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"18. The Highways Engineer and other persons having city property under their charge, shall set aside, on or before the first day of each month, such old metal and other materials as mentioned in the preceding section, and hand the same over to the Comptroller, they taking and keeping an account thereof."

"19. The Comptroller is hereby directed to open a separate account for the department of refuse material."

Mr. Driscoll treats the buildings involved in the inquiry from the Chief Engineer as "refuse material." Mr. Bruce, when City Solicitor, expressed a contrary view. Writing to the Comptroller concerning the sale of certain buildings situate on property acquired by the City for a pumping station, he said:

"I reply to your letter of the 20th instant. The buildings on the pumping station site are merely buildings that happened to be on the site when it was purchased by the Sewerage Commission. They are not 'old metal and refuse materials' within the meaning of Section 12, of Article 6 of the City Code (Pielert's Edition), such as the Comptroller is authorized by that Section to sell. The words are too limited to bear such a construction; nor are they 'buildings no longer needed for public use' within the meaning of Section 13 of the Charter, which must be sold with the approval of the Finance Commissioners at public sale, after due provision has been made for the sale by ordinance. They never were in any proper sense in public use. They are simply obstructions to the erection of a pumping station, to be cleared away before the pumping station can be erected just as any other obstructions on the site to the work, would have to be cleared away. There is no distinction to be taken between the task of removing them and the task of digging foundations for the pumping station. The sale of them, because the old material in them happens to have some value, will be a mere incident of their removal; and this value has no significance except as tending to reduce bids for the removal of the buildings, because of the property which the contractor will acquire in the old material. The specifications of the Sewerage Commission should call for the removal of the buildings with a statement that the old material shall be the property of the contractor, unless the value of the material is in excess of the cost of removal and a fair profit upon the work of removal, in which event the specifications should call for removal and a cash price for the material besides."