

File No. 9283 Continued.

OPINION.

6916

Sewerage Commission, I wrote you as follows in reference to the foundations of the New Pumping Station at the corner of Eastern avenue and East Falls Avenue:

*February 27, 1909.

E. D. Preston, Esq.,

Inspector of Buildings.

Dear Sir:-

Your letter of the 26th instant has been placed before and considered by the Commission.

I am instructed by the Commission to inform you that it eliminates from any further consideration your suggestions:

1. As to the plan of a pile foundation, and
2. As to a foundation by caissons:

That it will proceed with the construction on the basis of carrying the walls to firm strata at the following points and depths, according to the plans originally submitted under the specifications, viz:

At the N.W. corner, to a point 23 ft. below mean low water.
 At the S.W. corner, to a point 34 ft. below mean low water;
 At the S.E. corner, to a point 20 ft. below mean low water; and
 At the N.E. Corner, to a point 18 ft. below mean low water.

Respectfully,
 (Signed) Peter Leary, Jr.,
 Brig. Genl. U.S.A., Retired,
 Chairman."

This morning I laid before the Commission, your letter of February 27th, in reply to mine of the 27th, just quoted, in which you notified the Commission not to proceed with the work in accordance with the plan outlined in my said letter of February 27th. I hereby accordingly notify you that the Commission, under paragraphs 1, 2 and 3 of Section 10 of the Building Code, hereby appeals from your decision and, in accordance with paragraph 2 of said Section files with you the required deposit of Forty-five dollars and names Walter B. Brooke, Jr., President of the Canton Company of Baltimore City as the arbitrator chosen on its behalf to determine the point or points now at issue between you and the Sewerage Commission, with the request that you name your arbitrator without delay.

The exact character of the contention of the Sewerage Commission is that the carrying down of the foundations of the New Pumping Station in accordance with the plans originally submitted to you under the specifications, which plans are herewith enclosed, to the following depth, to wit:- At the N.W. corner to a point 23' below mean low water; at the S.W. corner to a point 34' below mean