

COUNCIL CHAMBER.
ANN ARBOR, May 7, 1894.

Regular session.

The council was called to order by President Wines.

Roll called. Full board present.

The journal of the last two sessions was approved.

COMMUNICATIONS FROM THE MAYOR.

To the Honorable, the Common Council:

I have appointed, subject to your approval, the following city officers: City Attorney, Thomas A. Bogle; City Treasurer, George H. Pond; City Marshal, Parris S. Banfield; Member of Board of Public Works, Albert M. Clark; Member of Board of Fire Commissioners, Michael Grossman; Members of Board of Health, Henry B. Dodsley, Eli W. Moore; Patrolmen, David Collins, Reuben Armbruster.
C. G. DARLING, Mayor.

Ald. Prettyman moved that the appointments of the Mayor be received and confirmed in a body.

Adopted as follows:

Yeas—Alds. Wagner, Bodmer, Martin, Allmendinger, Wood, Snyder, Ferguson, Brown, Manly, Kitson, Prettyman, Pres. Wines, 12.
Nays—None.

PRESENTATION OF PETITIONS.

Of John Hiller and thirty-eight others asking the council to lay out and establish a public street, four rods in width, on the lines of Seventh street, from Madison street projecting southerly to a point due west of the center line of West street.

Referred to committee on streets.

Of George H. Hazlewood and others asking that Noble C. Tice be retained on the police force and assigned to duty on State street.

Referred to committee on police.

Of Charles W. Dosey and others asking that a sidewalk be ordered built on the west side of Fourth avenue, between Packard and Madison streets.

Referred to committee on sidewalks.

Of Alvin Wilsey and others asking that Wm. Eldert be appointed patrolman and be assigned to duty on State street.

Referred to committee on police.

Of Mrs. Byron Cheever and others asking that an electric light be located on Thompson street between Jefferson and Packard streets.

Referred to committee on lighting.

Of Thomas J. Keech and others asking that an electric light be located at the intersection of Fifth avenue and Summit street.

• Referred to committee on lighting.

A communication from William K. Childs, 1st ward census enumerator, asking that one assistant census enumerator be appointed for the 1st ward of the city of Ann Arbor.

Received and filed.

Ald. Wagner appointed Miss Marie E. Bruegel, assistant enumerator for the 1st ward.

Ald. Manly moved that the appointment made be confirmed.

Adopted.

A communication from the school board of the city of Ann Arbor, asking that Martin Clark be appointed policeman without expense to the city and assigned to duty as truant officer.

Ald. Manly moved that the request asked for by the School Board be granted, and the Mayor is hereby authorized to nominate Martin Clark or some other suitable person to the regular police force, subject to the approval of the Council. Adopted.

The following bids were received and read by the Clerk, for the city's money:

The Ann Arbor Savings Bank will pay interest on daily balances at the rate of 4 52-100 per cent, and charge five per cent on overdrafts.

The Farmers' and Mechanics' Bank will pay interest on daily balances at the rate of 4 12-100 per cent, and charge the same rate on overdrafts.

The State Savings Bank will pay interest on daily balances at the rate of 4 per cent, and charge 6 per cent on overdrafts.

Ald. Wood moved that the bid of of the Ann Arbor Savings Bank be accepted and said bank file the necessary bond of \$80,000.

Adopted as follows:

Yeas—Ald. Wagner, Bodmer, Martin, Allmendinger, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Wood Pres. Wines—13.

Nays—None.

REPORTS OF STANDING COMMITTEES.

FINANCE.

To the Common Council:

Your Committee on Finance respectfully report that they have had the following bills under consideration and recommend their allowance at sums stated:

CONTINGENT FUND.

W. J. Miller, 1 month's salary.....	\$ 66 66
E. B. Norris, " "	25 00
P. O'Hearn, " "	83 34
Geo. H. Pond, " "	8 33
Marvin Davenport, janitor salary....	6 26
Dr. John Kapp, 3 mo's salary B. of H...	37 50
Eli W. Moore, 6 mo's salary B of H...	25 00
Martin Clark, 3 month's salary.....	25 00
Dr. E. A. Clark, 3 mo's sal. city physician.....	25 00
Clay A. Greene, rent	9 17
Schairer & Millen, supplies.....	63
Moore & Wetmore "	4 78
Bailey & Dow, lock and keys	4 30
Estate of Rice A. Beal, supplies.....	8 75
Telephone & Telegraph Construction Co., 3 mo's rental of 7 telephones....	43 75
Frederick Schleede, binding council proceedings.....	10 50
Schuh & Muehlig, wire cloth 6th ward engine house.....	10 50
Marie Durheim, typewriting for city attorney.....	3 50
C. C. Hatch, 6 awings.....	29 00
P. O'Hearn, postage stamps.....	1 00
Schuh & Muehlig, supplies.....	1 25
Wm. Pickett, burying two cats.....	50
W. J. Miller, supplies.....	3 40
Louis Rohde, coal, etc.....	29 10
Ann Arbor Thomson-Houston Electric Co., st. lighting for month of April....	535 25
Michael Staebler, coal.....	13 00
Chas. Winkie, putting up elec. booths, Willis Clark, " " " "	1 65
Frank Sutherland, " " " "	7 87
Robert Leonard, " " " "	4 50
Gus. Walters, labor on water hydrant,	2 40
	3 90
Total	\$1,049 89

CEMETERY FUND.

