

**DEPARTMENT OF BUILDINGS,**

**NO 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.,**

*STEVENSON CONSTABLE,  
SUPERINTENDENT.*

S.A.U.

*New York,* Dec. 6th, 1897

Hon. William L. Strong,  
Mayor of the City of New York.

Dear Sir:--

Herewith please find a synopsis of the operations  
of this Department for the week ending December 4th, 1897.

Respectfully,

*Stevenson Constable*  
Superintendent of Buildings.

Dic. W.H.C.

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Dec. 6th, 1897

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# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.



S.A.U.

*New York,* Dec. 6th 1897

## SYNOPSIS OF OPERATIONS FOR THE WEEK ENDING DEC. 4th, 1897.

Plans filed for New Buildings - Main Office	15
Estimated Cost	\$3,010,000.
Plans filed for New Buildings - Branch Office	24
Estimated Cost	\$512,080.
Plans filed for alterations - Main Office	15
Estimated Cost	\$58,300.
Plans filed for alterations - Branch Office	9
Estimated Cost	\$38,150.
Buildings reported as unsafe	34
Buildings reported for additional means of escape	33
Other violations of law reported	137
Unsafe Building notices issued	123
Fire escape           "           "	46
Violation           "           "	407
Fire escape cases forwarded for prosecution	9
Violation           "           "           "	127
Iron & Steel Inspections made	8,453
Complaints lodged with the Department	73

**DEPARTMENT OF BUILDINGS,****NO. 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.,**BW *New York,* Dec. 10th, 1891

Hon. William L. Strong,

Mayor of the City of New York.

Dear Sir:-

Owing to the great crowds assembling at the Madison Square Garden, and the intense excitement and interest in the bicycle races now taking place there, and finding from the arrangements of the track necessarily interfering with some of the passage-ways and exits, that unless all exits, aisles, passage-ways, etc. were kept free at all times, there might in case of panic or accident, be many casualties and loss of life, I communicated in the early part of the week direct with Chief McCullagh and President Sheffield, of the Fire Commissioners, calling their attention to the fact and asking their action in the matter.

Yours respectfully,

A handwritten signature in cursive script that reads "Stevenson Constable".  
Sup't of B'ldgs.

(Dic.S.C.)

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DRUGS.

1891

Dec. 30th

**DEPARTMENT OF BUILDINGS,**

**NO 220 FOURTH AVENUE,**  
S.W. CORNER 18<sup>TH</sup> ST.,



S.A.U.

*New York,* Dec. 13th, 1897

Hon. William L. Strong,  
Mayor of the City of New York.

Dear Sir:--

Herewith please find a synopsis of the operations  
of this Department for the week ending December 11th, 1897.

Respectfully,

*Stevenson Constable*  
Supt. of Buildings.

Dic. W.H.C.

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Dec. 13th, 1897

# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.,



S.A?U.

*New York,* Dec. 13, 1897

## SYNOPSIS OF OPERATIONS FOR THE WEEK ENDING DEC. 11th, 1897.

Plans filed for New Buildings - Main Office	18
Estimated Cost	\$525,000.
Plans filed for New Buildings - Branch Office	15
Estimated Cost	\$139,440.
Plans filed for Alterations - Main Office	19
Estimated Cost	\$227,070.
Plans filed for Alterations - Branch Office	5
Estimated Cost	\$1,450.
Buildings reported as unsafe	41
Buildings reported for additional means of escape	24
Other violations of law reported	168
Unsafe Building notices issued	108
Fire escape Notices issued	45
Violation . " " " "	323
Fire escape cases forwarded for prosecution	10
Violation " " " "	89
Iron & Steel inspections made	8,515
Complaints lodged with the Department	78

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**DEPARTMENT OF BUILDINGS,**

**NO 220 FOURTH AVENUE,  
S.W. CORNER 18TH ST.,**

*STEVENSON CONSTABLE,  
SUPERINTENDENT.*

S.A.U.

*New York,* Dec. 20, 1897

Hon. William L. Strong,  
Mayor of the City of New York.

Dear Sir:--

Herewith please find a synopsis of the operations  
of this Department for the week ending December 18th, 1897.

Respectfully,

*Stevenson Constable*  
Superintendent of Buildings.

Dic. W. H. C.

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ings

Dec. 30, 1897

FOR

TO THE

# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.



S. A. U.

*New York,* Dec. 20, 1897

SYNOPSIS OF OPERATIONS FOR THE WEEK ENDING DEC. 18th, 1897.

Plans filed for New Buildings - Main Office	20
Estimated Cost	\$732,200.
Plans filed for New Buildings - Branch Office	16
Estimated Cost	\$250,750.
Plans filed for Alterations - Main Office	15
Estimated Cost	\$89,250.
Plans filed for Alterations - Branch Office	5
Estimated Cost	\$2,950.
Buildings reported as unsafe	62
Buildings reported for additional means of escape	21
Other violations of law reported	153
Unsafe Building notices issued	113
Fire escape           "       "	21
Violation           "       "	399
Fire escape cases forwarded for prosecution	23
Violation	96
Iron & Steel inspections made	6,827
Complaints lodged with the Department	102

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# DEPARTMENT OF BUILDINGS,

NO 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.



