

File No. 10178 Continued.

CORRESPONDENCE.

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Building Inspector. The powers of a person under a building contract, in the position of the Building Inspector under this contract and specifications, have been frequently before our Court of Appeals. A very recent case, reviewing previous authorities, is that of the Filston Farm of Baltimore county, reported in 106th Maryland, with which you are probably familiar. It seems to us beyond any reasonable doubt or contention, as a matter of law, that the city of Baltimore is certainly bound in this case by the action of the Building Inspector. To take any other view would lead to the greatest embarrassment in the prosecution of the work, and hardship to all concerned, who have acted in good faith in the construction of the specifications and the carrying out of the work. The Van Dorn Company has already spent thousands of dollars on its work under its sub-contract. It has delivered a large portion of the work. We are advised by the Van Dorn Company that the entire material for the job has been obtained by it, acting under orders direct from the City of Baltimore, through its authorized officer, and it would now be a serious breach of contract for any position to be taken by the city which would be inconsistent with what has been done. The Van Dorn Company has sent us a number of photographs showing the work for this contract in course of construction in its works. These we are enclosing herewith for your examination, and will be glad to have them retained and returned to us at your convenience.

We are further advised that any change in material at this time would necessitate a very great delay indeed in the work of construction, probably as much as a year.

However all this may be, we have to say that the position of the Van Dorn Company is that its work has been done under an entirely legal contract, and it, of course, insists, and will insist absolutely, on this position. In writing you this letter we must not, in any way, be understood as assenting to the view that the question is an open one at the present time. We are only availing ourselves of the opportunity you have kindly given us to present our views, in the hope that the question now pending may be decided in such a way that any controversy in the future may be entirely obviated.

Yours very truly,

(Signed) Gans & Hagan.