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# CANADIAN CONTRACT RECORD

A WEEKLY JOURNAL OF 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. MAY 27, 1897 No. 17.

**THE CANADIAN CONTRACT RECORD,**  
PUBLISHED EVERY THURSDAY  
As an 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.

*New York Life Insurance Building, Montreal.*  
Bell Telephone 2299.

Information solicited from any part of the Dominion regarding contracts open to tender.

Advertising Rates on application.

Subscribers who may change their address should give prompt notice of same. In doing so, give both old and new address. Notify the publisher of any irregularity in delivery of paper.

## TENDERS OR TOWN HALL

Tenders, whole or separate, will be received by registered post only, addressed to the undersigned, up to four o'clock, p.m., on **TUESDAY, JUNE 1<sup>ST</sup> NEXT**, for the erection of a Town Hall in the town of Walkerton, Ont.

Plans and specifications may be seen at the office of the Town Clerk, or at the office of Mr. A. R. Denison, 20 King St. West, Toronto. Any information required can be obtained from the Architect or Building Committee.

A deposit in the form of a marked cheque, payable to the order of the Town Treasurer, for the sum of 5% of the value of the work tendered for, must accompany each and every tender, and which will be forfeited to the town in the event of the party tendering refusing to enter into a contract.

The lowest or any tender not necessarily accepted  
**A. MENZIES, Mayor.**



## Notice to Contractors

### TENDERS FOR ANNUAL SUPPLIES

Tenders will be received by registered post only, addressed to the Chairman of the Board of Control, City Hall, Toronto, up to **NOON ON WEDNESDAY, THE 27<sup>TH</sup> OF JUNE, 1897**, for the annual supply of Brick and Cement required by the Department of Works and Waterworks, from the date of the execution of the contract until May 31st, 1898.

Specifications may be seen and forms of tender obtained at the office of the City Engineer, Toronto. 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 signature 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, May 20, 1897.

## Tenders Wanted

Tenders for Steam Heating Central Public School, Orillia, Ont., will be received by the undersigned till 6 p. m. of **MONDAY, MAY 31<sup>ST</sup>**; work to be completed by **August 28th, 1897**. Plans, specifications and further conditions may be seen at my office. Alternative tenders to include removal and rebuilding of brick flues. Lowest or any tender not necessarily accepted.

**W. GRANT,**  
Sec. Public School Board, Orillia, Ont.

## BRICK SEWERS

Tenders for 5,316 feet of brick sewer will be received at this office (where plans and specifications may be seen), up to **5 O'CLOCK ON THURSDAY, JUNE 3<sup>RD</sup>**.

**A. O. GRAYDON, City Engineer,**  
London, Ont.

**WILLIS CHIPMAN, C.E.,**  
Consulting Engineer.

## TENDERS

for the various departments of work needed in erecting and completing a

**STONE SUNDAY SCHOOL BUILDING** for the Church of the Covenant on the corner of Avenue Road and Roxborough Street, Toronto, will be received by the undersigned until 12 o'clock, noon, on **FRIDAY JUNE 4<sup>TH</sup>**. The lowest or any tender will not necessarily be accepted.

**GORDON & HELLWELL, Architects,**  
Cor. King and Victoria Streets, Toronto.

## TENDERS FOR STEEL BRIDGE

Tenders will be received at my office (where plans and specifications may be obtained) up to 5 o'clock on **Thursday, May 20th,**

for the construction of a Steel Bridge across the River Thames.

Lowest or any tender not necessarily accepted.

**A. ORMSBY GRAYDON,**  
City Engineer, London, Ont.

### POSTPONEMENT

The time for receiving tenders for the construction of the above bridge is hereby extended to **JUNE 3<sup>RD</sup>**, at 5 o'clock.

**A. O. GRAYDON.**

## Tenders for Dredging

Sealed Tenders addressed to Thomas Anderson, Esq., Clerk of the Township of Tilbury West, Comber, Ont., will be received up to 12 o'clock, noon, on **TUESDAY, THE 15<sup>TH</sup> DAY OF JUNE, 1897**, for the dredging, dyking, banking, etc., of Big Creek drainage works, in the County of Essex.

Plans and specifications may be seen and forms of tender obtained at the office of Thomas Anderson, Esq., Township Clerk, Comber, or at the office of Wm. Newman, C. E., Windsor, Ont.

No tenders will be entertained unless made on the printed form furnished by the Engineer.