BW

*New York*, December 23/1918

## THEATRES IN WHICH VIOLATIONS OF THE BUILDING LAWS EXIST.

### LICENSES GRANTED CONDITIONALLY.

Empire Theatre	1428 Broadway.
Grand Opera House	23rd Street & 8th Ave.
Herald Square Theatre	Broadway & 35th St.
Union Square Theatre	#56 East 14th St.
Miner's 8th Ave. Theatre	310-314 Eighth Ave.
Olympic Theatre	2392 Third Ave.
Wallack's Theatre	1228 Broadway.
Manhattan Theatre	1285 Broadway
Academy of Music	14th St. & Irving Place.
London Theatre	235 Bowery.
Nickleodeon Theatre	104-106 Bowery.
Germania Theatre	147-149 Eighth St.
Third Ave. Theatre	443-47 Third Ave.
Metropolis Theatre	142nd Street & Third Ave.
Thalia Theatre	46-48 Bowery.

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December 23, 1948

ATRE

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# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,  
S.W. CORNER 18<sup>TH</sup> ST.,



BW

*New York,* Dec. 24th, 1897

*C*

Hon. William L. Strong,

Mayor of the City of New York.

Dear Sir:-

Enclosed please find list of the various theatres, in which upon recent examination by this Department, it was found that there exist various violations of the building laws.

As I understand that these licenses were granted conditionally, I respectfully call Your Honor's attention to same.

Yours respectfully,

*Stevenson Constable*  
Sup't of B'ldgs.

(Dic.S.C.)  
(Enc..)

**DEPARTMENT OF BUILDINGS,**

**NO 220 FOURTH AVENUE,  
S.W. CORNER 18TH ST.,**



S.A.U.

*New York,* Dec. 27, 1897

Hon. William L. Strong,  
Mayor of the City of New York.

Dear Sir:--

Herewith please find a synopsis of the operations of  
this Department for the week ending Dec. 24th, 1897.

Respectfully,

*Stevenson Constable*  
Superintendent of Buildings.

Dic. W.H.C.

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ADINGS

Dec. 27, 1897

# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,

S.W. CORNER 18<sup>TH</sup> ST.,



S.A.U.

*New York,* Dec. 27th, 1897

SYNOPSIS OF OPERATIONS FOR THE WEEK ENDING DEC. 24th, 1897.

Plans filed for New Buildings - Main Office	15
Estimated Cost	\$308,980.
Plans filed for New Buildings - Branch Office	10
Estimated Cost	\$79,529.
Plans filed for Alterations - Main Office	18
Estimated Cost	\$89,800.
Plans filed for Alterations - Branch Office	5
Estimated Cost	\$3,250.
Buildings reported as unsafe	37
Buildings reported for additional means of escape	22
Other violations of law reported	176
Unsafe Building notices issued	70
Fire escape           "           "	31
Violation           "           "	354
Fire escape cases forwarded for prosecution	4
Violation           "           "           "	105
Iron & Steel inspections made	6,089
Complaints lodged with the Department	67

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# DEPARTMENT OF BUILDINGS,

NO. 220 FOURTH AVENUE,  
S.W. CORNER 18TH ST.,



EA.

*New York,* Dec. 29th, '97. 189

Hon. William L. Strong,  
Mayor of the City of New York.

Dear Sir:-

I would be greatly honored if you would visit this Department on Thursday or Friday, the 30th or 31st inst., between the hours of two and five o'clock. This being the close of the year, and arrangements having been made for the transfer of this Department to the Greater New York, I would be pleased to have you see the results of a business administration.

Yours respectfully,

*Stevenson Constable*  
Sup't. of B'ldgs.

(Dic.S.C.)

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INDEXES

Dec. 25th, 1911

Report on premises No 389 1/2 and 391. H<sup>th</sup> Avenue, to be occupied as a Court room for the Sixth judicial district

Size of Lot	40 x 100 ft.
" " Building <sup>no</sup> 389 1/2	12 1/2 x 55
" " " <sup>no</sup> 391	25 1/2 x 55
Value of Lot 40 x 100.	\$ 35.000
Assessed Value	\$ 22.500
Value of Buildings about	\$ 12.000

The Building No 389 1/2 is two stories above store floor. the store floor is used in part by owner as a plumber shop and in part as the entrance to the Court room the second story is used as an outer hall to the court room. the third story is to be occupied by the lessor of the Building as a dwelling. there is no communication with the dwelling except through the store on the first floor. this Building is 12 1/2 x 55 ft. The Building No 391 is one story above the store, the store being of the same size as the Court room proper is let for 5 years. at \$ 1000. per annum

the second story of this Building is to be occupied for the Court room, and is 25 x 55<sup>ft</sup> in size and divided as per diagram below.

The Building No 389<sup>1/2</sup> was formerly used as an Engine House, No 391. has been erected recently and is put up in a very cheap manner. The premises in question are owned in fee by Peter Cooper & and leased to Mr Whitelaw for 5 Years. at \$3,500 per annum. (The Building 391. has been put up by Mr Whitelaw as his own cost)

The expense incurred in fitting up the premises for the use of the Court have been about \$2,500. (Whitelaws Estimate) and will cost about \$500. more to put the premises in tenable condition.

There are no water closets in connection with the Court room.

