

COUNCIL CHAMBER,
ANN ARBOR, October 16, 1893. }

Regular meeting.

President Watts being absent, the Council was called to order by City Clerk Miller.

Roll called. Present—Ald. Wagner, Wood, Manly, Prettyman—4.

Absent—Ald. Schairer, Herz. Martin, Snow, O'Mara, Ferguson, Taylor, Kitson, Pres. Watts—9.

No quorum present.

On motion of Ald. Manly the Council was adjourned.

W. J. MILLER,
City Clerk.

COUNCIL CHAMBER,
Ann Arbor, October 23, 1893. }

Special session.

President Watts being absent the Council was called to order by City Clerk Miller.

Roll called. Quorum present.

Absent—Ald. Taylor, Pres. Watts,—2.

Ald. Martin was chosen President pro-tem.

The following call for this meeting was read by the Clerk:

MAYOR'S OFFICE, }
October 21, 1893 }

I hereby call a special meeting of the Common Council to be held Monday eve., October 23d, '93, at 7:30 p. m., to consider the report of the bond committee and all matters that would have come before the Council at its regular meeting, October 16, 1893.

B. M. THOMPSON,
Mayor.

The chair ruled that the only business that could be transacted was to hear report of Bond Committee.

Ald Prettyman moved an appeal from the decision of the chair.

The chair was sustained by the following yeas and nays vote:

Yeas—Alds. Herz, Martin, Snow, Wood, O'Mara, Ferguson, Manly—7.

Nays—Ald. Schairer, Wagner, Prettyman—3.

A recess of five minutes was taken.

After the expiration of five minutes the Council re-assembled, and Chairman Prettyman of the bond committee reported that the bond committee have examined the following bonds of liquor dealers; and would recommend their acceptance with the sureties named:

PRINCIPAL.	SURETIES
Martin P. Vogel,	Thos. F. Leonard. Gustave Brahm.
Frederick Walter and Gottlob Knapp,	Frederick Staeb. Adolph Kemper.

Ald. O'Mara moved that the bonds be accepted, adopted and approved.

Adopted as follows:

Yeas—Ald. Schairer, Wagner, Herz, Martin, Snow, Wood, O'Mara, Ferguson, Manly, Prettyman, Kitson—11.

Nays—None.

Ald. Manly moved to reconsider the vote on sustaining the chair's decision on the order of business.

Lost as follows:

Yeas—Ald. Schairer, Wagner, Manly, Prettyman, Kitson—5.

Nays—Ald. Herz. Martin, Snow, Wood, O'Mara, Ferguson—6.

On motion the Council adjourned.

W. J. MILLER, Clerk.

COUNCIL CHAMBER, }
Ann Arbor, October 30, 1893 }

Special session.

President Watts being absent, the council was called to order by the clerk.

Roll called. Quorum present.

Absent—Pres. Watts—1.

Ald. Manly was chosen president pro tem.

The clerk read the following call for special meeting:

ANN ARBOR, MICH., October 26, 1893.

WM. J. MILLER, City Clerk.—You are hereby directed to call a special meeting of the common council of this city to be held on Monday night, at 7:30 in the afternoon of that day, to consider the message of the mayor of October 16, 1893, reporting the appointment of Charles Wheeler, Marshal, and also the message of the mayor October 24, 1893, reporting this action in suspending James R. Murray from office as marshal, and also removing him from said office, providing the council consent thereto.

B. M. THOMPSON, Mayor.

The chair ruled that the only busi-

ness before this council was to hear message from the mayor, of Oct. 24, 1893, reporting the suspension of Jas. R. Murray, marshal.

MAYOR'S OFFICE, }
ANN ARBOR, October 24, 1893. }

To the Honorable the Common Council.

GENTLEMEN:—I have the honor to report to your honorable body that I have this day suspended from office James R. Murray, Marshal and Chief of Police, and also, that with the consent of the council, I have removed said Murray from office, for cause upon charges and specifications hereto annexed and to which your attention is called.

Yours respectfully,

B. M. THOMPSON, Mayor.

Ald. Herz moved that the matter be laid on the table until said charges can be approved.

Ald. Prettyman moved a substitute that the charges and answer be read.

Adopted.

MAYOR'S OFFICE. }
ANN ARBOR, October 24, 1893. }

By virtue of the power and authority vested in me by the charter of this city, I do hereby order, direct and declare

1. That James R. Murray, Marshal and Chief of Police, be and he is hereby suspended from said office.

2. That James R. Murray, Marshal and Chief of Police, be and he is hereby removed from said office, provided a majority of the common council consent thereto.

Said James R. Murray is removed from office as Marshal and Chief of Police for cause. I hereby charge him with:

1. Neglect of duty.
2. With disobedience of orders.

Specifications under charge 1, neglect of duty.

(a) That said James R. Murray well knowing that on Sunday, the 8th day of October, 1893 a large number of persons were in the saloon kept by one Joseph Dennison, in this city, and that one of such persons while in said saloon on that day, committed a felony and was afterwards arrested, and on Monday, the 9th day of October, was convicted of such offense, he, said Murray, wholly neglected, until ordered so to do by the mayor, to make complaint against said Joseph Dennison for keeping open said saloon contrary to the provisions of the statute.

