been prepared for alterations to No. 3 fire station. The building will be 38 feet high and 20

feet wide.—The city clerk has received a petition asking the city to lay a granolithic sidewalk, 15 feet wide, on York street, from Sussex street to the market square.—Plans have been prepared for the new hospital building, and it is hoped to lay the corner stone on June 22nd.—The Southern Counties Railway Company, which proposes to construct a railway from the northern limit of the county of Chambly, through the counties of Vercheres, Rouville, St. Hyacinthe, Stanstead, etc., to Sherbrooke, Que., is seeking incorporation. It is probable electricity will be used as the motive power.—Linton Williams, architect, has invited tenders for a three-story brick store building on Elgin street.—The city council has given notice of its intention to construct artificial stone sidewalks on Broad, Victoria, Ottawa, Lett, Sherwood, Bridge and Lloyd streets.

TORONTO, ONT.—Messrs. Langley & Langley, architects, have in hand the alterations to the U. E. buildings on King street west for the North American Life Assurance Company. The improvements will cost in the neighborhood of \$15,000.—The council of East Toronto are considering the question of lighting the streets, and a committee has been asked to report on the cost of electric lighting.—At a meeting of the congregation of the Church of the Covenant held last week, it was decided to proceed with the erection of the proposed building on the north-east corner of Avenue road and Roxburgh street. Contracts for the work will be let only as funds permit.—J. A. Ellis, architect, has been instructed to prepare new plans for a school building for East Toronto.—At a meeting of the York County Council held a few days ago, the Commissioners of the Industrial Home recommended that a building for an infirmary, and increased accommodation for inmates, be erected at that institution. Plans for the same were submitted, and tenders will be invited at once.—Tenders will likely be invited next week for the new High School at Richmond Hill, from plans prepared by J. F. Brown, architect, of this city.—The plans for the new Odd-fellows' Hall at Parry Sound, prepared by Henry Simpson, architect, of this city, have been forwarded to the authorities at that place, and tenders for the work are now being received. The building will be brick and stone, three stories, cost about \$6,000.—A. R. Denison, architect, is preparing plans for remodelling large factory premises in a neighboring town, at a cost of \$40,000. The alterations will include carpentry, brickwork, plumbing, painting, plastering and millwright, a new 150 h.p. engine and two boilers. Same architect is preparing plans for a residence at Port Elgin, to cost from \$5,000 to \$6,000, having ornamental glass and fine decorations.—Tenders for the erection of the John Eaton building, corner Yonge and Temperance streets, from plans prepared by A. R. Denison, architect, will likely be invited next week. The building will be 160 x 75 feet, four stories and basement, the first two to be of cut stone, steel and plate glass, and the balance of brick faced with brown stone, and of the slow-burning process of construction; heated by radiators and lighted by electricity; concealed wiring, hoist and elevator, felt and gravel roof, metal cornices, prism lights, concrete and hard brick foundation, sprinkling system of fire protection, etc. Estimated cost, \$60,000. Interior fittings, such as show cases, etc., will cost from \$5,000 to \$6,000.

FIRES.

A. H. Carl's frame block at Cobocok, Ont., was totally destroyed by fire last week; insurance \$4,000.—F. Benoit's store and dwelling and H. Poirer's dwelling at Roxton Falls, Que., were burned on the 12th inst.; insured.—N. Quintal &

Sons' wholesale grocery establishment, St. Paul street, Montreal, was badly damaged by fire recently. The building was owned by Simon Delorme, who will immediately rebuild.—Davidson & Campbell's planing mill at Niagara, Ont., was burned on the 13th inst. Loss \$15,000; no insurance.

CONTRACTS AWARDED.

RAT PORTAGE, ONT.—The sale of \$40,000 of debentures has been made to G. A. Stimson & Co., of Toronto.

WINDSOR, ONT.—J. N. Reaume has secured the contract for the Sanitarium bath house, which will cost \$7,000.

CHATHAM, N. B.—B. Mooney & Sons, of St. John, have the contract for the new town hall. Mr. McDonald, of this town, secures the carpenter work.

ST. STEPHEN, N. B.—Joseph McVay, of this town, has been given a contract by the C. P. R. for culvert and bridge building to the value of \$10,000.

PORTAGE LA PRAIRIE, MAN.—S. B. Ritchie, of Winnipeg, has secured the contract for the Presbyterian church here, his figure being \$16,000. H. S. Griffith, architect, Winnipeg.

STRATFORD, ONT.—Alex. Hepburn has let the contract for erection of the Perth Mutual Fire Insurance Co.'s building to James Stamps, for all work except heating, for which Mr. Hepburn is inviting tenders.

SARNIA, ONT.—J. C. Robson, architect, has let contracts for erection of residence for David Milne on Front street, to cost about \$5,000, for remodeling a residence on Ch'istiania street, and for an Episcopal church at Courtright.