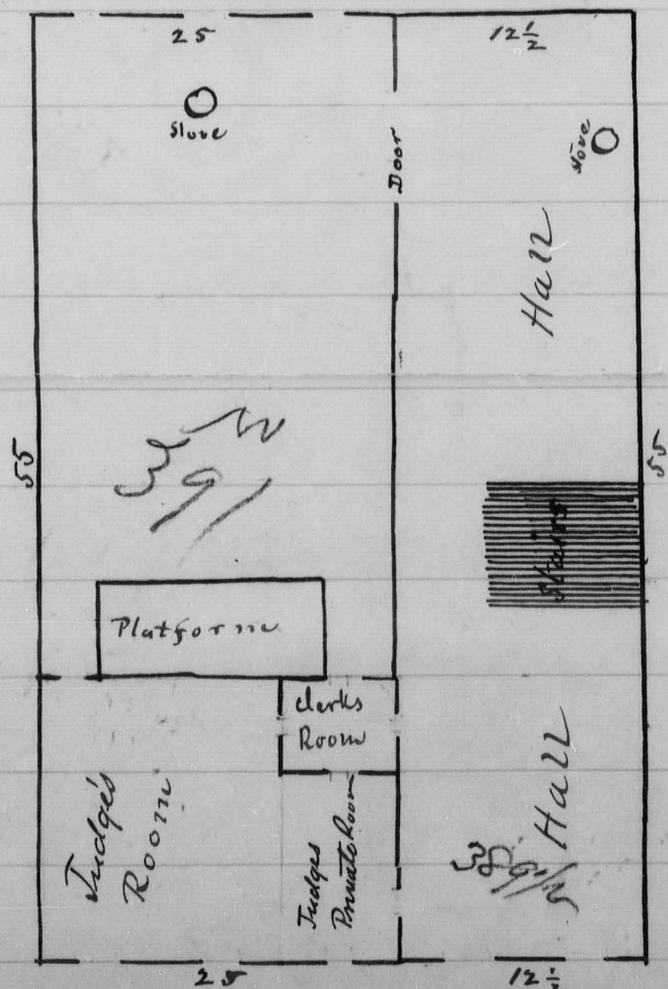
The rooms are very cheerful and Judge Lane who is to hold court there is well satisfied.

The premises to be used by private parties for dwelling or for business

would let for \$1500 per year and that would be a good rent for the same, the buildings present no appearance and are constructed in a manner to draw a large revenue at the least outlay of capital. (attention is called to the fact that the store floor the most valuable part of the Building is let for \$1000 per annum and the estimate of the value <sup>of second story</sup> is to some extent based on this) Some allowance must be made for putting the premises in condition to be used as a Court at the expense of Lessor.

Diagram of Court Room + Hall

2000\$ is a fair rent.



The premises are  
reported as worth  
not over \$1500

add extra for use as a  
Court House \$500  
rent \$2000

It will be observed that  
the first story rents for  
\$1000 only

29.

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389 1/2 & 391. 4 Ave.

Report on premises

## STEWART BUILDING.

1. The "Stewart Building" as now standing, on the East side of Broadway, between Reade and Chambers Streets, was remodelled, and substantially rebuilt in 1883-4. The original structure was a five story building with basement and sub-basement 22 feet below the street level. The exterior walls were of substantial masonry, faced with Westchester marble.

2. The vault walls are 196 feet in length on Broadway, by 249 feet on Reade and Chambers Streets.

3. The Building is 150 feet on Broadway by 225 feet on Reade, and the same on Chambers Street, and is eight stories high, including the basement.

4. To rebuild this Building it became necessary to remove, by sections, the entire interior portions of the structure, and to widen the foundations five feet generally - in fact an inner structure has been built within the outer walls, from the foundations up.

5. The sub-basement floor of concrete is, on an average, 22 feet below the level of Broadway. Here the walls were largely increased in thickness. In the basement story the outer walls are, on an average, 5 feet in thickness, and become gradually less as carried up to the eighth story, in conformity with the building laws, and the directions of the "Superintendent of Buildings."

6. The inner walls were, while in the course of construction, most securely ironed to the outer walls the whole distance.

7. To the eastward of the old "Stewart Building" two lots were added on Chambers and Reade Streets, of 25 feet each, upon which an entirely new structure, eight stories high, has been erected in harmony with the addition of two stories to the old structure, and the whole 225 feet by 150 feet is now covered by one entire building.

Floors.

8. The floors of the Building are laid on heavy Georgia Pine timber, supported by heavy cross walls of solid brick masonry averaging about three feet and a half in thickness, and by iron girders.

9. The flooring planks are also of Georgia Pine laid on beams, and covered with slabs of fire-proof material of from 2 to 4 inches in thickness, over which again the exposed flooring of Georgia Pine plank is laid.

Hall  
floors.

10. The floors of the halls in the basement, street story, and the first, and a portion of the second stories are of tile, and the usual wainscoting has been supplanted by that of tiles and terra-cotta throughout the entire height of the Building.

Ceilings.

11. The ceilings are of iron wire lath, put on in such manner that the plaster comes in direct contact with the beams, thereby shutting off all air spaces.

Partitions.

12. The partitions throughout, not of brick, are of terra-cotta blocks, supported on rolled iron beams. No wood laths, studs or wall furring has been allowed in the construction of any part

of the Building.

