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Mrs. MILLER, testified as a witness for the defendant and stated his firm painted the houses at 1243, 1245 and 1247 30th Street. According to referenced letter, he testified that these three houses were a bright yellow color with blue blinds.

Referenced letter of August 16 referred to three letters which had been made available to the United States Attorney THOMAS F. MURPHY by SARAH MILLER. One letter dated March 15, 1949, signed by TEUNIS F. COLLIER addressed to GILLIAT stated as follows: "As requested by you, we are pleased to advise that we remodeled the houses at 2916, 2918, 2920, 2922, 2924 N Street, NW, and 1243, 1245 and 1247 30th Street, NW, in the year 1936. At that time, these houses were painted on the exterior a light gray with green blinds; steps and platforms, gray splashed with black; wood railings were black.."

The second letter dated April 15, 1949, from JOHN H. B. GILLIAT in which GILLIAT had inquired as to Mrs. MILLER's recollection of the house color. GILLIAT indicated that he was inclined to think that the house in question was painted a yellowy cream with blue shutters. This opinion was arrived at after consulting with TEUNIS COLLIER and Mr. HISS:

The third letter dated April 19, 1949, was from Mrs. MILLER to GILLIAT, in which she stated that the five houses on N Street were painted gray with green shutters and the 30th Street houses were painted pale yellow with grayish blue shutters.

### C. RESULTS OF INVESTIGATION

It was determined at the offices of both TEUNIS F. COLLIER and JOHN H. B. GILLIAT, rental agent for Mrs. MILLER, that there is no record as to the color the 30th Street and N Street houses were painted at the time of their remodeling in 1936. GILLIAT has advised that all of the exterior work on the 30th Street and N Street houses was done by COLLIER. Both COLLIER and GILLIAT have advised that these houses were not painted again until 1942. The records of GILLIAT reflect that the painting in 1942 commenced some time subsequent to August 22, 1942, which is the date that Mrs. MILLER gave her approval. COLLIER advised that his records reflect the painting in 1942 commenced on October 19, 1942. It is apparent that from the time of the remodeling in 1936 until October 1942, some 6 years, the color of these houses was unchanged. COLLIER and GILLIAT are in agreement that all the houses were painted gray in 1942 and all the houses were painted orange yellow in 1946, which is their present color.

In view of the conflict as to the color of these houses prior to 1942, or more specifically in the year 1937, former and present tenants of the 30th Street and N Street houses and other persons who should have been familiar with the color

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