

File No. 10104 Continued.

CORRESPONDENCE.

7773

Building, page 20, Section 42, under the heading, "Care and Protection of Work" the contractors are solely responsible for the care of this material prior to its delivery and installation in the building, and up to the official acceptance of the building itself.

A copy of my letter to Mr. Brauns is herewith sent; also the rest of the correspondence on the subject.

Your attention is particularly invited to the reply of the Noel Construction Company to Mr. Brauns' letter, informing the Company of the position of the Commission with reference to the matter.

Will you please inform the Commission whether or not its attitude in the matter is correct from the point of view of the Law Department.

You will also observe from my letter of the Noel Company they claim they are exempt from any cost of securing the parts of the building against deterioration or injury due to exposure to the weather, by reason of the delay in the construction of the foundations at the Pumping Station. It would seem that if such damage should occur by reason of such delay, it would devolve upon the Noel Company to prove their damages in a court of law.

I send herewith a copy of the contract with the paragraph marked. Please return the document and all correspondence with your reply.

Respectfully,

(Signed) Peter Leary, Jr.,

Brig. Genl., U. S. A. Retired,
Chairman.