- Outer walls. 13. The outer walls are furred with terra-cotta or fire-proof blocks.
- Court. 14. There is a spacious interior, open court, built of substantial brick masonry, which affords light and air to all interior offices.
- Stairs. 15. All stairs and stair-cases are of iron and slate.
- Windows. 16. No paneling has been used about the finish of the windows, and little, if any, about the door frames.
- Fire-proof. 17. The object of the owner has been to make his building as nearly fire-proof as science and skill could make it, with the means at hand.
- Basement. 18. The basement is divided into offices, rooms or apartments, access to which is had direct from the level of Reade Street, and by stair-cases from Broadway and Chambers Street.
- Truck way for freight 19. A carriage or truck drive-way at the north-east corner of the Building on Reade Street leads to the "Freight Hoist" or elevator which runs from the sub-basement to the upper stories.
- Fire-proof vaults. 20. In connection with the basement offices on Broadway and Reade Street, are well-lighted, fire-proof vaults extending beneath the sidewalks, and to the line of the curbstone.
21. For 120 feet on Chambers Street and 180 feet on Broadway these vaults are separated from the main building by a

massive wall with an open area of 4 feet, thereby forming a receptacle of perfect safety for documents and records.

Fire-proof  
safe.

22. There is also a large safe, of great strength, under the sidewalk, connected with the basement office on the corner of Broadway and Reade Street, measuring, with its ante-room, 21 feet by 50.

Large base-  
ment room.  
on Reade St.

23. On the basement floor, on Reade Street, an amply lighted and ventilated room can be had, 172 feet long, by an average width of 65 feet, by removing the terra-cotta partitions. This room would have three entrances from Reade Street, besides those from the Street floor.

24. On the street floor on the Reade Street side two rooms or apartments may be had by removal of terra-cotta partitions - one, 94 feet by 27, the other, 75 by 30 feet, amply lighted on their long sides, and with approaches from Broadway, as well as Reade Street and the corridors of the Building.

25. On the Chambers Street side, by the removal of terra-cotta partitions, a room or hall may be obtained on the street floor, having a length of 106 feet by a width of 75, approached from Chambers Street and from the corridors

26. The six upper floors are divided by partitions, into suites of offices, all thoroughly lighted and ventilated.

Rooms on  
each floor.

27. Each floor has five offices on the south or Chambers Street side, averaging 29 feet by 24, and two, averaging 32 by 28 - one on the corner of Broadway and Chambers Street, 30 by 28 - three on Broadway which can be thrown into one large room, 80 by 44,

lighted by nine windows on Broadway - one on the corner of Reade Street and Broadway, 34 by 27 - two on Reade Street averaging 30 by 27, and five, averaging 30 by 24 - on the court there are eleven rooms on each floor, averaging 24 by 19.

Area.

28. The entire area of the various floors in the "Stewart Building" is shown by the following table:

Cellar.	49,392	square feet.
Basement,	49,392	" "
Street floor,	33,750	" "
Six upper floors,	<u>202,500</u>	" "
		335,034 square feet,

or say, equal to an area of about eight acres.

Passenger elevators.

29. There are three of Whittier's hydraulic, passenger elevators near the entrance on Broadway, and two at the Chambers Street entrance. The freight elevator is at the eastern end of the Building, with access from Reade or Chambers Street.

Gas, water and electricity.

30. The Building is carefully and fully piped for gas and water throughout, and leading wires for electric lighting the Building are connected with the chandeliers in readiness for the introduction of an electric plant.

Steam boiler.

31. The steam and boiler plant and service in the cellar is ample and complete. There are four boilers in a fire-proof apartment outside the Building, beneath the Reade Street sidewalk and street. Two boilers at one time, are ample to supply heat and run the elevators in winter, and one to run the elevators in summer.

Toilet conveniences.

32. Each floor of the Building is supplied with ample and convenient toilet facilities, every detail being of the most approved description. All were put in under the supervision of the Board of Health.

STEWART BUILDING.

Statement showing its location, its construction, remodeling, rebuilding, area, capacity and safety, as well as its convenient adaptability for municipal or other purposes.

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Information is herewith presented to Your Honor, as Mayor of the City of New York, of flagrant violation of the Building Laws, in the raising, altering and building upon the building on the Northwest corner of Lexington avenue and Seventy-second street in said City, built for and occupied as a hotel.

Section 471 as amended by section one, Chapter 456, Laws of 1885, and Section 7, Chapter 275, Laws of 1882, provides as follows:-

"No wall, structure, building or part thereof, shall hereafter be built, constructed, altered or repaired in the city of New York, except in conformity with the provisions of this title. No building already erected or hereafter to be built in said city, shall be raised, altered or built upon, in such manner, that were such building wholly built or constructed after the passage of this Act, it would be in violation of any of the provisions of this title".

By Section 503 of the Building Laws, it is provided as follows:-

"Before the erection, construction or alteration of any building or part of any building, or any platform, staging or flooring to be used for standing or seating purposes in the city of New York is commenced, the owner or his agent, or his architect, shall submit to the superintendent of buildings, a detailed statement, in writing, of the specifications and full and complete copy of the plans of such proposed work. x x x x x . And the erection, construction or alteration of such building, platform,

staging or flooring, or any part thereof, shall not be commenced or proceeded with, until said statement and plan shall have been so filed and approved by the superintendent. x x x x x . Hence, whatever was done or proposed to be done, pursuant to said plans, specifications and detail statement in construction, raising and altering of said building, must have been done with the personal knowledge and official sanction of the superintendent of buildings."