Accompanying each tender must be a certified cheque on some chartered bank doing business in Ontario, in favor of the treasurer of the Township of Tilbury West, for the sum of ten per cent. of the amount of such tender, which cheque, in case of an unsuccessful tender, will forthwith be returned, but in case of the successful tenderer, will be retained until a bond satisfactory to the municipality for the due performance of the work is executed, or if such tenderer for any reason neglects or refuses to execute such bond within ten days after his tender is accepted, said cheque will be cashed, and the expense of re-advertising the work, and any additional cost of said dredging, will be retained from the proceeds of such cheque.

The lowest or any tender not necessarily accepted.

Office of Wm. Newman, Civil Engineer.  
Windsor, May 22nd, 1897.



## Notice to Contractors

### TENDERS FOR SUPPLY OF COAL

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

**Wednesday, the 9th Day of June**

next, for the supply of soft coal screenings (or run of mine) for the Waterworks Department, from the date of the execution of the contract until **May 1st, 1898** (about 9,000 tons), also for 700 tons of anthracite coal for the same time.

Specifications may be seen and forms of tender obtained at the office of the City Engineer, Toronto.

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.

The lowest or any tender not necessarily accepted. The advertisement calling for tenders for coal for the city of Toronto which appeared in the Mail and Empire newspaper on the 21st inst. is hereby withdrawn.

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

City Hall, Toronto, May 21st, 1897.

### CONTRACTS OPEN.

**KASLO, B. C.**—D. M. Linnard purposes erecting a large hotel here.

**LITTLE CURRENT, ONT.**—The town will shortly purchase a road machine

**KEEWATIN, ONT.**—The erection of a new school will shortly be commenced.

**DESERONTO, ONT.**—John Meagher will build a residence on East Dundas street.

**SEAFORTH, ONT.**—A number of granolithic sidewalks will be built here this season.

**FERGUS, ONT.**—The building committee of Melville church will recommend the erection of a new edifice.

**ST. THOMAS, ONT.**—A by-law will be submitted to the ratepayers to raise \$45,000 for building a city hall.

**TEESWATER, ONT.**—J. H. Brick has decided to build a new hotel, 52 x 85 feet, three stories. Contract not let.

**PARRSBORO, N. S.**—It is proposed to erect a drill hall in this place, in commemoration of the Queen's diamond jubilee.

**OTTAWA EAST, ONT.**—W. N. Barry, municipal clerk, asks tenders until June 1st for the purchase of \$1,200 of debentures.

**PORTLAND, ONT.**—Tenders are asked for the erection of a stone tower for Emanuel church. Plans at store of Mr. Polk.

**KEMPTVILLE, ONT.**—The by-law grant-

ing a bonus to A. A. Bouen, of Mountain, to erect a roller mill and elevator has been passed.

OSCEOLO, ONT.—A brick separate school will be erected here.

NORWOOD, ONT.—W. E. Roxburgh is preparing to erect a new block.

WATERLOO, ONT.—The plans of Chas. Moogk, architect, for a new pavilion, have been accepted.

ST. CATHARINES, ONT.—The Board of Works will this season lay 87,893 square feet of granolithic walks.

SOUTH EDMONTON, N. W. T.—A new elevator is to be erected here, with a capacity of 60,000 bushels.

WINNIPEG, MAN.—It is rumored that the construction of an air line railway from Winnipeg to Duluth is contemplated.

BRANTFORD, ONT.—The school board have purchased property on Richmond street as a site for the new school for the north ward.

MIDLAND, ONT.—The erection of the proposed elevator by the Grand Trunk Railway Company has been postponed until next spring.

BROCKVILLE, ONT.—The city is looking into the question of pavements, and will probably construct granolithic sidewalks this season.

PRINCETON, ONT.—Tenders will be received by Mrs. Robert Rutherford up to June 1st for re-venating the interior of the Presbyterian church.

WALKERVILLE, ONT.—A good building season is anticipated. There are prospects of a wagon factory, also a veneer factory, locating here.

ORILLIA, ONT.—Tenders for rebuilding brick flues in public school are asked until Monday, May 31st. Address W. Grant, secretary school board.

DANVILLE, QUE.—The Asbestos & Asbestic Company have invited tenders for the construction of a railway one and one-half miles in length.

WOODSTOCK, N. B.—Tenders for the purchase of \$2,200 of debentures are invited by John Graham, Chairman Finance Committee, up to May 31st.

QUEBEC, QUE.—The Quebec Bank has purchased property at the corner of St. Joseph and Church streets, on which a modern building will be erected.

COLLINGWOOD, ONT.—Mr. Tobey has decided to rebuild his tannery.—W. A. Hamilton has purchased property to be used as a site for the new post-office.

INGERSOLL, ONT.—Richard Seldon, township clerk of North Oxford, invites tenders until the 31st inst. for rebuilding a stone abutment under the steel bridge crossing the river Thames.