(b) That said James R. Murray having been informed by Joseph Dennison that a building kept and occupied by him as a saloon, in the city of Ann Arbor, was on the 8th day of October, 1893, feloniously broken open and entered by a number of persons, who then and there drank the beer and smoked the cigars of said Joseph Dennison, he, said James R. Murray, wholly neglected to make complaint against any person or persons for feloniously breaking and entering said saloon, although he well knew the persons so charged with the commission of said offense.

Specifications under charge 2, disobedience of orders.

(a) That said James R. Murray having

been informed and well knowing that the saloon kept by one Joseph Dennison, in the city of Ann Arbor, was open on Sunday, October 8, 1893, and that a large number of evil disposed persons were congregated therein on that day drinking, carousing, committing robberies and other offences, he wholly neglected to report to the mayor any of such facts and information, in violation of the instructions which he had heretofore received to report promptly to the mayor any violation of the statutes or ordinances coming to his knowledge.

B. M. THOMPSON, Mayor.

ANN ARBOR, October 25, 1893.

To the Common Council of the City of Ann Arbor.

Gentlemen:

The undersigned, James R. Murray, Marshal and Chief of Police of the City of Ann Arbor, hereby submits to your Honorable Body his answer to the charges and specifications heretofore made by the Honorable Mayor of said city, charging the undersigned, first with neglect of duty and second with disobedience of orders.

The undersigned, answering, says that the first specification of neglect of duty made by the Honorable Mayor for his suspension and removal from office is as follows:

"(a) That said James R. Murray, well knowing that on Sunday the eighth day of October, 1893, a large number of persons were in the saloon kept by one Joseph Dennison in this city, and that one of such persons while in said saloon on that day committed a felony and was afterwards arrested and on Monday the 9th day of October was convicted of such offense, he, the said Murray, wholly neglected, until ordered so to do by the Mayor, to make complaint against said Joseph Dennison for keeping open said saloon contrary to the provisions of the statute."

In answer to this charge the said James R. Murray says that on the 8th day of October 1893, he was by the saloon of the said Joseph Dennison a number of times and that the curtains in said saloon were drawn aside and that an unobstructed view could be had from the street through said saloon and that the undersigned was not aware that on that day any person or persons were in said saloon or in any of the rooms connected with the same; that he has since been informed and believes that some person or persons on the morning of the 8th day of October aforesaid, before the hour of nine o'clock on said morning, in the absence of said Joseph Dennison, the proprietor of said saloon, and of his clerk, broke into the back room of said saloon and helped themselves to beer and cigars without the knowledge or consent of said Joseph Dennison or his clerk, and that said Joseph Dennison on returning to his place of business, which was between the hours of nine and ten o'clock on said morning, discovered that some persons had made an entry into his saloon against his desire and wish, and he then and there turned such persons out of his saloon, closed his place of business and went away.

The undersigned says that these facts were clearly developed on a trial which took place on the 9th day of October, before Justice Bennett of the city of Ann Arbor.

The undersigned further answering, says that the reason why he did not make a complaint against said Joseph Dennison for keeping open his saloon upon Sunday contrary to the provision of the statute, was because he did not consider that where a man's saloon is broken into without the proprietor's knowledge or consent, or that of his clerk, that any

jury or any reasonable Court would hold such man guilty of a violation of any statute of this state; that it is absurd to say that the law contemplates that if, in the absence of the proprietor of a saloon and of everybody connected with it, some outsider should make a forcible entry into such saloon without the knowledge or consent of the owner or of his clerk, the saloon keeper would be guilty of a violation of the liquor law; and for such reasons he made no complaint in the first instance against the said Joseph Dennison.

The undersigned, further answering, says that the Honorable Mayor became greatly exercised because a complaint had not been made against the said Joseph Dennison and took the undersigned to task for not making such complaint; that at the earnest solicitation of the Honorable Mayor, the undersigned did on the 13th day of October make a complaint against said Joseph Dennison, charging said Dennison with having kept open his said saloon on Sunday in violation of the liquor law; that said Dennison waived examination before Justice Bennett and was bound over to the Circuit Court; but the undersigned says that he took this action not believing it to be the proper action to take in the premises, but simply because he deemed it his duty to obey the order of the Mayor.

The undersigned, further answering, says that the Honorable Mayor makes the following charge against him, to-wit:

"(b) That said James R. Murray having been informed by Joseph Dennison that a building kept and occupied by him as a saloon in the city of Ann Arbor was on the 8th day of October, 1893, feloniously broken open and entered by a number of persons, who then and there drank the beer and smoked the cigars of the said Joseph Dennison, he, said James R. Murray wholly neglected to make complaint against any person or persons for feloniously breaking and entering said saloon although he well knew the persons so charged with the commission of said offense."