The provisions of the building laws applicable to the raising and building upon this building are as follows:

Section 471. "No wall, structure, building, or part shall hereafter be built, constructed, altered or repaired in the city of New York, except in conformity with the provisions of this title. No building already erected or hereafter to be built, in said city, shall be raised, altered or built upon, in such manner, that were such building wholly built or constructed after the passage of this act, it would be in violation of any of the provisions of this title".

It is apparent that sections 471 and 484 must be constructed together. Section 471 provides for the erection of a building in its entirety, and also for the construction, alteration or repairing of different parts of a building; that is to say, by way of illustration, if a new roof is constructed on an old building; this is an entire reconstruction of part of a building. In this connection, the section says: "No building or part thereof shall be constructed, altered or repaired, except in conformity with the provisions of this title. Also no building already erected or hereafter to be built, shall be raised, altered

or built upon in such manner that were such building wholly built or constructed after the passage of this Act, it would be in violation of any of the provisions of this title".

Section 484 provides for the manner: 1st, in which a hotel must be built in its entirety: 2nd, it provides specifically for its height, (35 feet), also for the materials, (all non-combustible), which shall be used in the construction of the several distinct parts of a hotel. The intent of section 484 is to enforce the erection of an entirely fire proof structure.

Now, coming back to section 471 and construing it in the light of section 484; it certainly was the manifest purpose of the legislature to compel persons building or altering a building (i.e. a hotel) in such manner as to create new parts or construct them in conformity with section 484: or otherwise the language of section 471, (viz. "No building or part thereof, shall be constructed, altered or repaired, or built upon, except in conformity with the provisions of this title. No building already erected shall be raised, altered or built upon in such manner, that were such building wholly built or constructed after the passage of this act, it would be in violation of any of the provisions of this title)" would be rendered senseless.

The following are some of the prominent violations in the present arrangements and construction of said hotel as regards section 484. The building exceeds "35 feet in height", and also exceeds "75 feet in height", and it is above "87 feet in height". It contains (except 1st story) wooden beams, lintels, floors, roof, partitions, furring, ceiling, lath, &c., all combustible, and other violations, reported to the Superintendent.

Section 484 as amended by Chapter 456 Laws of 1885. Section 12 Chapter 556, Laws of 1887, and Section 20, Chap. 275, Laws of 1892, together with acts supplemental to and amendatory thereof, provides as follows:

"Every building hereafter erected to be used as a hotel X X X X X x, the height of which exceeds thirty-five feet x x x x x x, and every other building, the height of which exceeds seventy-five feet, shall be built fire-proof, that is to say, they shall be constructed with walls of brick, stone, iron or other hard incombustible materials, in which wooden beams or lintels shall not be placed, and in which the floors and roofs shall be of materials similar to the walls. The stairs and staircase landings shall be built entirely of brick, stone, iron or other hard incombustible materials, no woodwork or inflammable material shall be used in any of the partitions, furrings, or ceilings in any such fire-proof buildings.

Keeping in view the provisions of section 471 and 484, above quoted, it is apparent that sections 471 and 484 must be construed together. The intent and meaning of sections 471 and 484 is too plain for debate. No one could for a moment contend that the alteration of the building is not a clear and flagrant violation of the letter and spirit of the law. It is very evident that the legislature considered the safe construction of a "Hotel", in view of the fearful loss of life by fire in hotels which occurred in this city and elsewhere, of such paramount importance that it made additional and detailed provisions for the construction of this class of buildings. As justification for allowing this manner and method of construction and alteration to

this hotel; it is claimed that the Board of Examiners passed upon the matter and approved it, "although the superintendent acknowledged that in his opinion it was a gross violation of the law, and that he opposed it, but he was powerless as the Board of Examiners had approved it". Assuming the truth of the facts, the raising and the altering of this hotel is in clear contravention of law, neither of the reasons urged is tenable. Therefore, keeping in mind the fact that the legislature after making general provisions for the construction of all the different parts of any building, it was not content to stop with Hotels, but made further specific provisions in reference to them, their height and security, in case of fire.

Regarding the plea this hotel was altered, raised and build upon under the sanction of the Board of Examiners. The most cursory examination of the section, 504, will demonstrate that this Board possessed no power to permit a construction other than provided in the Act, except in certain specified cases.

Section 504: Powers of Superintendent of Buildings: modifications of provisions of title Board of Examiners:- makes provisions for two distinct exigencies, when action by the Board of Examiners becomes necessary, viz: Approval of the action by the Superintendent under one exigency, and sanction by the Board to the owner under another exigency.