PETERBORO', ONT.—The trustee board of George street Methodist church has decided to build a new parsonage, plans for which are being prepared by Wm. Blackwell, architect.

PETROLEA, ONT.—The plans of Gordon & Helliwell, architects, of Toronto, have been accepted for the new east end school, and tenders will shortly be asked. Estimated cost, \$5,000.

PORTAGE LA PRAIRIE, MAN.—The plans of H. S. Griffith, architect, of Winnipeg, have been accepted for the new Presbyterian church to be built at this place; estimated cost, \$14,000.

RAT PORTAGE, ONT.—T. Kennedy, of the Brunswick hotel, will probably erect a store building.—J. K. Brydon invites offers until the 7th of June for the purchase of \$40,000 of local improvements debentures.

PICTON, ONT.—On June 28th the electors will vote on two by-laws, one to raise \$6,000 for improvements to town buildings, and the other for \$9,000 for improving the electric light and waterworks systems.

MAGOG, QUE.—A special committee of the town council has reported that a sum of \$10,000 will be required to purchase an electric light plant and develop the water power. The necessary funds will be borrowed.

BURKS FALLS, ONT.—It is the intention of the Imperial Oil Company to enlarge their works at this place.—Armour township council have decided to ask tenders for building a bridge over the north branch of the Magnetawan river.

GUELPH, ONT.—The city will construct cement walks on a large number of streets.—John H. Hamilton, chairman board of works, asks tenders until to-morrow (Friday) for building an extension to the stone arch culvert on Northumberland street.

WINDSOR, ONT.—The council has passed a by-law to borrow \$30,000 to extend the waterworks system by putting in a new 30-inch intake pipe, two settling basins and a 10-inch water main.—The corporation propose putting in about 1½ miles of 10 or 12-inch water mains, and new hydrants.

ST. JOHN, N. B.—R. C. John Dunn, architect, has prepared plans for the proposed engine house, and tenders for construction are invited by Robert Wisely, of the department of public safety, until Monday, 31st inst.—Tenders are wanted this week by Charles Everett for the extension of the agricultural hall.

VICTORIA, B. C.—The vestry of Christ Church cathedral have decided to build an addition to the rectory, plans for which will be prepared by J. C. M. Keith, architect.—The provincial government are making surveys for two bridges to be built over the Trent and Tsable rivers, on the Nanaimo-Comox trunk road, after which plans will be prepared and tenders asked.

STRATFORD, ONT.—Among the new buildings to be erected this season are: Brick residence for Mrs. W. F. Workman, H. J. Powell, architect; brick residence for Henry Wilkinson, cost \$2,500; brick residence for J. County, Bay street, cost \$1,500; brick veneered building for Mrs. McIntosh, cost \$800, and a brick cottage for J. A. Blakeman, Nile street.—The city council have resolved to purchase a stone crusher.—The city propose to purchase the present waterworks plant, and have decided to employ an expert to value the same.

FREDERICTON, N. B.—New tenders will be invited for stone curbing.—Plans will be prepared by R. C. John Dunn, architect, of St. John, for alterations to the residence of Mr. Thomas, chairman of the city hall committee.—The board of trade will ask the Dominion government to improve the channel of the St. John river between Fredericton and Oromocto, also that an asphalt pavement be laid in front of the post-office.

CHATHAM, ONT.—Powell & Carswell, architects, are receiving tenders this week for alterations and additions to residence of S. J. Sutherland, Victoria avenue.—The city council have under consideration the purchase of an electric light plant, as authorized by a vote of the ratepayers in February last. The cost will probably be about \$15,000.—The by-law to grant a franchise to the Chatham City and Suburban Electric Railway Company to operate a street railway and install an electric light plant was defeated by the ratepayers on the 20th inst.—Powell & Carswell, architects, are asking for tenders for a cooerage shop 60 x 81 ft., for H. H. Stevens. They are also building an addition to residence of Capt. Swine, and will shortly take tenders for two churches and several residences.

LONDON, ONT.—Only one tender for the erection of the steel bridge over the river at King street has been received, and the opening of tenders has been deferred for two weeks to allow other firms to tender.—M. L. Buffy, architect, of this

city, is preparing plans for a brick residence for John Telford, Wallacetown.—Alfred Bodley will erect a \$2,300 residence on Hymanstreet, and J. W. Webster has taken out a permit for a \$3,000 brick residence on same street.—Herbert Mathews, architect, will receive tenders until Tuesday, June 1st, for improvements to business premises on Dundas street.—Tenders for the erection of a brick residence are asked by McBride & Farncombe, architects, until Saturday, the 29th inst.—Hon. G. W. Ross, Minister of Education, has stated that the government had not yet considered the question of a site for the proposed Normal school to be built in this city, but that work would be commenced on the building early next spring.—The following building permits have been granted: M. Devinnie, brick cottage, 183 Richmond street; Thos. Raney, brick veneer residence, west side Wellington street; T. Marshall, alterations to residence, 550 Bathurst street.

