

File No. 10178 Continued.

OPINION.

2½ x ½" and the intermediate cross bars 3 x ½", spaced about 12" on centers. The vertical bars to be 7/8" round, interlocking same as specified for cell fronts. All vertical and horizontal bars to be riveted to the frame bars and all horizontal bars to be connected to the vertical frame bars by steel knees riveted through each leg with two countersunk oval head rivets.

All cell doors to slide overhead and hung on ex. heavy ball-bearing wheels, and be locked with an automatic locking device. Food Opening. In the center of each cell door provide a food opening 4" x 7".

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From this it appears that, in connection with cell fronts, it is expressly provided that all steel flat bars shall consist of alternate layers of steel and iron, all thoroughly welded together, and that the round bars "referred to herein" shall consist also of alternate layers of steel and iron, and that both flat bars and the round bars are to be file and tool proof. The cell fronts are to be formed by a combination of vertical bars, round or hexagon, interlocking with horizontal flat bars.

In connection with the cell doors, provision is also made for flat and round bars, interlocking in the same manner as specified for the cell fronts. In other words, the specifications distinctly provide that whenever flat steel bars or round steel bars are used in connection with the cell fronts or cell doors, said bars are to be made of five-ply steel; and later on, when the construction of the cell fronts and cell doors is described more in detail, flat bars and round bars are expressly called for.

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It is true that in the description of the construction of the cell fronts either round or hexagon vertical bars are permitted, but manifestly, as this is the only reference in the specifications to hexagon bars, the material that goes to make up these bars must be the same as that required in the case of round bars.

The suggestion has been made that, because it is provided in the specifications that the cell fronts and cell doors are to be constructed of tool proof steel, this authorizes the use, in connection with cell fronts and cell doors, of any steel, whether five-ply or not, provided the said steel be tool proof. This argument might be successfully advanced were it not for the fact that in previous parts of the specifications, as above set forth, it had been expressly provided