

In reply to these communications, I am directed to inform you that this Department does not consider it expedient that you should be relieved from the responsibilities you entered into in the contract for the construction of the aqueduct through the Chippewa River at Welland. There appears, however, to be no objection to a dam of the dimensions, made with piles of the length and size, stated in your letter, provided that the part of it in the middle of the river and parallel to the stream be constructed on the site and plan indicated in the contract, or on the same site as that of the dam put in by you which has failed. At the same time it is to be distinctly understood that the removal of the ruins of the old dam and the construction of the new one on the site of it must be done subject to the conditions of the contract entered into by you as aforesaid.

I am, Gentlemen, your obedient servant,

F. BRAUN, Secretary.

Messrs. HUNTER, MURRAY & CLEVELAND, Contractors, St. Catharines.

ST. CATHARINES, July 19th, 1880.

SIR,—We have the honor to acknowledge the receipt of your letter No. 53,666, under date 12th ult., and in reply would respectfully state that in asking the Government engineers to propose another plan of coffer-dam in lieu of that already built by us according to the plan described in specifications and under their supervision, which has failed from causes we have already stated, we did not consider we were asking to be relieved from the responsibility of our contract. We claim to have built these coffer-dams on the site marked out by your engineers, and with a length of pile and width of puddle approved by the Chief Engineer, and that during their construction no protests or complaints of any kind were addressed by us either verbally or in writing as to the insufficiency in length or strength of pile or quality or quantity of puddle, and that the direction of the Chief Engineer to drive clusters of piles inside of foundation and place oblique braces from same to north coffer-dam before unwatering foundation was faithfully carried out. From the nature of the bottom it is probable that bearing piles may be required instead of the concrete proposed; in any case, we think it would be prudent to have them on hand as soon as the pit can be bottomed, and would be glad to have the order to procure the same as soon as possible.

In the location of the new Aqueduct where it has been placed, in the silence of the specifications as to quick sand or a probable sliding foundation, in the provision of crib work as a substitute for piling, and the length of pile considered sufficient in the sliding of the canal bank, notwithstanding that we were not permitted to excavate by dredging within fifty feet of the point named in specifications, viz,—eleven and one-half feet beyond the face of the abutment work, there is evidence that the destruction of the dams caused by the necessary unwatering excavations and flooding was as unforeseen by the Government Engineer as it was unsuspected by us when tendering for the work, or when constructing the dams. We do not feel that we are responsible for the instability of the bed of the Welland River; we were not warned of its probable character in the specifications, the borings were not exhibited at the lettings, and the only reference to them in the specifications is favorable to the supposition of a sound bottom. We believe it would be safe to place the north side of new dam outside the line of old one, as is consented to for east and west sides, the water-way between north-west angle of dam as built, and the nearest shore at wing-wall of new lock is forty feet narrower than between north face of dam and new crib work. The dam on north side is so close to pier foundation as to give no support to piles from that part of the ground they are driven into, which is 12 feet or more above level of pier pit foundations. The excavation of pier pit will lay bare the inside piles in the position ordered for six feet or more below river bed.

In view of the time already lost, we would respectfully suggest the propriety of at once advancing the north face of dam to include the fourth arch and pier, but