

\* second laboratory test to detect foreign matter, selected from a general average of the stone in the stock pile showed only 0.98 of one per cent of shale.

In all fourteen cars of this material was delivered to the material yard of the Paving Company, 7 cars of the same were rejected and ordered removed from the yard at Rudd Mines, which accordingly was done. The Inspector for the County was ordered to waste any stone in the pile which was apparent on the face of it that it would not be suitable for first class concrete work. Consequently about 6½ cars were used, which should lay about 450 lineal feet of concrete road.

Before permitting the use of this material a written agreement was entered into showing the restrictions under which they would be permitted to use the same, which was shown to the Chairman of the Board of Commissioners. It was provided among other things in the agreement that the Paving Company for a period of 90 days after the section of road in which such material was used, that if any defects showed up that they were to give the same an asphaltic treatment.

The facts of the business are, that the percentage of foreign matter consisted of Black Shale, which the case, while in transit, caused the lighter matter to work into the top of the cars, and when exposed to the aid, disintegrated and shell-ed off into small black leaves of shale which gave a decidedly ugly appearance to the car of material. In the heart of the material however, there was a very negligible amount as evidenced by the laboratory test.

I notified Mr. J. M. Berry of the Chamber of Commerce Committee that we were going to use the material that had been unloaded and told him we were returning 7 cars of the material to the Frisco Rail Way yards. This material was being used at the time I received copy of letter written to you at the direction of Mr. Berry by Col. Douglas.

It was originally intended to use 10 cars of this material, but after the written protest had been received and as stated seven cars of the amount shipped were then rejected and ordered removed which as stated was done.

This office does not ordinarily condemn material by a guess, but when there is cause to suspicion it not being suitable to use in our concrete work, we give it the most critical examination in our laboratory, which tests are made by experienced and technically trained men. In this instance three of my most capable men assisted me in the determination of its suitability.

I certainly regret the attitude which Mr. Shaw assumed, but I would suggest that in the future when he thinks material unfit, that he call at the office and I will assign him one of my most experienced men who will go with him and obtain honest samples to be brought to me testing room and have him to watch and assist in the test, and in this way he will have authentic information. He went at this in this instance without knowing just how I intended to handle the matter and treated me very unfairly in the premises..

I have no apologies to make to any one for the way I have handled this matter, but do regret that such notoriety has been attached to so small a matter. In the event that you should wish a further investigation in the matter, I would suggest that you refer it to Mr. E. S. Alderman, Federal Engineer, and Mr. C. A. Woods, Dist. Engineer for the state department of Highways for their examination in the matter and their written opinion as they are directly over me in the expenditure of the Federal Aid Funds, and this being a federal aid road, I expect to bring the matter before them any way whether you do or not. I always do this when there is any question as to whether I have used the best judgment or not. I am holding in the office samples collected for their inspection until they reach Tulsa on their next inspection trip.

I trust the above information and suggestions meets with your approval and beg to subscribe myself,

Yours respectfully,  
Dan W. Patton, County Engineer.

#### R E S O L U T I O N .

The following resolution was presented by W. L. North:

Be it resolved by the Board of County Commissioners of Tulsa County, on this 3rd day of May, 1920, that the County Engineer be instructed to file plans, specifications, etc; for the improvement by grading and draining the following described state road:-

Miles 2- 3- 4 and 5 of Section "V", and miles one and two of Section "U"

That Whereas, funds are available in the County Road Construction Fund for the improvement by bringing to the profile grade and constructing all drainage openings upon the same, and such funds were provided for this purpose,

Now therefore, in consideration of the above, it is hereby ordered that Notice to Contractors be given by official publication to the effect that on the 17th day of May, 1920, between the hours of two(2) and three (3) o'clock P. M. on such date, that sealed bids will be opened, read and considered and if satisfactory bid be received, a contract will be awarded on such date for the improvement of such road.

Motion was made by W. L. North to adopt the resolution as read which motion was duly seconded by F. M. Wooden, and upon roll call the following members voted for the resolution.

F. M. Wooden, W. L. North and Ed Dalton.

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS TULSA COUNTY, OKLAHOMA.