

File No. 12279 Continued.

The Municipal Hospital Commission, acting under Ordinance No. 9, approved September 29, 1905, invited architects to present drawings, and the drawings presented by Messrs. Simonson & Pietsch were finally accepted, and, in conformity therewith, a building was erected. The drawings and specifications were prepared by Simonson & Pietsch but the work was done under the direction of the Inspector of Buildings, and the sole duty of Simonson & Pietsch was to prepare the plans and specifications.

The regular ward building was erected, but the plans and specifications were, in the judgment of the Municipal Hospital Commission, inadequate and the building, as erected, lacked a number of details which are essential to a well-constructed hospital. Indeed some features necessary for the proper conduct of a hospital were entirely wanting, thereby preventing the building from being put to its highest use.

This work has been completed, and Simonson & Pietsch have been paid the sum of six hundred and ninety dollars and thirty-eight cents (\$690.38). Although this payment was made upon a bill which stated the sum to be due as a commission on the cost of one ward building, this is not conclusive, but the payment may be considered as a payment for the preparation of the drawings and specifications; for the work done in this connection Simonson & Pietsch were clearly entitled to compensation, - what is the reasonable compensation I do not know, but whatever it may be they should receive it, and if the sum of six hundred and ninety dollars and thirty-eight cents (\$690.38) thus far paid is reasonable, then no further payment should be made on that account.

It seems to me, however, that Simonson & Pietsch have no further connection with the construction of any other buildings to be erected by the Municipal Hospital Commission; this Commission was merely empowered to select an architect to present drawings, this has been done, and if the Municipal Hospital Commission contemplates the erection of other buildings Simonson & Pietsch have no right to insist upon being employed as architects for the same. Their sole right, in my judgment, is, as I have stated before, to receive a reasonable compensation for the drawings and specifications submitted