CHATHAM, ONT.—Mr. Oldershaw has let contracts for the Stevens-Campbell cooper shop as follows; Masonry, James Oldershaw; roofing, James Riddell, St. Thomas; tinsmithing, Morton & Adam; iron sills and moulding work,

McKeough & Trotter, carpentry, Robertson & Makie, painting, James Merri-man. The lumber will be supplied by Piggott & Son.

TORONTO, ONT.—F. H. Herbert, architect, has let contracts as follows for a residence on Homewood avenue. Mason and brick work, Richard Chalkley; carpentry, Henry Martin; plastering, Little & Brown; roofing and iron work, R. Rennie & Sons; painting, H. W. Johnston.—Gordon & Hellwell, architects, have awarded the contract for the mason work of the Church of the Covenant to Walter Page; other trades not yet let.—J. F. Brown, architect, has accepted tenders as follows for a residence at Napanee: Carpentry, William Williamson; plastering, J. C. Jordan; mason and brick work, Thomas Williams; painting and glazing, Eagles & Linington, all of Toronto; plumbing and heating not yet let. Same architect has let the contract for a brick addition to Firstbrook Bros.' factory, King street east, to Hutchison & Carlyle.

MONTREAL, QUE.—D. Mann, of this city, and Wm. Mackenzie, of Toronto, are said to have been awarded the contract for the building of the Crow's Nest Pass railway from Lethbridge, N.W.T., to Robson, B. C., a distance of 300 miles. The work will cost from \$25,000 to \$29,000 per mile. It is further stated that Messrs. H. F. Holt, C. S. Hyman, of London, and Mr. Heinze, of Rosslund, have also secured the contract for building a branch of 200 miles starting from Robson.—Tenders for paving Notre Dame street were received as follows. Sicily Asphalt Paving Company, \$34,761; Warren-Scharf Company, \$36,825; Montreal Paving Company, \$38,345; T. Desormeau, \$32,195. The contract has been awarded to T. Desormeau.—Contracts have been awarded as follows. J. H. Macduff & L. Lemeux, architects, one convent at St. Henry, five stores, for the Rev'd. Sisters of St. Ann all trades to W. Jacob, of St.

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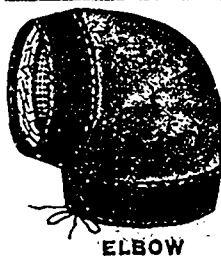
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 - THE ROYAL VICTORIA COLLEGE**, Montreal.
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 WINNIPEG

Henry. Brown, MacVicar & Heriot, architects, one house and stable on Prince Arthur street, for Ald. James Harper—masonry, W. Oman; carpenter and joiner's work, John Allan, bricklaying, W. Lavers. J. Alcide Chausse, architect, one house on Shaw street, wood, lined in brick—masonry, Jos. Lafond; carpenter and joiner's work, P. Dionne.—Building permits have been granted as follows: Two houses on St. Hypolite street, wood, lined in brick, for Ernest Bregent—architect, S. Frappier, masonry, M. Paquette, carpenter and joiner's work, H. Forgue.

OBLIGATIONS OF CONTRACTORS.

(Concluded.)

When no time is specified for completion of the contracts or performance of conditions, the Court will allow a reasonable time for performance, having regard to the interests and convenience of both parties. Usually, in building contracts, a day is fixed for completion, but, notwithstanding such stipulation, it is part of the ordinary law of contract that so long as the contract is performed within a reasonable time, non performance on the day fixed will not release the other party, unless time is by the subject matter of the contract or by express words made of the essence of the contract, and prompt completion made a condition precedent to payment. In contracts for the sale of goods, if on the true construction of the contract they are to be delivered at a certain time, time is of the essence of the contract. B engaged to supply an engine and boilers for a steam vessel of A in conformity with the drawings and specifications furnished by C, the engine to be got under the superintendence of C, and when approved by him at the works to be delivered by B into the East India Docks, when B's liability would cease. One of the terms contained in the specification was that the engine should be completed within two months. Held, that time was the essence of the contract, and B was liable to an action at the suit of A for not delivering the engines and boilers within the two months. (Wimshurst v. Deeley, 2 C. B. 253.) Time will be held to be of the essence of the contract if there is a power of forfeiture in the event of non-completion to time. Time will be of the essence of the contract in any case in which there is a power of forfeiture in the event of insufficient rate of progress to enable the work to be completed by a fixed time. And where the contract provides that the contract shall or may be forfeited in the event of the work not proceeding at the rate specified, time is of the essence of the contract. Where performance by a date fixed is of the essence of the contract, and the builder does not complete, he can recover nothing unless the employer has accepted

the work. Where time is not of the essence of the contract (or where completion by a certain date was of the essence of the contract but has been waived), and there is delay by one of the parties in completing, the other has a right by notice to limit the time for completing the contract, and upon default to abandon it.

