

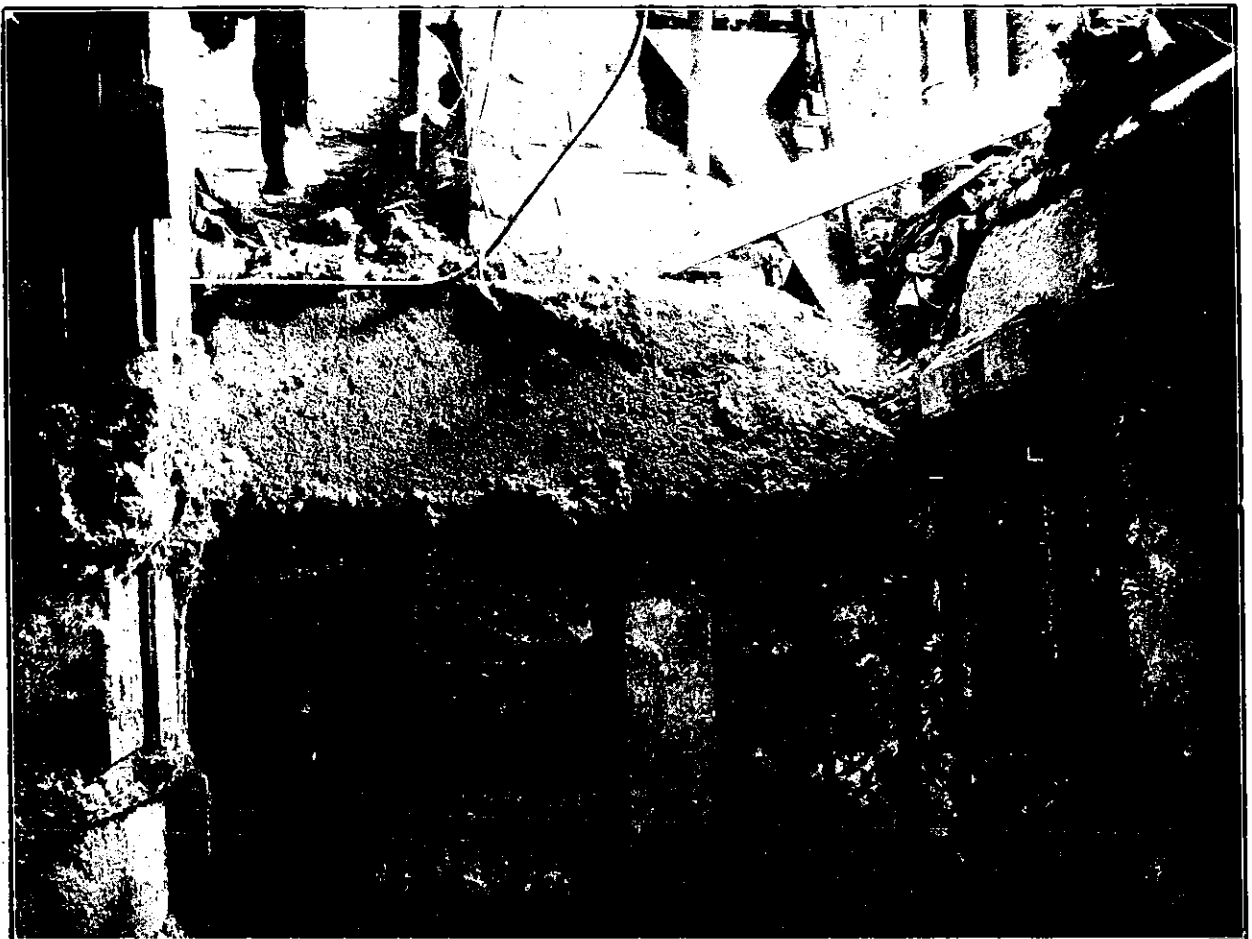
Now that the case is finally disposed of we are at liberty to make reference to some of the details of the dispute. We draw our reader's attention to the various drawings, etc., appearing in this issue. Exhibit "Q" is a reproduction of a drawing produced in court on behalf of the defendants in support of their allegation of unsafety which was admitted by Messrs. Bartley and Patterson, the professional witnesses who submitted it, to have been drawn to show the position in which they considered the wall was placed and as they understood it was constructed, from information received.

Figs. 1, 2, and 3 show the actual construction of the foundations.

The apparent object of exhibit "Q" was to convey the impression that the work was not carried out in accordance with the specifications and that the wall, on the assumption that it had been constructed as shown on such drawing was unsafe. Mr. Bartley, one of the witnesses, stating in evidence that "He and Mr. Patterson had prepared the plan produced," that "The concrete goes about 4 inches under the foundations and 2 inches under the brick wall." From the drawings shown of the actual construction it will be seen that the basement which ac-

cording to the theory of the defendants' witnesses was supposed to support the whole building was in reality little more than a floating shell, the building itself and the party wall being each supported on independent foundations on the solid rock.

The evidence proved that there were no facts to go upon to warrant such an allegation, as both the defendants in their evidence before the referee deny that they ever said anything to warrant any allegation that the building was unsafe, and both the professional witnesses in cross examination denied that they had made any allegation of unsafety. The submission of such a drawing as is shown in exhibit "Q" is, to say the least, not consistent with these denials. At the application for judgment, on the finding of the referee, in the Supreme Court (which was some eighteen months after the allegation of unsafety had been given publicity) the plaintiffs' counsel pointed out that a paragraph in the statement of defence to the effect that the building was unsafe was not supported by evidence, and defendant's counsel admitted that this was so and acknowledged that the building was safe and said that he had been misled on the point and that was the reason for the inclusion of the statement."



Grand Picture Theatre--Fig. 1. Photo taken by Mr. Beattie, February 4th, 1915.