OTTAWA, ONT.—It is understood that the Dominion government will shortly undertake the erection of a national museum in this city.—Mr. Rudolph Hering, C.E., of New York, who is preparing plans for a sewerage system for this city, hopes to submit the same to the authorities at an early date.—The Minister of Public Works has stated that the western block will be rebuilt according to the old plans, and that tenders would shortly be invited.—The city council has given notice of its intention to construct artificial stone sidewalks on Queen, Sparks, Rideau and Nicholas streets, and on Barrett lane.—M. C. Edey, architect, has prepared plans for a new store to be established on Byward market, to have plate glass windows, mosaic flooring, steel plate ceilings, oak wainscoting and marble top tables.—The Dominion government is making preparations for the permanent paving of all walks on Parliament Hill, at a cost of \$25,000.—The city has decided to pave the west side of Byward market square with granolithic, at a cost of \$2,235.—E. F. E. Roy, secretary department of public works, will receive tenders up to May 31st for the construction of asphalt foot paths at the Parliament buildings in this city.—The government will shortly purchase a number of dredges.

MONTREAL, QUE.—Ald. Stevenson is still pressing his claim for a new fire engine for the city.—The council of the town of St. Louis du Mile End is considering the question of lighting the streets by electricity.—Ald. Rainville has submitted a plan to the city council for the proposed new headquarters for the fire and police department at the corner of Notre Dame street and Jacques Cartier square. The cost of a suitable building is given as \$50,000.—The C. P. R. are now preparing the foundations for a railway bridge over the lower Lachine road. The trestle will consist of three arches, to be built of solid masonry, and to cost \$16,000.—The Montreal Sailors' Institute has purchased the building at the corner of Commissioner street and Place Royale, and propose to remodel the same, at a cost of \$17,500.—Building permits have been granted as follows: One house, corner Bruchesi and Notre Dame streets, for P. A. Rodier; architect, Jos. Charette; carpentry, Jos. B. Dagenais. One house on Darling street, brick front, for T. Talbot; carpentry contractor, T. Benard.—W. E. Doran, architect, is calling for tenders for an extension to three houses on St. Marc street for Thomas Collins, also for a stable to be built on Roy lane for Patrick Wright.—A. Dubreuil, architect, is preparing plans for two residences to be built in St. Louis ward and two tenement houses in Hochelaga ward. Tenders will be invited shortly.

HAMILTON, ONT.—Tenders are being received this week by G. S. Con sell

county clerk, for the erection of a highway bridge on pile foundation, with masonry abutments and steel superstructure, and having 50 foot span and 16 foot roadway.—The city clerk is receiving tenders for the construction of sewers on Hannah, Bay, Murray, George and Locke streets.—The Canadian Pacific Railway Company have purchased the two blocks bounded by Wellington, Yonge, Maria and Ferguson streets, and will shortly erect thereon a freight station.—The car wheel works in this city have been leased by a private corporation, the principal members of which are Mr. Griffin, of the St. Thomas Car Wheel Works, and Mr. Drummond, of the Montreal Car Wheel Company. It is the intention of the new company to immediately enlarge the works.—The city engineer is preparing specifications for sewer pipes, tenders for which will shortly be invited.—Wm. & Walter Stewart, architects, have taken out a permit for additions to G. H. Bisby's house on Hannah street east, to cost \$1,000.—Dr. Smith, of Windsor, was recently in the city and explained to the Sewers Committee the advantages of a sewage disposal plan known as the Candy continuous tank system. A set of tanks to handle 2,000,000 gallons of sewerage would cost \$75,000.—At a recent meeting of Barton township council it was resolved to erect a new school building for East Hamilton.—The city will probably purchase a road roller. A Buffalo firm has offered to deliver a 12-ton roller for \$3,750.—The city council has decided to lay an asphalt pavement on the market square, from Macnab to James streets, at a cost of \$5,544. The city engineer has recommended that Macnab street, from King to Merrick streets, be paved with vitrified brick, at an estimated cost of \$5,152, but a majority of the members of the Board of Works prefer macadam to brick.

