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THIS PAPER REACHES EVERY WEEK THE TOWN AND CITY CLERKS, TOWN AND CITY ENGINEERS, COUNTY CLERKS AND COUNTY ENGINEERS THROUGHOUT CANADA

Vol. 4.

Toronto and Montreal, Canada, February 23, 1893.

No. 2

THE CANADIAN CONTRACT RECORD.

PUBLISHED KYBRY THURSDAY Intermediate Edition of the "Canadian Architect and Builder."

Subscription price of "Canadian Architect and Builder" (including "Canadian Contract Record"), \$2 per annum, payable in advance.

C. H. MORTIMER, Publisher,

CONFEDERATION LIFE BUILDING, TORONTO.
Telephone 2362.

04 Temple Building, Hell Telephone 2299. Montreal.

Information solicited from any part of in Dominion regarding contracts open to lender.
ADVERTISING RATES ON APPLICATION.

At its Convention held in Toronto, Nov. o and 31, 1889, the Untario Association At 14 Control Not. Act in Aronto, Not. 20 and 21, 1889, the Unterio Association of Architects signified its approval of the CANADIAN CONTRACT RECORD, and pledged its members to use this journal as their medium of communication with contractors with respect to advertisements for Traders.

Tenders.
The following resolution was unanimously adopted at the First Annual Meeting of the First Annual Meeting of the Province of Gueboc Association of Architects, held in Montreal, Oct. 10th and 11th, 1890: "Moved by M. Perrault, seconded by A. F. Dunlop, that we the Architects of the Province of Queboc now assembled in Convention being satisfied that the CANADIAN CONTRACT RECORD affords us a direct communication with the Contractors,—Resolved, that we pledge our support to ity using its columns when calling for Tenders."

Subscribers and advertisers are requested to note that, beginning with the first number of Volume IV. in February, the CONTRACT RECORD will be published on THURSDAY, instead of SATURDAY, of each week. This change will ensure the prompt publication up to date of issue of contract news from all parts of Canada. After the date mentioned, news of this character, as well as advertisements, should reach the office of publication not later than noon on WEDNESDAY.

NOTIGE

We solicit orders for our well known specialties, and are prepared to execute the same promptly.

H. R. IVES & CO. Queen street. MONTREAL.

TO CONTRACTORS.

lenders will be received (either in bulk or sep-grater until 6 o'clock on THURSDAY, 16711 17AY OF MARCH, 1893, for the erection of a BRIOK CHUROH

in the Town of Mitchell, Ont. Plans and specifications may be seen, and all information obtained at the office of A. F. WILSON, Sec. Building Committee. The lowest or any tender not necessarily accepted.

Mitchell, Feb. 21, 1893.

TO CONTRACTORS

Tenders will be received by the unders gned up to TUESDAY, FEBRUARY 28711, at 6 p.m., for the several trades required in the erection and completion of a large factory building on King St. West, for the American Watch Case Co. (Ltd.)
Plans and specifications may be seen on and after Monday, 20th inst., and all information obtained at the offices of the architect.

GEO. W. GOUINLOCK, Architect.
53 King St. East, Toronto.
The lowest or any tender not necessarily accorded.



NOTICE TO CONTRACTORS.

Esplanade Improvements:

Tenders will be received by registered post, addressed to the City Engineer. Loronto, up to eleven o clock a.m. on THURSDAY, MARCH 2ND, 1893, for the

REMOVAL OF BOAT HOUSES

together with the Construction of Piling and Wharfing necessary for approaches and support of same.

Plans and specifications may be seen and forms of tender obtained on and after February 23rd inst., at the office of the City Engineer.

A deposit in the form of a marked cheque, payable to the order of the City Treasurer, for the sum of 5 per cent, on the value of the work tendered for under \$1,000, and 2\frac{1}{2}\$ per cent, for the value of the work tendered for under \$1,000, and 2\frac{1}{2}\$ per cent, for the value of the work tendered for under \$1,000, and 2\frac{1}{2}\$ per cent. dered for under \$1,000, and 21 per cent, for the value of the work tendered over that amount.

value of the work tendered over that amount, must accompany each and every tender, otherwise it will not be entertained.