To this charge and specification, the undersigned, answering, says that the offense mentioned in this charge was one which would properly come under the supervision of the prosecuting officers of the County of Washtenaw; that he does not deem it his province necessarily as marshal of this city to go out of his way to make complaints against persons who have broken and entered the place of business of another in the day time or night time without having had personal knowledge of the commission of such offense; that in the opinion of the undersigned, Joseph Dennison, whose place of business was broken into, was the proper person to make complaint against the persons damaging his property; and he was not aware that he was guilty of any neglect of duty or of official misconduct in not volunteering to make a complaint against persons whose names were unknown to him, on information and belief for committing the offense above mentioned.

The undersigned further says that the third specification made against him is as follows:

"(a) That the said James R. Murray, having been informed and well knowing that the saloon kept by one Joseph Dennison in the city of Ann Arbor was open on Sunday October 8th, 1893, and that a large number of evil disposed persons were congregated therein on that day, drinking, carousing, committing robberies and other offenses, he wholly neglected to report to the Mayor any such facts and information, in violation of the instructions which he had heretofore received to report promptly to the Mayor any violation of

the statutes or ordinances coming to his knowledge."

To this specification and charge the undersigned, answering, says that he did not at once report the fact that the saloon of said Joseph Dennison had been broken into on October 8th, 1893, for the reason that he did not consider at that time, and does not now, that the said Joseph Dennison had violated any of the laws of this state; that the undersigned had not supposed that it was one of the duties of the Mayor of the city to actively engage in the prosecution of any felony or misdemeanor that might be committed within the limits of the city or county simply because he held the office of Mayor; that the undersigned was and is of the opinion that it was and is the duty and province of the criminal authorities of the county, the sheriff and his deputies and the prosecuting attorney to take charge of the prosecution of such an offense as breaking into a man's place of business in the day time or night time.

The undersigned would further say that prior to any knowledge coming to him whatever of the commission of the offense above mentioned, the same has been reported to the sheriff and was in the hands of the sheriff to take such actions in relation to the same as he saw fit.

The undersigned would further say that he has endeavored in his official action to promptly report any violation of the ordinance of this city or of the liquor laws of this state to the Mayor and has promptly made complaint for any violation of said ordinances or said liquor law where such violations have come to his knowledge.

The undersigned further answering, says that he does not consider that he has been guilty of any neglect of official duty in not reporting the breaking and entering of said saloon on said 8th day of October by persons to him unknown, and he is at loss to understand how the Honorable Mayor can charge him with malfeasance in office and neglect of duty in not reporting an offense which is usually taken care of by the county criminal officials; that as has already been intimated in this answer he had been advised and believes that the breaking and entering of said saloon on the day aforesaid by evil disposed persons without the knowledge or consent of said Joseph Dennison or his clerk, is in no way a violation of the liquor laws of this state by the said Joseph Dennison, and that no court or jury will ever convict a man for committing an offense which was entirely beyond his power to prevent.

Under these circumstances the undersigned would respectfully submit to your Honorable Body that the said charges and specifications made by the Honorable Mayor are without just foundation and are not based upon a correct interpretation of the law, and therefore the said James R. Murray submits that said charges and specifications so made by the Mayor ought not to be entertained and that your Honorable Body ought not to consent to his removal from the office of Marshal of this city. All of which is respectfully submitted.

JAMES R. MURRAY.

By Ald. Prettyman:

Resolved, That when this council do adjourn, it be to meet in special session on Thursday evening next, at 7:30 o'clock p. m., for the purpose of considering and disposing of the charges of neglect of duty preferred by the Honorable Mayor, against James R. Murray, Marshal and Chief of Police.

Second. That the order of proceedings on the hearing of the said charges, shall be as

follows, that is to say: The Honorable Mayor shall have leave to supplement his said charges with such proofs relating thereto, as he shall or may be advised; and that hereafter the said James R. Murray shall have leave to produce proofs in answer thereto, and in support of his said answer this day filed—as he shall or may be advised, after which other proofs may be produced by the Honorable Mayor, and the said James R. Murray, explanatory and in rebuttal thereof. Whereupon after hearing argument of the respective parties, and their counsel the said charges shall be disposed of on roll calls, as follows: Charge number one, and the specifications thereunder shall be deemed and considered one question, and charge number two and the specifications thereunder, shall be deemed and considered as another question.

Third. That after the said question shall be disposed of a third and final question shall be put as follows:

Resolved, That this council does hereby consent to the order of removal of James R. Murray, Marshal and Chief of Police, made and filed by the Honorable Mayor, on the 24th day of October, A. D., 1893.

Fourth. That after the disposal of all of which questions a motion to adjourn shall be in order.

Ald. Ferguson moved that the resolution be laid on the table.

Which motion was lost by a yeas and nays vote as follows:

Yeas—Alds. Herz, Martin, Snow, O'Mara, Ferguson—5.

Nays—Alds. Schairer, Wagner, Taylor, Wood, Manly, Prettyman, Kitson—7.

The original resolution passed as follows:

Yeas—Alds. Schairer, Wagner, Martin, Wood, Taylor, Manly, Prettyman, Kitson—8.

Nays—Alds. Herz, Snow, O'Mara, Ferguson—4.

On motion the council adjourned.

WM. J. MILLER.

City Clerk.