TORONTO, ONT.—A. R. Denison, architect, is preparing plans for a new building for the John Eaton Company to be erected on the site of the burned structure at the corner of Temperance and Yonge streets. The building will be four storeys, with a two storey shop front and two large flats above, and plate glass extending around on Temperance street for 70 feet. It will be ventilated by the fan system, heated by the single pipe process, and lighted by a private electric light plant to be placed on the premises. The estimated cost is \$60,000.—The Canadian Bank of Commerce contemplate extending the head office building on King street. The plans are being prepared by Messrs. Smith & Gemmell, architects, and provide for the extension of the building to Melinda street, to be finished in the same style as the King street front.—The Standard Oil Company, of Oswego, N. Y., have leased property near the foot of Berkeley street on which it is proposed to erect a large building.—In reply to a question by Mr. Clarke regarding the intention of the Dominion Government to protect the western end of Toronto Island, the Minister of Public Works stated that the department had not yet reached a decision in the matter, but he realized that something should be done. It is estimated that about \$80,000 will be required to complete the work at the eastern entrance.—Tenders are asked by the city until to-day (Thursday) for the supply of 30,000 square yards of sod.—The city engineer has recommended the construction of a cedar block pavement on Walmer road, from Bloor street to Lowther avenue, a brick pavement on Wilcox street, from Spadina to Robert, and from Huron to St. George streets, and an asphalt pavement on Wilcox street, from Huron to Spadina avenue. The ratepayers on the south side of Front street, between Scott and Yonge streets, have petitioned for a granolithic sidewalk.—It is rumoured that Messrs. Seigel, Cooper & Co., of New York, will open a large departmental store in this city, in

which case it is probable a building suitable for their purposes will be erected.—A permanent pavement will be constructed on Gerrard street east, from Pape ave. to Leslie street.

**FIRES.**

W. A. Simpson's planing mill at 314 Queen street west, Toronto, was completely consumed by fire on the 24th inst. The damage is about \$12,000.—The John Eaton departmental store, corner Yonge and Temperance streets, Toronto, was totally destroyed by fire on Thursday of last week.—D. Hibner & Co.'s furniture factory at Berlin, Ont., was damaged by fire recently to the extent of \$1,000.—Clayton & Son's large clothing factory, on Barrington street, Halifax, N. S., was completely destroyed by fire on Saturday last; loss \$100,000. The building was valued at \$35,000, and was insured for \$18,000.

**CONTRACTS AWARDED.**

GUELPH, ONT.—The tender of John M. Bond & Co., for the supply of lead pipe, etc., has been accepted.  
 CHATHAM, ONT.—The tender of the Silica Barytic Stone Company, of Ingersoll, for stone sidewalks has been accepted.  
 RENFREW, ONT.—The contract for building a rectory for St. Paul's church has been awarded to George Thacker, at \$1,825.  
 OTTAWA, ONT.—George O'Reilly has received tenders for the erection of a cold storage warehouse, to cost \$13,000. The name of the successful contractor has not yet been given.  
 WINDSOR, ONT.—The contract for supplying water pipes has been let to the Gartshore-Thomson Pipe Co., of Hamilton. The contract calls for 300 tons of pipe, the tender being \$26.00 per ton.  
 NEW GLASGOW, N.S.—The Chapel bridge at Acadia Mines is being replaced

by an iron structure, which is being built by W. P. McNeil, of this place, the iron being furnished by the Londonderry Iron Company, of Londonderry.

WINNIPEG, MAN.—Tenders for macadamizing have been accepted as follows: Tache street and Rosslyn road, Kelly Bros., \$11,085; Hargrave street, \$11,370, and York avenue \$5,423.00, same contractors; Fonseca avenue, \$2,200, Doidge & Co.

DOBBINTON, ONT.—Tenders for Chesley bridge were received as follows: Masonry, quarry stone, \$9.85, \$9.00, \$8.65, \$8.50 and \$7.75 per cubic yard. Hunter Bros., of Kincardine, were awarded the contract. There were three tenders for the steel superstructure. For one span, 140 feet, the prices were: \$2,504.00, \$2,350.00 and \$1,795.00; and for the two spans, of 70 feet each, \$2,026.00, \$1,680.00 and \$1,200.00. For sidewalks the prices were: \$330.00, \$300.00 and \$250.00. Hunter Bros., of Kincardine, also received these contracts.

TORONTO, ONT.—Mr. F. H. Herbert, architect, has accepted the following tenders for building the Dineen building, at the north-west corner of Temperance and Yonge streets: Masonry and brick-work, Wickett Bros.; carpentry, Young & Co.; carving, Holbrook & Mollington; painting, M. O'Connor; iron and copper and metal ceilings, A. B. Ormsby & Co.; heating and plumbing, Bennett & Wright Co.; concrete and sidewalks, R. Gardiner & Co.; roofing, R. Rennie & Sons; prism lights, Luxfer Prism Co.; ornamental iron work, Toronto Fence & Ornamental Iron Works Co.

**TENDERS BY CONTRACTORS.**

(Concluded.)

