

File No. 10178 Continued.

CORRESPONDENCE.

7861

inserted not to qualify cell fronts or cell doors or any particular items, but for the purpose of requiring that wherever five ply bars are used they should be of a certain character and constituency.

On page 13, of the statement read by Mr. Preston before the Board of Awards, is a copy of a letter from Mr. Pietsch to David Peoples, March 25th 1909, in which Mr. Pietsch asks for proposal for steel fronts "formed of tool proof steel bars". In Mr. Peoples' letter to Mr. Preston, of the next day, you will find that this matter had been considered by the Warden and President of the Jail Board, and in Peoples' letter to Mr. Preston you will find that the Van Dorn White Diamond Proof Steel was accepted for the fronts.

This shows clearly that neither the architect nor the Jail Board nor Mr. Preston, as late as March 26th, 1909, understood the specifications to require the use of five ply bars, and that, at that time, they all so construed the specifications that tool proof material was required and not that kind of tool proof material known as five ply.

It is, moreover, evidence, from the statement read before the Board of Awards by the Building Inspector, that the members of that Board, early in the winter, examined, with a view to accepting, and thought that they had the right to accept, one or more kinds of tool proof steel, and that no member of that Board, so far as we can learn, thought that, by the specifications, they were limited to the use of five ply bars.

We respectfully submit that if, in the opinion of the City Solicitor, a different construction than the one we contend for should be placed upon the specifications, then certainly enough has been said to show that a "doubt as to the true meaning of drawings and specifications" has arisen and the decision of the Inspector of Buildings, (Specifications, page 2) is to be final and conclusive. It matters not that the doubt arose after the decision was made. Certain it is that Mr. Preston understood the specifications to require tool proof material, and not to limit such tool proofing to any particular style or make, and equally certain is it that a fair and reasonable construction of the specifications sustains that view.

Yours very truly,
(Signed) Edward H. Rich.