

File No. 9659 Continued.

CORRESPONDENCE.

street, which has settled, and note your remarks concerning the matter. I beg to say that your opinion is in accordance with the decision which I previously gave, i. e. that under the contract it was the duty of the Contractor to turn this over to the Commission in a satisfactory condition. However, I again refer the matter to you, and would ask that you consider the question from the standpoint of equity, and advise me if you think, from such a standpoint, the contractor should be relieved of responsibility for the settling of this drain.

In this connection, I enclose, for your information, a copy of a communication from the contractor, under date of January 25th, in which he takes exception to my decision, and states his reasons therefor. I also send you a copy of the specifications with the various clauses bearing on this matter marked in red.

Thanking you to again consider this matter from an equitable standpoint, I remain

Yours truly,

(Signed) Calvin W. Hendrick,
Chief Engineer.

File No. 9659.

DAVID PEOPLES.

BALTIMORE.

Baltimore, January 25, 1909.

Mr. Herbert M. Knight,
Division Engineer.

Dear Sir:-

Referring to yours regarding 15-inch drain from south side of Thirty-first street north on Calvert street to 48-inch line in alley, we took this work as an extension and you were fully aware that this was a new fill and with such knowledge on your part ordered us to proceed and lay drain as per line and grade given by your Engineer in