In contracts, the person discovering the fraud must at once repudiate the contract or waive all claim for the damages from the fraud. An employer is also liable for any fraud committed by his agent, by

THE Authorities at Ottawa have been investigating the merits of the new Wall Plaster, known as

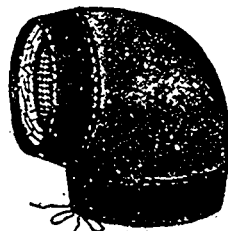
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which is nearly the pure product of Asbestos, and possesses all the remarkable qualities of that mineral, being Absolutely Fire-Proof, and as a Plaster, Cohesive and Elastic, besides allowing a Perfect Surface Finish. The result of such examination and investigation, from actual work done in Ottawa, and the opinions of eminent Architects, is to prove that it is all that it is claimed to be. A large order has been given for this material, which is to be used in the reconstruction of the Parliament Buildings, lately destroyed by fire.

The Authorities have shown great wisdom in their choice, as the cost over ordinary plaster is very trifling, and the advantages so manifest to every Architect who has given this remarkable production careful attention, that it cannot fail to commend itself as a positive assurance of safety against fire risk, entailing the minimum of cost for such an object.

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his authority, or with his privity, in bringing about the contract. But as to plans and specifications there is no warranty that they are practicable. A builder before tendering should ascertain if the quantities supplied by the employer are accurate. The acceptance of a tender should be stamped, in order to be sued upon. The tender may be accepted by an authorized agent. But, if so, the acceptance will be void unless such unauthorized act is ratified by the principal, when it will relate back to the time of the unauthorized acceptance. Such ratification must be within a reasonable time, and that reasonable time can never extend after the time at which the contract is to commence.

A contract not to tender is not void, and a bill will lie to restrain the breach of it. Vice-Chancellor Bacon, in Jones v. North (1875, L. R. 19 Eq., 426), said "There is nothing illegal in the owners of commodities agreeing that they will sell as between themselves at a certain price, leaving one of them to make any other profit that he can." In tendering or bidding, an agreement between two or more persons not to bid against each other is valid. An agreement having been made between A and B not to tender in competition with each other for certain gas tar, A, in answer to an advertisement, sent in a mere nominal tender, in consequence of which B obtained the contract. On the expiration of the contract fresh advertisements were issued, and a tender by B was rejected, whereupon A, without communicating with B, sent in a tender on his own account. Held, that the agreement between them was still pending, and A was liable to B for the breach of it.

The language of a contract, where it admits of it, must receive such a construction as is consistent with reason and justice, but where it appears from the whole tenor of the agreement that the parties thereto intended, the one to insist upon and the other to submit to, conditions however unreasonable and oppressive, the Court will in such case give effect to them. An engineer contracted with a corporation by deed to execute works. The deed contained a clause by which it was covenanted that the corporation's own engineer should have power to direct the way in which portions of the work should be done, and if it should appear to him that they were not properly executed and with due expedition, it should be lawful for him to give notice in writing to the plaintiff to alter any improper work and to supply proper and sufficient materials and labour, and with due expedition to proceed therewith, and if the plaintiff should for seven days after such notice fail to comply therewith, then it should be lawful for the engineer to take the work out of

the plaintiff's hands. It appearing to the engineer that the works were not being properly executed and with due expedition, he gave the following written notice to the plaintiff: "I give notice to you to supply all proper and sufficient materials and labour for the due prosecution of the works, and with due expedition to proceed therewith; and, further, that if you shall for seven days after the giving of this notice fail or neglect to comply therewith, I shall, as engineer and on behalf of the corporation, take the works wholly out of your hands." Held, that the notice was sufficiently specific (Pauling v. Dover (Mayor), 10 Ex. 753). A building contract entered into by a burial board contained a clause that it should be lawful for the burial board, in case the contractor should fail in the due performances of any part of his undertaking, or should become bankrupt, or should not, in the opinion and according to the determination of the architect, exercise due diligence and make such progress as would enable the works to be effectually

and efficiently completed at the time and in the manner therein mentioned, to determine the contract by a notice in writing under the hand of clerk of the burial board and to enter upon and take possession of the works and of the plant, tools, and materials of the contractors, and use or sell the same as the absolute property of the burial board. The architect having given a certificate that the contractor was not exercising due diligence, the burial board gave the notice required to determine the contract, and took possession of the works; the certificate was given bona fide, but the delay was in fact occasioned by the act of the board in ordering extra works and otherwise. Held, that the board was, notwithstanding, entitled to act as they did, their right to enter on the works being by the terms of the contract dependent on the opinion and judgment of the architect, and not upon the contractor's failure to exercise due diligence, in fact (Robert v. Bury Improvement Commissioners, 4 L. R., C. P. 755).