All tenders must be to the bona fide's gnatures of the contractor and his sureties (see specification U), or they will be ruled out as informal.

The Committee do not bind themselves to account the length of a post tender.

cept the lowest or any tender.

DANIEL LAMB. Chairman of Committee on Works. Committee Rooms, Toronto, Feli. 22nd, 1893.



NOTICE TO CONTRACTORS.

Ashbridge's Bay Improvements.

Tenders will be received by registered post, addressed to the City Engineer, Toronto, up to eleven o'clock a.m. on Tuesday, 7th March, 1801, for the construction of a Jetty, and deedging a channel, in connection with the above improvements. Plans a. d specifications may be seen and forms of tender obtained on and after the 18th inst. at the office of the City Engineer. A deposit in the form of a marked cheque payable to the order of the C ty Treasurer, for the aum of s per cent on the value of the work tender d for under \$1,000, and 1% per cent, on the value of the work tendered for overlight amount, must accompany each and every tender, otherwise it will not be entertained. All tenders must bear the hona fide signatures of the contractor and his sureties (see a ecifications), or they will be ruled out as i formal. The Comm teed on not bind themselves to accept the lowest or any tender. mselves to accept the lowest or any ter

DANIEL LAMB, man of Committee on Works. Chairm Committee Rooms, Toronto, February 14th, 1891,

CONTRACTS OPEN.

HENSALL, ONT .-- The Methodists will build a new church.

PERTH. ONL -- Mr. Thos. Smith will creet a brick tenement house on Peter street in the spiing.

CALGARY, N. W. J .- The C. P. R. will commence the erection of a new depot at this place at an early date.

KINGSTON, ONT.-Mr. James McFarland, of this city, is making preparations to erect a summer residence on Tidd's Island

SEAFORTH, ONT.-The ratepayers will be asked to vote on the question of providing funds for the erection of a market building.

PETERBORO', OST .- The Board of Education has decided to erect a new four roomed addition to the Central school. Plans for these buildings will be advertised for

GANANOQUE, ONT. - 1. McCameron, Town Clerk, will receive tenders until Tuesday, 7th March for the supply of 10,400 feet of pine plank and 10,000 cedar stringers.

BROCKVILLE, ONT .- An addition to the General Hospital will likely be erected during the next year. -- The Brockville and Westport railway Co. are advertising for tenders for supplying 5,000

LANDSDOWNE, ONT.-J. D. W. Darling. Township Clerk, will receive tenders until the 4th day of March for the supply of about 8000 feet of pine or hemlock plank, 16 feet long and 3 inches thick.

CHATHAM, ONT.-Mr. John Tissiman, Town Clerk, will receive tenders until Monday, oth of March, for the supply of pine and oak plank, surified sewer pipe, cement, nails, spikes and carbing stone.

PIKE CREEK, ONT,-A deputation recently waited on Superintendent Tiffin, of the G. T. R., urging the erection of a depot at this place. It is understood that a suitable building will be erected shortly.

BRANDON, MAN.-An industrial school will in all probability be erected at this place. Plans are now being prepared, and it approved by the Dominion Government, work will be proceeded with at an early date.

NEWMARKET, ONT.-Mr. George Rose will receive tenders until Wednesday, 1st March, for the erection of a cheese factory in this town. Plans may be seen at the office of Mr. Chas. Lundy, Huron street.

SUMMERSIDE, N. S. - Mr. Wm G. Strong Secretary, will receive tenders until Monday, 13th of March, for the erection of a Methodist church in this town. Plans may be seen at the office of Wright Bros., Water street.

QUEBEC. QUE - The site is being prepared for the new grain elevator to be erected by the |t | P. R. Co .- The board of trade has decided to urge the construction of a new bridge across the St. Lawrence over opposite this city,

RENFREW, ONT .- It is expected that the K. & P. and C. P. railway companies will build a nmon station here this year. - R. Drysdale, Clerk. will receive tenders until the 1st of March, for the supply of 3,000 feet of good sound cedar.