Regarding the first exigency-the section says:  
"The Superintendent shall also have power to vary or modify the provisions of this title upon application to him therefor in writing, by an owner of such building or structure

x x x x where there are practical difficulties in the way of carrying out the strict letter of the law, so that the spirit of the law shall be observed, the public safety secured and substantial justice done; but no such deviation shall be permitted unless a record of the same shall be kept by the said superintendent of buildings, etc. x x x x " Such certificate shall not be issued unless a Board of Examiners x x x x x shall also approve the proposed modifications of the law. "

The second exigency provided for is, when "It is claimed by the owner that the provisions of this title do not directly apply, or that an equally good or more desirable form of construction can be employed in any specific case than that required by this title, that such person shall have a right to present a petition to the Board of Examiners, through the Superintendent of Buildings, and may appear before said Board and be heard x x x x x x x x x x . The Board x x x x is authorized and empowered to grant or reject such petition, and their decision shall be final, etc. "

In respect to the first exigency, the power is vested absolutely in the Superintendent, but the exercise of this power is subjected to the approval of the Board. If the Superintendent refuses to act, the Board has no functions to perform, and if it is apparent upon the face of the application that there are "no practical difficulties in the way of carrying out the strict letter of the law", then it is the duty of the superintendent to refuse a variation or modification, and if he does sanction a modification or variation under this latter circumstance, as in the

case of the building known as "Premier Hotel", he becomes thereby an aid and abettor of violations of law. Nor can he take refuge behind the approval of the Board, because the Board, no more than the superintendent, can permit the law to be violated.

Regarding the second exigency, viz:- "When the law does not directly apply, or that an equally good or more desirable form of construction" is proposed, if this appears upon the face of the application as set forth in the petition, which must be presented through the superintendent then it is the duty of the latter to give the petitioning owner an opportunity to be heard by the Board. If it does not appear upon the face of the application that the law does not directly apply, nor that an "equally good and more desirable" form of construction is contemplated, it is clearly the duty of the superintendent to disapprove the application. If under the latter state of affairs the superintendent does present the application, or allows the Board to act, and the Board (of which the superintendent is ex officio member and chairman thereof, and whose duty it is to convene it), grants the application, or permits the building to be erected, built upon, or repaired, the superintendent, as well as the Board, becomes violators of law- any other construction would be a reductio ad absurdum- as it would vest the Board of Examiners with the power not only to render the functions of the executive head of the department abortive and merely subsidiary to the Board's mandate, but would in fact, and in law, clothe the Board with a delegation of Legislative power, whereby it could nullify every provision of the act, thereby sweeping away

all of its safeguards so elaborately and carefully framed.

If the legislature intended this, why make specific provisions for each particular form of construction when the effect of the whole law could be rendered nugatory by the action of the Board. If this were the intention, it were best expressed by vesting the Board with unrestrained power as to all plans and specifications.

In this connection; the first inquiry is-~~were~~ there practical difficulties in the way of altering or reconstructing this building, under the provisions of the act. The second question is whether the provisions of this title do not apply:- and the third question is-whether the building as raised, altered and built upon is "an equally good or more desirable form of construction". If all of these questions are answered in the negative, then the power of the superintendent, even to present this matter to the Board of Examiners never existed, and a reconstruction of this building, in defiance of the plain provisions of the act, is malfeasance on the part of the superintendent, as the responsible head, and chief of this department. If the power to carry or modify the provisions of this act exist in all cases, irrespective of the cases specialized by the legislature, then, the legislature of this state has delegated its authority to the Board of Examiners, which the Constitution of this State prohibits. It has vested the Board of Examiners with power, in its judgment, and discretion, to neutralize and sweep away their provisions of this act, and to create new provisions. Such a construction is ridiculous. But the legislature has done nothing of the kind. It has simply created the Board of Examiners to act

in cases where application is made to the superintendent for permission to make construction not in conformity with the letter of the law to act in conjunction with the superintendent as advisers in the premises, not as to the necessity for the deviation or modification of the law, but as to the sufficiency of the modification to comply with the spirit of the law. The language of the Statute being, "Such certificate shall not be issued until a Board of Examiners x x x x x shall also approve the proposed modification of the law". This means that the superintendent first approve it, and then he, the superintendent, must obtain the approval of the Board of Examiners. Keeping this construction before us, it follows as a logical result, that neither the superintendent nor the Board of Examiners can legally approve that which infracts the spirit of the law, and it is also apparent that the superintendent cannot entertain the application to vary or modify the law, unless there are practical difficulties in the way; nor, unless the substituted or modified construction conforms to the spirit of the law, and the public safety is secured. These elements lack the right even to present the matter to the Board of Examiners by the superintendent does not exist. Hence, in conclusion-we have this to say: that if this building has been constructed in violation of section 484 of the Building Law, this is a clear contravention under the provisions of section 471. And as it is apparent that raising, building upon the reconstructing this hotel was not in conformity with the plain provisions of the law; and as it is also apparent that a substantial mode of construction equally as safe has not been restored to, neither has the "public safety" been secured", but on the con-

trary the "public safety" has been wilfully jeopardized. And as to the power to vary or modify is a power vested in the superintendent of buildings, subject to the approval and concurrence of the Board of Examiners, only under certain conditions, and that those conditions do not exist. It follows that the certificate given by the superintendent, even with the approval of the Board of Examiners to alter and reconstruct this hotel as it has been, is a clear violation of the plain provisions of the law, and every one concerned in it is liable to indictment under the Penal Code.

Under the construction of Section 504 above expressed, the superintendent could have prevented the violation of the law by simply refusing to grant a certificate, for inasmuch, notwithstanding section 504 provides for the approval of the Board of Examiners in cases where the law is varied or modified, the duty devolves upon the superintendent to issue certificates when this approval is given. Therefore, if the approval of the Board of Examiners was given in defiance of the law, it was the duty of the superintendent to withhold the certificate.