If the contract is to do an entire work for a lump sum, no payment can be recovered until the work is completed, unless there is some special provision for payment by instalments or before completion. It is not necessary in order to make the contract an entire contract that a specific sum should be ascertained at the date of the contract. It may be agreed to be ascertained in various ways—such as, for instance, by valuation, by arbitration, or upon a schedule of prices. In order that a contract to perform work and labour should be an entire contract, there need not be an ascertained or ascertainable consideration for the performance of the whole work which is claimed to be entire

to make the contract binding. A mere promise by a builder to complete an entire work without mention of price, followed by an employment, binds the builder to do the work, and binds the employer to pay the value of the work he has done within his employment, but there is no contract, if no price is mentioned, without some part performance. The implicit agreement to pay for the work done which arises on any contract for work is a sufficient consideration for the promise to complete the whole. In such cases the implication arising from the terms or subject matter of the contract may be that payment shall keep pace with the accrual of the benefit, and in such cases, though the builder is entitled to recover payment, the employer may recover damages for non-completion if the builder fails to complete. Or the implication may be that the contract is not entire, in which case the builder may recover before completion without any liability to damages for non completion.

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IMPROVEMENTS IN PAVING.

An important change is rapidly spreading over the roadways of London and other large towns—the change from soft to hard wood paving. For many years there has been a difference of opinion as to the comparative merits of granite pitches, so-called macadam, asphalt, and wood paving. The latter was originally the fad of the dentist, and the first essays were all failures. Tradesmen, however, supported the pavement because it was noiseless, and the engineers and surveyors of the metropolitan parishes have done their best to make it answer for practical purposes. All the earlier wood pavements were laid with Baltic deals and cement joints, these being the materials most readily dealt with. It was in 1839 that the first wood pavement worthy of record was laid in the Old Bailey. Many thousands of square yards were subsequently put down, and over thirty patents taken out for modes of performing that operation, until in 1884 the wood pavements had increased to the extent of fifty-two miles. Since that date the advance has been continuous. But the shrinkage, decay, rapidity of wear, and the insanitary conditions due to the absorption of water and of organic foulness by the soft woods have led to troubles and difficulties, which have all been endured for the sake of diminution of noise in the arterial street traffic.

In 1887 came the Indian and Colonial Exhibition at South Kensington, and there, in the West Australian courts, were shown magnificent samples of the eucalyptus hard woods from the great Darling Range, which covers a tract of over 30,000 square miles, the most notable being the Karri and the Jarrah, more particularly the *Eucalyptus marginata*. This wood was then already known for its excellent qualities in ship building and harbor works. It was first used in repairing His Majesty's ship *Success* in 1829. It was also esteemed in railway work, as one of its most marked qualities was freedom from wet or dry rot. It was on the occasion of the exhibition referred to that it was introduced into the English market for wood paving. The advantages of a hard, almost non-absorbent, fibrous material for this purpose were singularly striking, and in the following year a section of the Watworth road was laid. In 1889 the Jarrah, now known in the trade as "Jarrah-dale" Jarrah, was put down in the Westminster Bridge road, noted for its incessant and exceedingly heavy traffic. The paving is still in good condition, although the traffic over it toward Westminster is reckoned at 1,002 tons per yard of width of roadway from 6 a.m. to 6 p.m., during which time 3,574 vehicles

pass. The traffic on the other side of the road is stated at 699 tons and 3,014 vehicles.

The annual wear of the wood has been under 0.2 inch. This same parish of Lambeth has subsequently used seven millions of blocks. St. Pancrass, St. Giles, Southwark, St. George the Martyr, St. Martin's in the Fields, Streatham, Wandsworth, Fulham and other large London parishes have more or less adopted it for their heavy traffic, with the result that there are now in the metropolis over twenty miles of Jarrah-dale Jarrah alone. The same wood is in use in Paris, Berlin, Glasgow, Manchester, Nottingham, and other cities and towns. In the Government Hand-book of Western Australia these forest products are put foremost as a source of great wealth to the colony, and the most valuable woods are stated to be the Jarrah, the Karri and the Tuart. Jarrah timber is obtainable through more than five degrees of latitude, and the present forest holdings are within easy access to shipping ports. The leading timber stations of the colony are the "Jarrah-dale," with a forest holding of 250,000 acres, connected with the port of Freemantle by a railway; the Karridale Timber Mills, near Cape Leuwin, with 150,000 acres, and satisfying a large demand; the Canning Jarrah Mills, with railway from Guildford to Freemantle and 100,000 acres of holding; the Torbay Mills, near Albany; the Quindalup Mills, near Geographe Bay, and the Bunbury Mills.