WALES, ONT,-Messrs, Croil and McCulloch, Contractors, are desirous of purchasing 150,000 railway ties, to be delivered along the C. P. Railway between Smith's Falls and Montreal.

REVELSTORE, B. C .- A party of surveyors, under the supervision of Chlef Engineer E. J. Duchesny, have recently been engaged in locating the best site for the new steel bridge to be constructed across the Columbia river by the C. P. R. Company.

SHERHROOKE, QUE .- The plans of the proposed Protestant Hospital, prepared by Mr. W. P. Wentworth, architect, of Boston, Mass., have been approved of by the Governors, and work will be proceeded with as soon as the necessary funds are secured.

LEAMINGTON, ONT Tenders are invited until 7 p. m. on Wednesday, March 21st, for installing an electric plant in connection with the waterworks system. Specifications may be obtained on application to Mr. B. E. Brush, Secretary of Committee.

WINDSOR, ONT .-- The Keystone Gun Club have secured a lease of the Mineral Springs property and will erect a club house thereon. of the directors of the Molson's Bank were in town recently looking for a suitable site on which to erect a building for a branch bank.

GALT, ONL .- The Gore Mutual Fire Insurance Co, have purchased the property on the corof Main and Auislee streets, and propose to erect in the spring, a block of stores and offices. The huilding will be three stories in height, the upper story to be a hall for the use of the Oddfellows. The building is estimated to cost in the vicinity of \$20,000.

St. Thomas, Ont. - Messes J Z Long & son, architects, have prepared plans, which have been forwarded to Ottawa for approval, of the proposed new building for the Muncey Institute The plans show a building three stones high, 60 150 ft., of the Colonial style of architecture. It will be built of brick, and will cost about \$30,000. - The Trinty Church Ladies and Society purpose selling the present rectory and building a new

VANCOUVER, B. C.—Tenders are invited for the erection of the proposed court house, the cost of which is placed at \$85,000.—Plans are now be ing prepared for a Masonic Temple to be crected during the coming summer. - Mr. F. M. Rattenburg, architect, has received instructions from an English client to prepare plans for a brick and stone block to be erected at the corner of Cambie and Water streets, where the Cabuet Hotel now stands. The lots are 50 - 120 feet, and the building will be a handsome one, three stories high with basement.

REGINA, N. W. T. - The Episcopalians are making arrangements for the crection of a new church, to cost between \$20,000 and \$30,000. Work will be commenced early in the spring. Mr. C. Hawson is calling for tenders for the erection of a new hotel on the old Windsor site -Mrs. Doig contemplates the crection of another hotel on Scarth street, on the vacant lot north of the post office. The cost is estimated at \$30.000 In addition to the above, the following new buildings will be creeted in Regina during th

coming year: G. W. Brown, terrace of four houses; Lawson & Cane, business block; Major Montgomery, business block; A. L. Lucan, business block, Tinning & Hoskin, extensive addition to present store. Western Milling company. enlargement of their mill; C. P. R., new brick station; Bayne, McConnel & Smith, brick block. W. Mollard, W. C. Hamilton and T. Little, new residences, new court house, land and registry offices, addition to Knox church

LONDON, ONT .- Mr. John M. Moore, Engineer will receive tenders until Tuesday, the 28th inst., for furnishing the following supplies required by the Waterworks Department Cast iron water mains, laying water mains, brass fittings, special eastings, lighting and lubricating oils, lead piping and hardware.-The City Engineer has recommended the construction of an 8 Inch iron main on Campbell street, from Rectory to Egerton street, cost \$3,000; a 6 inch main from Campbell street through the Fair Grounds, cost \$450; a 4 inch main on Egerton street, from present main to Hamilton Road, westerly and along the Hamilton Road, cost \$2,500.

