

Continued

moners, they will not sell at public auction for the amount of the expenses of the sale.

In conference with a representative of the Chief Engineer's office, he expressed doubt whether the materials in the houses mentioned by the Chief Engineer in the instant case will bring an amount sufficient to cover the cost of tearing down and removing them; and consequently, what the Department of Public Works proposes to do will possibly involve an expenditure on the part of the City. The Commissioners for Opening Streets are not equipped for the supervision of the work of demolishing buildings. The Bureau of Buildings in the Department of Public Works has the necessary inspectors for such supervision.

Section 176 does not authorize the Commissioners for Opening Streets to involve the City in the expenditure of money for tearing down houses or other obstructions lying in the bed of a street. The Section presupposes that the materials in the houses or other obstructions which it is necessary to remove, will sell at public or private sale for an amount at least sufficient to cover the expense of tearing down and removing them. The Section empowers the Commissioners to take a bond from the purchaser, conditioned that the purchase money will be duly paid, and that the purchaser will remove, within sixty days after notice from the Commissioners, all such material from the street. In the event the purchaser does not comply with the terms of the sale, the Commissioners shall resell the lot and improvements, or improvements, as the case may be, at the risk of the former purchaser.

A casual reading of Section 189 of the Charter might give the impression that the action suggested by the Chief Engineer would be an invasion of the duties required of the Commissioners for Opening Streets. That Section provides that when any obstruction shall have remained in any street, lane or alley, or part thereof, so opened, for the space of sixty days after the proceedings of the Commissioners shall have been completed, it shall be the duty of the Commissioners to cause the same to be removed and to draw on the Register for the expenses so incurred, which shall be paid by him, and the Mayor shall forthwith cause a suit for the recovery of said expenses to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and when the same has been recovered, shall be paid to the Register for the use of the City. This Section only applies where an obstruction has been suffered to remain in the street by the default of someone other than the City. It does not cover the instant case.