File No. 2556 Continued.

OPINION.

Hayes, one of the framers of the City Charter, maintained throughout his term of office that no one but the Inspector of Buildings was authorized by law to make repairs, however small, to school buildings, and that it has been the rule of the Board of Estimates always, if I am not mistaken, to set apart an annual appropriation to the Inspector of Buildings for this purpose.

In one respect only does any qualification seem to be annexed to the powers of the Inspector of Buildings in respect to the repair of City buildings. By Section 99 of the Charter, it is provided that whenever repairs to an old school house are authorized, the instructions of the Board of School Commissioners shall be regarded by the Inspector of Buildings in the preparation of his plans, and that no plans shall be finally adopted without the concurrence of the Board, but it is obvious that this language points only to repairs in the nature of reconstructive repairs, and of such scope and magnitude as to require the preparation of formal plans.

It is true that Section 100 of the City Charter declares that the School Board may appoint a supervisor of the heating, plumbing and ventilating of school buildings, to be known as the Supervisor of School Buildings, who shall, in addition to "the supervision" of school buildings in respect to their heating, plumbing and ventilating, perform such other duties as the Board may direct, and that the McCuen case, above eited, must also be borne in mind in this connection likewise, but it eited, must also be borne in mind in this connection likewise, but it eited, must also be borne in mind in this connection likewise, but it expears to me that the powers of such a subordinate official should be so construed as to harmonize with the unqualified power of superintendence of repairs to City buildings conferred by the Charter upon a leading municipal official, that is to say, the Inspector of Public Buildings.

Especially does this seem to me to be proper when it is noted that Section 101 of the City Charter provides that it shall be the duty of the Superintendent of Public Instruction, with the aid of the Superisor of School Buildings, to ascertain the sanitary condition of every school, and to report to the proper authorities what repairs or improves an are necessary. The sanitary condition of a school depends mainly upon the condition of its heating, plumbing and ventilation, and yet, upon ascertaining the unsanitary condition of a school, the Supervisor upon ascertaining the unsanitary condition of a school, the Supervisor of School Buildings has no power except to report to the proper authorities what repairs or improvements are necessary, even where the unsatisficatory sanitary condition of the school is referable to defective heat

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