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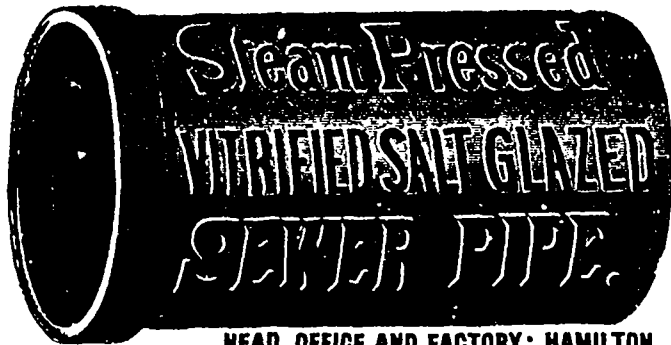
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## MUNICIPAL DEPARTMENT

### THE STATUTE LABOR SYSTEM.

Mr. A. W. Campbell, Instructor in road-making for Ontario, in presenting a report on the streets of the County of Oxford, referred at some length to the statute labor system. His remarks, which we give in part below, may prove interesting to municipal clerks:

#### LABOR AND ROAD EXPENDITURE.

The roads of your township are built and maintained under the statute labor system, supplemented by grants from the municipal funds. The statute labor system has some commendable features. Under it good work can be done, and has been done, at less cost to the tax-payer than could perhaps have been obtained otherwise. It is, however, peculiarly subject to neglect and evasion, and this has been taken advantage of to such an extent that the roads of your district have suffered in consequence. The manner in which road work is slighted is too well known to need description. The waggons, horses and implements often brought out for use on the road make up an assortment that would disgust any intelligent farmer if he had to pay for them by the day at  $\frac{1}{4}$  rates for work on his farm. The work is too frequently done in a spiritless way, and a great part of the time is spent in talk. Some townships in various parts of the province commute the statute labor at such a reduced rate as is practically an acknowledgment that statute labor has been shamefully neglected and thus brought into disrepute. The experience of one municipality is that, commuting at 35 cents per day, better results are obtained. That such could be the case is certainly a reflection on any municipality, and rather than commute at so low, or even at a reduced rate, it is worth a struggle on the part of a township to make each day of statute labor worth one dollar in actual results on the roads. Were the statute labor system economically administered, it would take only a short time to work a complete transformation in the condition of your roads. The true spirit in which statute labor should be performed was exhibited in the work of the pioneers in road-making. In their day, population was sparse and the road allowance had to be cleared of forest. Stumps had to be grubbed, bogs burned, and the roadway had to be graded; swamps had to be corduroyed, and streams bridged. Drainage was exceedingly difficult, and there was no municipal fund from which to draw for mending a culvert or filling in ruts. Labor was then concentrated, and good, honest labor was given. Now, however, with the increase in population and wealth, roadwork is scattered in patchwork, and is done in a half-hearted way. Statute labor is performed at a period of

the year when the time of every farmer is of great value to him on his own farm. If the work of improving the roads is neglected, and a portion of the time spent in statute labor is wasted, it must be apparent to every citizen of the province that there is a tremendous amount of energy lost to the country. We are obtaining our roads at an enormous expense, and if they are still to be bad roads, the expense is many times increased indirectly. Sufficient money is now being expended in your townships for material, if it were carefully prepared and skilfully applied.

#### NUMBER OF PATHMASTERS.

In order to bring the roads to a proper condition, the operation of the statute labor system in your municipalities must be placed on a more systematic basis. One of the first steps would be to reduce the number of pathmasters. In each of your townships there are about 100 pathmasters, and, in consequence, as many different ideas of road building. The result as shown on the ground is that one pathmaster has considered 16 feet sufficient width of roadway; another 18; another 20; and so on up to 40 feet; one thinks a roadway should be flat; another that it should be rounded up a few inches; another a few feet. Instances of these different opinions might be multiplied to almost any extent. Certainly all cannot be right. And this points to the fact that the control of the roads should be concentrated in fewer pathmasters under one central head. One man should have general oversight of the pathmasters and all work and expenditure on roads and bridges; and he should be required to report to the council at each meeting. He should have charge of all township machinery and materials. He should be a man specially adapted to the work, and his tenure of office should be as secure as that of the clerk or treasurer.

Besides being encumbered by the number of pathmasters, none of whom have sufficient means at their disposal to do permanent work, each pathmaster is surrounded by a few neighbors, and rather than incur disfavor by insisting on a fair day's work, frequently invites popularity by allowing or even encouraging neglect of work. Were the beats enlarged, every pathmaster would become more independent, and would have a sufficient number of days of labor under his control to undertake durable and complete work. But with their limited knowledge and experience in roadmaking, it cannot be in the interest of the townships for each pathmaster to be given the power to carry out his own ideas and experience on the road.