Assuming, however, a case where a builder proceeded, under section of the board of examiners not warranted by law, the superintendent should have invoked the provisions of section 506, and applied to the Court for an injunction.

Section 506 provides as follows:

"Whenever the superintendent of buildings is satisfied that any building or structure, or any portion thereof, the erection, construction or alteration of which is regul-

ated, permitted or forbidden by this title, is being erected, constructed or altered in violation of, or not in compliance with any of the provisions or requirements of this title, that on the affidavit of the superintendent, setting forth the facts, he may apply to any court of record in said city, or ~~xxx~~ to a judge or justice thereof for an order enjoining and restraining all persons from doing or causing, or permitting to be done any work in or upon such part thereof as may be designated in said affidavit, or from occupying or using said building, or structure, or such portion thereof as may be designated in said affidavit for any purpose whatever until the hearing and determination of said action, and the final judgment therein. The Court OR judge, or justice thereof to whom such application is made is hereby authorized ~~forthwith~~ to make any or all of the orders above specified as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual x x x no ~~other~~ undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof x x x ".

It appears by the admission of the superintendent, to which reference has been heretofore made, that he, the superintendent, was aware that the plans and specifications to alter this building were in violation of the law, and that he has specifically declined to approve the same upon this ground. And it likewise appears that he permitted himself to be overborne by the Board of Examiners. It is thus apparent that this structure was raised, reconstructed and built upon with the actual knowledge on the part of the superintendent that it was being so constructed in direct

violation of the provisions of the law applying to hotels, viz- section 484.

It has been amply demonstrated before, that the functions of the Board of Examiners are merely advisory, while on the other hand those of the superintendent are executive. In permitting the board of examiners to dictate to him (the superintendent), and as the executive head of that department, and to induce him to sanction a violation, when the power does not exist in the board of examiners so to do, places the superintendent in the same position as if he had approved the plans in the first place because, ignorance of the law is no excuse to any one.

The plain duty of the superintendent, in the premises, was to withhold his approval and, inasmuch as the inspector who was detailed to examine the premises had reported that the building was not a fire-proof structure as provided for under section 484, not to have submitted the matter to the board of examiners, and if the board of examiners attempted to vest the owner and architect with any privileges in defiance of the law the superintendent should have invoked the provisions of section 506, because the board of examiners, and the owner would themselves become the joint tort feors as violaters of the law.

There is another consideration in connection with this matter of a most serious character, and that is this- That assuming the truth of the assertion that the building is constructed in violation of law, all those concerned in permitting its construction, or allowing its continued use as an hotel are acting in contravention of the Penal Code, and should any disaster occur therein in the future, the provisions will doubtless be invoked, and the following

sections of the Penal Code would apply.

GENERAL PROVISIONS AS TO NEGLIGENCE, ETC.

Section 117, "A public officer or a person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty is guilty of a misdemeanor".

OMISSION OF DUTY BY PUBLIC OFFICERS.

Section 154, "Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding a public trust or employment, every wilful omission to perform such duty, where no special provisions shall have been made for the punishment of such delinquency is punishable as a misdemeanor".

COMMISSION OF PROHIBITIVE ACTS.

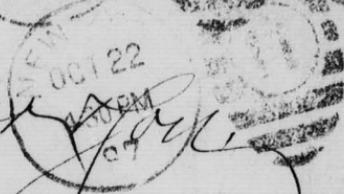
Section 155, "Where the performance of any act is prohibited by statute and no penalty for the violation of such statute is imposed in any statute, the doing of such an act is a misdemeanor".

CITY OF NEW YORK.  
OFFICE OF THE MAYOR.

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Dec 2

Messrs James W. Mcgregor & Co.  
# 19 Liberty St.  
N.Y. City.



Copy of  
McGregor.

• rpt of  
cause for  
building  
Madison Ave  
walk so  
ago

After September 1st, no fat boiling in non fire-proof tenements,  
except with permission of Fire Department.

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Rooms where fat is boiled closed off from hallways.

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No part to be used as storage for hay, feed, straw, except with  
permission of Fire Department.

---

All transoms or windows opening on hall in tenements where paints  
or liquors are stored for sale or otherwise, closed up.

All doors leading into such rooms fire-proof.

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Double-deckers fire-proof walls, and other tenements exceeding  
three stories in height, slow burning stair-case in halls.

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No wainscoting except cement or other fire-proof material.

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Second floor in non fire-proof tenements, all entrances to halls  
closed and fire-proof doors swinging both ways, closed at  
night at 10 o'clock.

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No fan-light or window in partition of main wall, between main and  
private hall, in non fire-proof buildings.

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Fire Department vested with authority to prescribe regulations with  
regard to danger from fire from lights used in halls.

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114.

# New York Dramatic News

Conducted by  
LEANDER RICHARDSON.

FREDERICK M. McCLOY,  
BUSINESS MANAGER.

1364 BROADWAY,

New York, ..... 189  
2

"BUNCH" LIGHTS, ROWS OF LIGHTS IN THE FLIES OVERHEAD, THERE BEING NO FIRE WALL DIVIDING THE AUDITORIUM FROM THE STAGE, AS, I BELIEVE, IS REQUIRED BY LAW, THE CONSEQUENCES OF A FIRE ORIGINATING UPON THE STAGE WOULD PRACTICALLY ENTOMB ALL OF THE PEOPLE WHO MIGHT BE IN ATTENDANCE.

