

File No. 10104 Continued.

OPINION.

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Section 45, page 21, provides that the Commission reserves the right to suspend the whole, or any part of the work, if it shall deem it for the interest of the City to do so, "without compensation to the contractor for such suspension, other than extending the time for completing the work as much as it may have been delayed by such suspension".

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I think it may fairly be said that the delay in question has caused a suspension of part of the work in the interests of the City within the contemplation of Section 45, and since, by the express terms of Section 45, such delay is to be without compensation to the contractor, then the only effect of it is to extend the time for completing the contract.

It follows, I think, that the obligation of protecting the steel work, in accordance with Section 42, rests upon the contractor, notwithstanding the delay, and must be performed by him, at his own expense.

Very truly yours,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 10104.

LAW DEPARTMENT.

Baltimore. June 5, 1909.

General Peter Leary, Jr.,
Chairman,
Sewerage Commission.

Dear Sir:-

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Replying to your favor of May 28th, enclosing correspondence relating to certain steel work ordered by the Noel Constauction Company to be used in the foundation of the Sewage Pumping Station, I herewith enclose copy of report to me on the subject from Mr. Ritchie. I concur in the conclusions reached by Mr. Ritchie. I also return the papers which accompanied your communication.

Very truly yours,
(Signed) Edgar Allan Poe,
City Solicitor.