OTTAWA, ONT .- E. F. E. Roy, Secretary Department of Public Works, will receive tenders until Wednesday, the 22nd March, for the construction of a wharf for quarantine at Williams'
Head, British Columbia. Plans may be seen ut the office of the Resident Engineer, Victoria, B. C, and at the Department of Public Works, this city.-The following items appear in the supplementary estimates of the Dominion Parliament for the current year. Bridge over the Lachine canal at Wellington street, Montreal, \$51,000; Sault ste. Marie canal, \$191,000 Toronto drill hall, \$53,000, quaruntine stations \$140,140, including \$50,656 for Grosse Isle and \$62,000 for the British Columbia station at Williams' Head; wharves at quarantine stations, \$51,000.-A survey is being made of the harbor at Sydney, C. B., and at Partridge Island, St. John Harbor, N. B., to ascertain the cost of constructing a landing or deep water wharf for quarantine accommodation.-The Secretary of the Department of Public Works will receive tenders until Tuesday, the 15th day of March, for the several works connected with sections Nos. 3. 4. 5. 6 and 7 of the Soulanges Canal, also for the re-letting of section 12. - Tenders will also be received by the above Department until Friday, 10th March, for the erection of post office fittings at Orillia, Ont, and for the erection of a wharf for quarantine purposes at Lawlor's Island, Halifax harbor, tenders for the latter to be sent in not later than the 3rd of March.

HAMILTON, ONT.-Charles Mills, architect, is preparing plans for a new church and Sunday school building to be erected on the site of the Burlington Methodist church recently destroyed by fire. -The same architect has prepared plars for a handsome boat house to be erected on Hamilton Beach, also for a two story brick dweling, and alterations to the Traders' Bank on King street west. He will shortly prepare plans for a large sale stable to be built on Charles street and a private residence on Bay street south. -The City Engineer is of the opinion that an extension of the sewerage system in the southwestern part of the city is much needed. He favors the building of a sewer along Bold. Hess and Robinson streets, to connect with the Locke street sewer. The cost is estimated at \$25,000.-The City Engineer has estimated the cost of constructing a Trinidad asphalt pavement on King street, from Bay street to Ferguson avenue, and on James street, from Main to Stuart street, at \$117.044. Tenders for this work will in all probability be asked for at an early date. - The following building permits have been granted: John Lindner, four 2 story brick attached houses and two 2 story brick houses on Grant avenue, cost \$6,500; Samuel Buchanan, one 2 story frame house on Emerald street, cost \$1,200. - Messrs. Wm. Stewart & Son, architects, will receive tencers until 6 p. m. on Monday next, the 27th inst., for the erection of two dwellings on Hilton street.

WINNIPEG. MAN .- Mr. G. Browne, architect, is preparing the plans for the two new school buildings to be crected in the northern part of the city.-Mr. Browne bas also prepared the plans for the following buildings: Residence for Mr. W. J. Watson, corner of Colony and Broa

way streets to be built of stone, with brick superstructure, two stories and basement; cost \$6,000; residence for Rev. Prof. Baird, of Manitoba college, to be erected on the east side of Colony street, near York, brick two stories and basement; cost \$3,500; stone block, 50 × 50 ft. for a merchant at Grenville; two stories and basement; cost \$8,000.-Messrs. Barber & Barber, architects, have prepared plans for a terrace of seven houses to be erected by Mr. C. A. Barber on the southwest corner of Hargrave and Broadway streets. The material used will be brown stone, for the first flat, the remainder being pressed brick and terra cotta. The houses will be heated by furnaces and lighted with gas and electric light. Estimated cost \$50,000.—The congregation of St. Andrew's Church have purchased a site for their new church at the northeast corner of Jemima and Ellen streets,-it is probable that the Dominion Government will erect a married men's quarters in connection with the Mounted Infantry barracks.-The congregation of the Children of Israel have purchased a lot on the corner of Henry and Mary streets and will erect a new edifice thereon. The plans are now being prepared and work will be commenced as soon as the weather will permit. The total cost will be about \$3,500.-Mr. McCowan, architect, is preparing plans for a large residence to be erected at Morden, Man., by Mr. H. B. Harson, merchant, estimated cost \$6,000.