Pathmasters should be chosen from among the most respected, intelligent men of the community, and they should be kept in office. Even then, their individual opinions and plans should be subject to revision by the council, which body should exercise a direct oversight of the roads and their improvement by statute labor.

That there are men who would fill the office of pathmaster in a creditable manner is apparent from the fact that in driving over your roads, there were several sections which have been well done, and good pieces of road constructed by statute labor alone. That many are poor pathmasters is indicated by other sections, which show no evidence of results except those produced by the expenditure of municipal taxes, contributed very largely by those who had worked with a will in performing their own statute labor on other beats.

When men of suitable ability, knowledge and experience have been once obtained, they should be retained in office. By the present system of annual rotation, as soon as the pathmaster has learned something in his year of apprenticeship, his experience is lost and another is appointed, who begins in his term to take lessons in road-making, at the expense of their condition. In other occupations an apprenticeship of some years is necessary before a person is qualified to practice, but a pathmaster the moment he is chosen is thought fit to direct a work requiring much science at the expense of the townships' capital of time, labor and money. Men are taken from the occupation in which they are skilled, and transferred to one of which they know nothing. An honest man knows this, and immediately strives, from his personal experience, from the advice of others trained by practice and instruction, from experts, and from every available source, to properly qualify himself. In this way and with continued experience he can become a most valuable officer. Such a man realizes the responsibility of his position and the duty he owes his fellow citizens whose property is placed in his charge, the expenditure of whose money he directs, and whose interests he is expected to advance. He commands the respect of those who have to serve under him, his order is obeyed, public interest is created and maintained, and the question of making good roads is rendered simple, requiring but a small outlay of money.

Some men look upon their appointment as an acknowledgement by the council and community of their special skill as road-makers. The solicitations or acceptance of any advice from experienced men would be looked upon as confession of unfitness, and certainly any suggestion to accept instructions from an expert would be regarded with contempt. The competent pathmaster, as well as the competent business man, is he who eagerly seeks from every source the fullest possible information pertaining to his special line, believing that his knowledge never can be too perfect.

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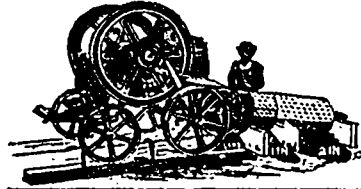
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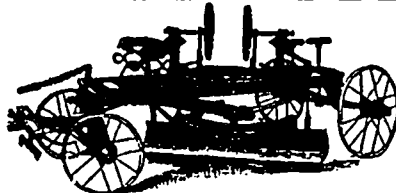
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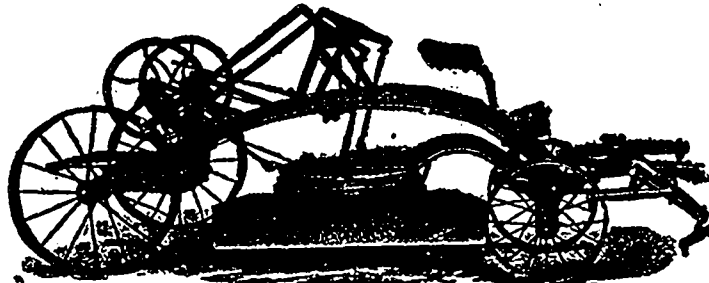
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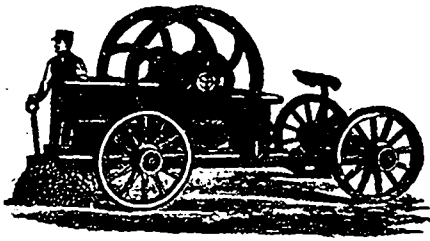
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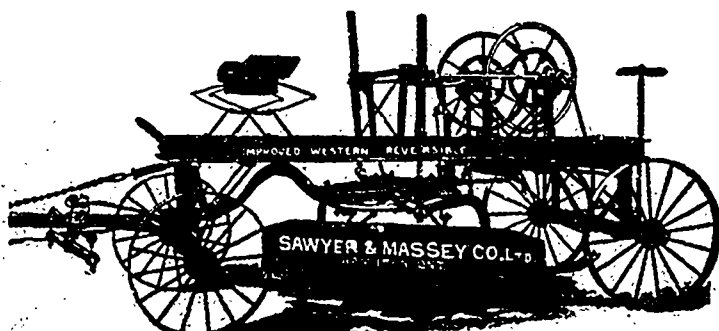
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