The forests from which timber is now exported from Western Australia are altogether at its south-western extremity, doubtless through the climate subject to moist currents of air from both south and north. The best Jarrah wood is found in the hill ranges, and not nearer than fifteen or twenty miles from the coast. The areas occupied by the principal species of West Australian eucalyptus are white gum (*E. redunca*), 10,000 square miles; Jarrah (*E. marginata*), 14,000; Karri (*E. deversicolor*), 2,500; Tuart (*E. gomphocephali*), 500; red gum (*E. calophylla*), 800, and York gum (*E. loxophleba*), 2,400 square miles. The white gum grows in profusion east of the Darling Range, but this wood does not seem to be as yet an article of export. The Tuart timber is extremely hard, twisted and gnarled; it is the strongest wood known. West Australia has been the first to furnish Europe with

hardwoods for paving, and still holds its own in the markets of England, France and America. The hardwoods of other countries have failed, so far, to get a footing, although the natural desire of public bodies to try cheaper materials is inducing purchases of small parcels. The scientific and practical research department of the Imperial Institute some time ago invited inspection of a number of Queensland woods—crows ash, iron bark, spotted gum, blood wood, blue gum, black butt and tallow wood, but nothing much has come of the effort.

THE CORNWALL ARBITRATION.

The arbitrators in the matter of the expropriation of the plant of the water-works company by the corporation of the town of Cornwall, Ont., have made an unanimous award, placing the value of the plant and system at \$78,620, which, with the 10 per cent. allowed by law, brings the expropriating price up to \$86,491.73. The cost of the arbitration will be about \$8,000. The council intend submitting to the ratepayers, as soon as possible, a by-law to authorize them to take over the works. The arbitrators were Mr. John Kennedy, of Montreal, for the town of Cornwall; His Honor Judge Carman, of Cornwall, for the company; and Judge McDougall, of Toronto, as referee.

A new Northey pump has been put in operation at Valleyfield, Que. It has a capacity of 1,100 gallons per minute. This, with the power provided by the new water wheels, will give the town an ample water supply for both domestic purposes and fire protection.

An experiment is being made in Toronto, which, it is expected, will produce a much more durable and better asphalt pavement than has hitherto existed. Some trouble has been caused, under the old style of construction, by water getting between the wearing surface and the concrete foundation. One of the contractors for laying the asphalt thinks he can obviate the difficulty by the emplacement of a layer of chipped stone, coated and bedded in pitch, which is a simple process. The asphalt pavements, as a rule, have not been entirely satisfactory, and from an economical point of view the idea may prove valuable.

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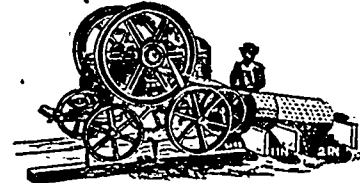
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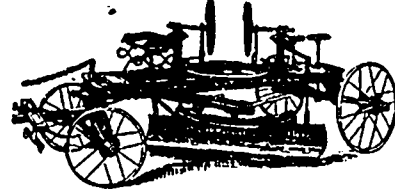


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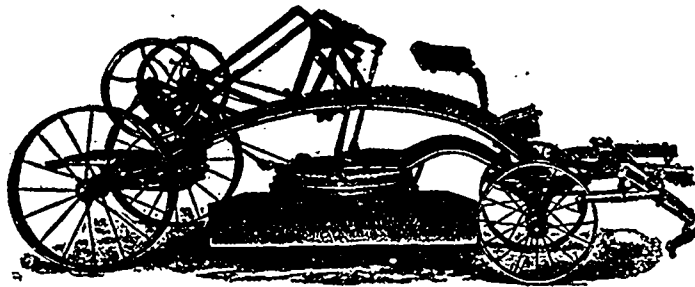
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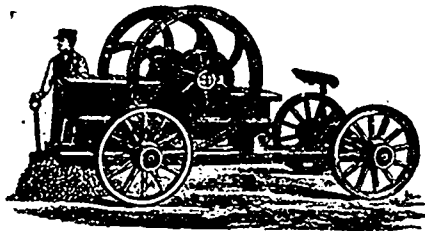
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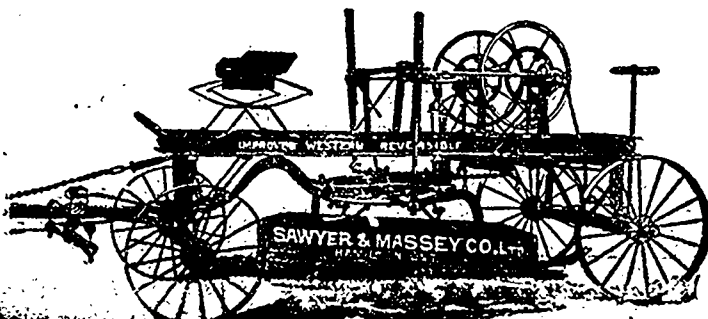
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