TORONTO, ONT. -Mr. C. J. Gilson, architect, will receive tenders until to-day (Thursday) for making alterations to the Horld Luilding on Yonge street. -- It is probable that a new building will be erected by the Dominion Government, ing will be erected by the Dollmann Government, in and Revenue, and Weights and Measures now situated on Toronto street. Mr. Coatsworth, M. P. P., will inquire in the House what steps the Government propose to take towards carrying out the work.—We learn that tenders will be called for the completion of the Court House and City, Hall during the called part of next week. out the work.—We learn that tenders will be called for the completion of the Court House and City Hall during the early part of next week.—At a meeting of the Property Committee of the City Council held last week, Ald. Maloney, Stewart, J. E. Verral, Hewitt and Joliffe were appointed a sub-committee to consider the erection of three fire halls, one west of Yonge and south of Queen streets, one on Dundas street, and one on Berkeley street; also the erection of a police station on Pape avenue and the putting up of whatever illuminated clocks are necessary. The City Compissioner reported recommending that the old immigrant sheds be turned into an altation, the estimated expenditure for putting the building in order and erecting a building for the conversion of the offal into fertilizers being estimated at \$21,500. The matter was allowed to stand over.—The Sites and Building Committee of the Separate School Board have saked authority to have the building on Cher Howell street, recently purchased by the Board, fitted up for school purposes. The architects will be asked to report on the proposal.—A meeting of the Public School Board was held last week at which the following recommendations were be asked to report on the proposal.—A meeting of the Public School Board was held last week at which the following recommendations were passed: That the four unfinished rooms in Leslie street school be confipleted, that four rooms be added to Bolton avenue school; that four rooms be added to Bolton avenue school; that an eight roomed school be erected on the Fern avenue site; that six rooms be added to Givens street school; that a twelve-roomed school be erected in the vicinity of Bathurst street. The recommendation that a twelve-roomed school be creeted in the vicinity of Bathurst street. The recommendation that a twelve-roomed school be creeted on the site of the present. Winchester street school, was defeated.—It is reported, on what appears to be good authority, that a syndicate, in which Mr. Robert Simpson, dry goods merchant, is large interested, are endeavoring to purchase all the properties between Queen and Richmond streets, facing on Yonge street, with the object of erecting an opera house on the Richmond street corner and an immense dry goods establishment on the Queen street corner and extending southward on Yonge street. There are said to be some difficulties in the way of the purchase of the Richmond street properties, but efforts are being made to remove them. Whether are said to be some difficulties in the way of the purchase of the Richmond street properties, but efforts are being made to remove them. Whether or not the syndicate's scheme be carried out, it is said to be Mr. Simpson's intention to proceed as soon as possible with the erection of new buildings for the purposes of his business.

ings for the purposes of his business.

MONTREAL, QUE,—The Canada Life Insurance Company has purchased the David property on St. James street, extending from the Temple Building to St. Peter street on the west and to Fortification Lane on the north. It is proposed to tear down the present structure and erect a large new building on the site thereof, the lower-story of which will, it is said, be coupied by the Canadian Bank of Commerce—The Committee appointed by the Board of Harbor Commissioners to report as to the practicability of the construction of the guard pier, has recommended the purchase of the following additional plant: 4 standard to ton derricks, cost, \$33,200; 350 dumping boxes and chains, \$12,000; 4 large flat deck scors, \$10,000; 50 construction cars,

with chilled wheels, \$5,000. The probable cost of altering the existing floating and land derricks is estimated as follows: 3 floating derricks, \$6,750: 1 double land derrick, \$5,750. A deputation from the municipality of Father Point recently waited on the Dominion Government urging the construction of a pier at that place.—The Montreal Cotton Company will apply to Tarliament for power to increase its capital stock to \$2,000,000. The company propose to build a large addition to their mills at Valleyfield.—Mr. St. George, City Surveyor, has prepared plans for a new bridge to be constructed over the Grand Trunk milway tracks on Mountain street, extending from Torance street to Rolland lane, work on which will be proceeded with during the present year. The cost is estimated at \$75,000.—Mr. J. Brown, of Toronto, has purchased a lot on the northeast corner of St. Catharine and Metculfe streets, and will erect thereon a brown stone building, five stories high for Mr. D. Walker, confectioner,—The Montreal Street Railway Co. has purchased the site for their new power house, and tenders will be asked for in a few days. I. Alcide Chausse, architect, is preparing plans for five stores and dwellings to be erected at the corner St. James and des Seigneurs streets for P. Varnier, cost \$3,000; four dwellings on St. Andre street for A. Brunet, cost \$5,000; a store and five dwellings at corner of Mignanne and Panet streets for J. Lanzon, two stores and dwellings at corner of Ontario and Gain streets for Dr. 13. B. Wheeler, cost \$6,000; a residence at Montreal lunction