I BELIEVE THAT AN INVESTIGATION OF THESE PREMISES BY THE PROPER AUTHORITIES WILL RESULT IN A DECLINATION TO GRANT THE LICENSE REQUESTED IN VIEW OF THE ALLEGATIONS HEREIN SET FORTH, ALL OF WHICH WOULD BE VERIFIED BY SUCH AN INVESTIGATION.

RESPECTFULLY YOURS,

*Frederick M. McCloy*  
BUSINESS MANAGER

113.

S P E C I F I C A T I O N .  
M A T E R I A L S A N D M O D E O F C O N S T R U C T I O N .

As specified the building is intended to be constructed on all faces of white marble of good quality and texture, and backed up with brick masonry.

All main interior walls to be of brick masonry, and minor or partition walls to be of hollow bricks supported where necessary, on iron beams or girders.

When necessary to economise space it is recommended that iron columns be employed to carry the floor loads. This may be done with advantage in the corridor walls among others; the columns being contained in the brick masonry.

The floors to be constructed for the most part of iron beams carrying flat arches of hollow bricks.

The roof to be entirely of best fire-proof construction.

In the interior finishing of the main hall, staircase halls, entrance halls, and some of the principal rooms it is proposed to employ various ornamental marbles, the vaults, ceilings, etc., to be finished in stucco and other materials as may seem most proper.

## HEATING & VENTILATION.

It is intended to heat the building throughout by hot water; the indirect method being employed.

All coils to be placed in the sub-basement which will extend beneath the entire basement floor and afford ample space for the same.

The heated air will be conducted thence through flues to the various rooms above.

ventilating flues will extend from all the rooms to the roof.

A separate set of hot water coils to be provided for each story in order to facilitate a proper distribution of the heated air.

Fans should be provided in places to ventilate certain parts when the natural ventilation would be sluggish under certain atmospheric conditions.

### L i g h t i n g :

It is proposed to light the building throughout by incandescent electric lights, the electricity for the same being furnished by independent dynamos operated in the sub-basement.

An approximate estimate of the cost of construction after the manner here indicated, places it at \$9,522,000 which includes all sculptural decorations, etc.

This allows an expenditure of 70 cents, more or less,

per cubic foot; which is considered amply sufficient to cover all contingencies.

112.

Suggestions for licensing architects in the State of New York.

First: No building to be erected hereafter or changes or alterations made to an existing building, without the employment of a duly licensed architect who shall furnish the necessary plans and specifications for same and superintend the work from first to last during its progress.

Second: No person to practise the profession of architecture, make plans and specifications for a building or superintend its erection unless duly licensed for that purpose and registered.

Third: The Governor to appoint a State Board of examiners who shall issue the required license to all reputable architects who shall have been for two or more years engaged in the practise of their profession and in no other business, also to all persons holding a degree or diploma from the architectural or engineering department of any recognized school or college. Persons other than those above mentioned desiring a license to practise the profession of architecture shall appear before the above mentioned Board for examination after which if satisfactory a license will be issued.

Fourth: A majority of the State Board of examiners shall be competent to act.

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The principal objections to bill 717 and 1929 are:

1st., The Superintendent of Buildings cannot cancel the registration of a plumber for a violation of the rules and regulations for sanitary plumbing and drainage without the consent of a majority of the Board of Examiners (Sec. 1 P. 2); but the majority of the said Board are colleagues of the plumber who is to be disciplined, and will, therefore, probably in most cases interfere with the Superintendent when trying to enforce the said rules and regulations.

~~As a result of~~  
~~the~~  
~~provision~~  
2nd., A plumber may deliberately violate any of the said rules and regulations, or deviate from the approved plans and specifications and yet escape punishment by removing the violation within three days after notice (Sec. 4, P. 5.) . A plumber runs no risk under this section (S. 4) in violating the said rules and regulations, or deviating from the approved plans and specifications, as his liability depends on his failing to remove the violation within the above three days. This provision will throw an insurmountable obstacle in the path of the Superintendent, as in all probability the majority of plumbers will violate the rules, &c., hoping never to be detected and knowing that if they are, they will still have an opportunity to escape punishment.

3rd., Section 5, Page 6, forces the Superintendent to obtain the consent of the Board of Examiners to all rules and regulations for plumbing and drainage executed after March 1st, 1893. This provision virtually enables the plumbers to pass upon the rules that are to govern *them* and consequently, *if they should so desire, to handicap the Superintendent.*

If this Bill becomes a law it will entail additional expenditures on the part of this Department for which no money has been appropriated: to wit, new forms will be required to notify plumbers of violations, new forms and books will be required for the proper registration of plumbers, additional messengers will be required to serve notices, and a clerk required for the above service.

1980

This bill  
additional  
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of Bedo

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We hereby consent to the erection of  
a two story open portico in front of  
numbers twelve hundred and nine-  
teen (1219) and twelve hundred and  
twenty one (1221) Broadway

O L Jones 1215 Broadway

Edward Dexter 1215 Broadway

Parker & Conklin 1223 & 5 Broadway

R M Darling 1217 Broadway

S Davidson 1225 Broadway

W R Loria 1215 Broadway

C F Pitca 1227 Broadway

