

File No. 10178Continued.

CORRESPONDENCE.

of TOOL PROOF STEEL formed of round bars.

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Specifications, page 35, PLATE WORK requires "CELL FRONTS to be constructed of interlocking TOOL PROOF grating" and hexagonal and flat bars are called for.

Specifications, page 35, CELL DOORS, require such doors to be constructed of TOOL PROOF STEEL.

On the drawings, sheets 4, 5, and 13, you will find that TOOL PROOFING is designated as the material to be used for the window guards, cell fronts and cell doors. Thus we have a clear, definite designation of tool proof steel as the material to be used for these three things.

The hearings in this matter show that tool proof steel is of various kinds, one of which is styled five ply bars.

On page 35 of specifications, under DESCRIPTION OF FIVE PLY BARS, the manner in which bars of that character are to be made and welded together is described, but we find nothing in the specifications which requires that five ply bars shall be used for all steel work, and nothing inconsistent with the provisions of the specifications expressly and clearly designating TOOL PROOF STEEL as the material to be used for the three definite things in question, - window guards, cell fronts and cell doors.

As DESCRIPTION OF FIVE PLY BARS, page 35, contains no provision requiring the use of such bars for any particular parts of the work, the fair construction of it must be that when and where bars of that character are used, they shall be of the description given.

Moreover, Mr. Preston says that the five ply bars are not made in angles or channels and that a large part of the steel for the three things mentioned must be made in one or other of those forms, and also that the description of five ply bars is limited to flat and round bars, while the specifications for the parts mentioned include hexagonal bars and bars of other shapes.

The specifications are not so arranged that it can be said that Description of Five Ply Bars is under the general heading of CELL FRONTS, because the general division of CELL FRONTS precedes it as a separate finished paragraph.

The whole arrangement of the specifications must lead to the conclusion that the separate heading "Description of Five Ply Bars" was