FIRES.

FIRES.

A rough cast house at Belleville, Ont., owned by Thomas Smith, was destroyed by fire on the 14th inst. The building was insured for \$1.000.—A large two-story frame dwelling at Lindsay. Ont., owned and occupied by Win. Walters, was totally destroyed by fire last week. The insurance on the building was \$1.200.—Mr. Conrad Crowley's residence near Stratford, Ont., was entirely consumed by fire recently, insurance only \$300.—The Crossen Car Company's dry kiln at Cobourg, Ont., was destroyed by fire on the 17th inst. Loss \$5.000: partly covered by insurance.—A large building at Port Elgin, N. B. owned by Thos, Hewson and used as a tannery, was burned to the ground last week.—The residence of M. D. Ward, on West Bridge street, Belleville, was completely guited by fire on Monday last. Trebuilding was insured for \$3.000 and the contents of \$1500, which will rearly cover the loss.—The two story frame store and dwelling at Brussels, Ont., occupied by William Nightingale, was burned on Saturday night last. Loss on furnitive, \$2,000; on stock, \$11,000, which is covered by insurance.—A disastrous fire occured in Montreal on Monday last, commencing in Mullin & Smardon's block and completely destroying the buildings. The following are the losses and insurances: J. E. Mullin & Co., loss on machinery, \$31,000, stock and manufactured goods, \$50,000. Their insurances are \$14,000 on the A rough cast house at Belleville, Ont., owned by insurances: J. E. Mullin & Co. loss on machinery, \$31.000, stock and manufactured goods, \$50.000. Their insurances are \$14.000 on the machinery, \$17.000 on building and \$25,000 on stock. The building was owned by J. E. Mullin, and was valued at \$50,000, R. Smardon, boots and shoes, insurance, \$2.000 on the stock and \$6,000 on the building, Kregan, Milice & Co., electric supplies, estimated loss \$10.000, partly covered by insurance. The minor losers are H. A. Manley, printer, Carling Brewing Co., W. King & Co., furniture, Doyle & Anderson. The total estimated damage is between \$250,000 and \$300.000 Mr. P. O. Byrania shingle and grist mill near Grant Falls, N. B, was totally consumed by fire recently.

CONTRACTS AWARDED.

BRANTFORD, ONT. -- Messrs. Havill & Whit-man, of this city, have been awarded the contract for the erection of the new drill hall.

MONTREAL, QUE, - The contract for the carpenter work of the "Monument National has been awarded to Messrs, Lambert & Fils, at

nas been awarded to Messis, Lambert & Fils, at the price of \$17,000.

CALLARY, N. W. T. – The contract for building the new post office at this place has been awarded to Major Stewart, of Ottawa, Ont. It will cost about \$40,000.

KINGSTON, ONT.—Contracts have been awarded as follows for four new store fronts on the corner of Princess and Barrie streets for Mr. R. J. Carson: carpentry, B. Asselstine; painting and glazing, Robinson Bros.

FORREST, ONT.—The contract for the erection of a new R. C. church in this village has been awarded to John McPherson, of Strathroy, at the price of \$3,885. Work will be commenced as soon as the weather will permit.

PORT COLBORNE, ONT .- The Eric Glass Com-PORT COLBORNE, ONT.—I he Energiass Company have awarded contracts as follows for the rebuilding of their works recently destroyed by fire: Main building, Dickson & Surss; Marcus Vanderburgh, Welland; old warehouse, Augustine & Son; new warehouses, John Snider.

TORONTO, ONT.—The St Lawrence Foundry Company has finally been awarded the contract for supplying the necessary east iron pipe for the construction of a 36 inch main from the pumming house on Front street, at \$34.75 per ton.—The Scoria Block Paving Company have secured the contract for the supply of scoria blocks, at \$55 per thousand.

MUNIGIPAL DEPARTMENT.

DECISION ON THE LETTING OF MUNICIPAL CONTRACTS.

recent decision of the Supreme Court of Wisconsin, involving the right of a municipality to let contracts to other than the lowest bidder may be of general interest to municipalities. The suit was that of Kilvington vs. City of Superior, and the points of the decision are:

1: Power given a municipality, by the terms of its incorporation, "to prevent or abate" nuisances will authorize a contract for the erection of a crematory for the consumption of manure, garbage, dead

animals, etc.

2. Such a contract for a crematory, the mode of building which is patented, is not void on the ground that the work was not let to the lowest bidder, as required by the charter, where the contract for material and building was let to the lowest bidder.

The text of the decision by Justice Pin ney is quoted from the Central Law. Journal:

"This action was brought upon a contract made between one McCant, and village of Superior, organized under chapter 40 of the Revised Statutes, and acts amendatory thereof, for the election of a crematory according to the Kilvangton patent for the destruction of garbage, dead animals, etc. The work was let to the lowest bidder, but prior thereto Kilving-ton, the owner of the patent for building the crematory, appeared before the village Board while in session, and agreed he would allow it and its legal successor the use of his patent and improvements as long as it should be operated by it for a total sum of \$1,500 and he would superintend the construction if they would pay his expenses to Superior and while there superintending the work; also that any contractor who took the contract of erect ing the crematory could have his said patent and services at the same rate; that such facts were generally known and pub-licly stated both before the Board and throughout the village, and were generally known among contractors in that kind of work. McCann, having been the successful bidder, entered into contract to build the crematory according to said patent and improvements for \$4,500, upon premises to be designated by the village. On the day of making the contract Kilvington entered into a contract with McCann to furnish the patent, render services and superintend the erection of the crem cory for the sum of \$1,500, as he had promised. A place for creeting it was designated and the work was commenced. The city of Superior was organized in the 1889, and succeeded to all the liabilities and rights of the village. McCann continued the work until the 22nd of April, 1889, and was willing to go on with it, but the Board of Public Works refused to permit him to proceed to complete the contract; and he had expended and become liable for \$2,091.39, and his profits on the completion of it would have been \$900. He assigned over his claim against the city on said contracts to the respondents. Kilvington and Paden, and they presented it to the Common-Council, when it was disallowed, and the respondents appealed to the Circuit Court, where they filed formal complaint on the said contract, and claimed damages, as above stated. The defendant demurred to the complaint. court overruled the demurrer, and the city appealed to this court, and claimed (1) that the contract was void, on the ground that the village Board had no power, express or implied, to contract for the erection of a garbage ccematory; (2) that, if it had such power, then the work of building it according to the Kilvington patent could not be let to the lowest bidder in the mode prescribed by law, because it was a patented method, and could not be the subject of competition in bidding the subject of competition in bidding and could be subject of compet

"The village of Superior was a public corporation created for purposes of local civil government. All its powers 'not

MUNICIPAL ENGINEERS, CONTRACTORS, AND MATERIALS.

specifically given some other officer,' were vested in its village Board. The contract, for a breach of which this action is brought against the city of Superior, the successor in interest and hability of the village, was entered into by and between the Board of Trustees of the village of Superior, and McCann, the assignor of the plaintiff, for the construction at a designated place, of a furnace known as the 'Eagle Garbage Cremating Furnace,' with Kilvington improvements, and all processes for consuming by fire manure, garbage and dead animals, as a means of conserving the health of the city, and of abating noisances, and preventing sickness and disease. The authority of the village to make the contract is denied. It onsidered within the general powers of the village Board had no power, express or implied, for that pur pose. Aside from what may be fairly considered within the general powers of the village to carry out the public purposes for which it was created, the village Board had express power to appoint a board of health, * * * to declare what are nuisances, and to prevent or abate the same: * * vent or abate the same; * * * and to prevent persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome sub-stance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substance from their premises; and 'to ordain and establish all such ordinance and by-laws for the government and good order of the village * * and the promotion village * * * and the promotion of health, not inconsistent with the Constitution and laws of the United States of the United States of this State, as they shall deem expedient? Rev. St. § 892, subds. 20, 26. The powers vested by subdivision 26 were to be exercised by ordinances and by-laws, and, being for the enactment of general and permanent rules, cannot, it is contended (and many authorities are cited to that effect), be exercised in any other that effect), be exercised in any other manner; while the powers conferred by subdivision 20 may be exercised 'by ordi-nance, resolution, law or vote.' Sec. 892. The power 'to prevent or abate nuisances' -that which occasions public hurt or in-convenience is necessarily a very broad and comprehensive one, and essential, if not indispensable, to the purpose for which it was created. It would hardly be questioned by any one that if garbage, manure or dead animals were found with in the village, in the interest of good order, cleanliness and public health, the Board of Trustees would have power to abate such nuisances by removing or otherwise making suitable disposition of them. To this end it might provide for destroving them, instead of fouling the nutter of a lake or strange of maker with waters of a lake or stream of water with them, to be again cast up to the prejudice of the public, or depositing them where they would create a new nuisance. this end, if a garbage crematory becomes necessary, the Board may, within a fair and bona fide exercise of their discretion, contract for its construction, and the village will be bound by the contract.

(To be continued.)

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	Adamant Mig. Co. vill Bremner, Alex	-
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Maguire, Wm iv	The Colman - Hamit-	
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11	Metallic Lath.
	B. Greening Wire Co. xiv
nes II	Metallic Roofing Co 11
	Metanic Rooming Com. 11
onnia	Metal Lath Co xi
opping.	
	Mortar Colors and
	Shingle Stains.
&F.Pxviii	introgic interior
	Maguire, Wm iv
Pipe	Maguire, Wm iv Muirhead, Andrew v
	Stutification of the state of t
, .III	Toronto Pressed Brick
111 &F.P.xiv	Co iii
oronto	
oronto	Ornamental Plas
O XIV	lerers.
o. xiv W. x iv Cotta	A11. 11 0 C 11
• • • • • • • • • • • • • • • • • • • •	Alluisi & Son, D i Baker, J. D II Hynes, W J J Wright, Jax II
	Baker, J. D 11
Cotta.	Hypes, W L
ick Co. vii	1111101
Hamil-	Wright, Jas II
•••	Paints & Varnishes.
iii	
	Muirhead, Andrew v
alters	Painters.
	7 W 17 (F) 4.
Varden aii	Gilmor & Casey x
	Tourville, Chas vi
TA.	Paving.
11	The Guelich Silica
_: !!	Ramaia Stone Co. 111
Tom: ii	The Guelich Silica Barytic Stone Co111
Tome. ii	Barytic Stone Co111 Forsyth, Robert
Tome. ii Co I	Barric Stone Co111 Forsyth, Robert

ortar Colors and thingle Stains, tuite, Wm iv thead, Andrew vonto Pressed Brick namental Plasferora. isi & Son, D ... vi er, J. D. ... II es, W J ... I ght, Jas ... II nta & Varnishes. thead, Andrew.... v Paving.
Guelich Silica
rytic Stone Co....III
yth, Robert i Paring Materials McAthur & Co., Alex iv Pipe Curering Can, Mineral Wool Coxiv Plumbera
Bennett & Wright...xiv
McCrae & Watson...vi

Metallic Roofing Co
Roofers

Duthie & Sons. G.
Forbes, Duncan.
Metallic Roofing Co.
Hutson, W. D...
Rennie & Son, R
Reggin, J...
Stewart, W. T.
Toronto Roofing Co.
Williams & Co. H.

Weather Strips
St. Armour, E. . . vi