M. Lueppold, labor.....	\$ 5 25
Eli S. Manly, labor.....	5 25
John McArthur, labor	3 00
Total.....	\$ 13 50

SEWER FUND.

Ann Arbor Savings Bank, accounts assigned them as follows:	
Charles Glasser, labor.....	\$ 10 35
Harry O'Grady, "	16 35
Charles Winkie, "	34 50
Victor Strong, "	9 22
Barnhardt Langer, "	7 65
Joseph Kirby, "	1 50

Michael Williams, labor.....	3 00
Michael Preskorn, "	6 00
Albert Schwemann, labor.....	10 50
Robert Leonard, labor.....	7 35
Julius Nimz, "	1 50
Michael Kenny, "	4 05
Chas. Colgrove, "	7 50
Gustave Walters, "	11 25
Frank Sc ulz, "	5 85
Barney Morrison, "	7 35
Wm. Darron, "	9 00
Harry Bragheri, "	19 12
S. R. Pike, "	2 97
Aug. Molkenhine, "	1 50
Charles Walker, "	1 42
William Bird, "	2 25
George Mason, "	11 25
William Miley, "	3 00
Godfried Schon, "	1 50
Patrick McCabe, "	9 75
Frederick Radke, "	7 65
Joseph Glasser, "	9 00
John Holk, "	3 75
Fred Ulrich, "	5 25
John Cairns, "	1 50
John Schafer, "	1 50
Michael Welch, "	7 50
Michael Kenny, "	4 50
Charles Godfrey, "	10 45
Dow & Bailey, "	8 00

Total amount due The Ann Arbor Sav. Bank.. \$ 264 78 \$ 264 78

State Savings Bank, account assigned them as follows;

Charles Walker, labor.....	\$ 3 15
Peter Peterson, "	60
Dary Whitley, "	3 45
Godfrey Schuon, "	75
Barney Langer, "	75
Frank Hogan, "	6 59

Total..... \$ 15 29 \$ 15 29

Farmers & Mechanics Bank, accounts assigned them as follows:

S. R. Pike, labor.....	\$ 3 60
Michael Welch, "	2 10
John Krumrie, "	4 65
Lawrence Hughes, "	22 05
Michael Preskorn, "	12 60
Aug. Molkenhine, "	1 35
Frank Schultz, "	3 75
Charles Glaser, "	7 80
James Wilcox, "	3 00
William Wheeler, "	10 00
William Kuehn, "	3 00

Total..... \$ 73 90 \$ 73 90

John Schaffer labor, assign J. E. Harkins,	\$1 80
Frank Sutherland, labor.....	15 90
Fred Ulrich, labor.....	75
John Holk, labor.....	1 50
Patrick McCabe, labor.....	4 50
Lawrence Hughes, labor.....	3 00
Chris. Jetter, labor.....	3 15
Barney Morrison, labor.....	2 25
Albert Cooh, labor, assign W. J. Miller.....	3 45
William Enkemann, labor.....	1 50
Robert Leonard, labor.....	75
Frederick Radke, labor.....	1 50
Thomas Hannon, team labor.....	3 00
C. Eberbach, rope.....	3 25
Luick Brothers, supplies.....	2 65
Geo. Miller & Son, lengthening out Fritz pump.....	4 75

Total..... \$407 67

STREET FUND.

Ann Arbor Savings Bank, accounts assigned them as follows:

John A. Robinson, snow plowing.....	\$ 1 50	
Barney Langer, labor.....	12 15	
John Schaffer, labor.....	4 20	
Total	17 85	17 8

Farmers & Mechanics Bank, accounts assigned them as follows:		
Jacob Moegle.....	1 50	
Mathew Schnerley.....	6 40	
P. D. Rogers.....	9 00	
John Schaffer.....	5 25	
Total	22 15	22 15
J. Drake, labor assigned to J. Goetz & Son.....		3 45
Elias Saddler, labor assigned to Mann Bros.....		12 25
Charles Walker, labor assigned to Stickelmair & Co.....		10 20
Charles Glaser, labor assigned to O'Harra & Boyle.....		4 50
John McHugh, teaming assigned to N Sutherland.....		4 50
Robert Leonard, labor assigned to N. Sutherland.....		1 50
Elias Saddler, teaming assigned to N. Sutherland.....		10 50
Michael Heery, teaming assigned to N. Sutherland.....		3 00
Michael Kenny, labor.....	1 50	
Albert Glassenapp, labor.....	1 50	
Gottfried Schuon, labor.....	3 00	
Patrick McCabe, labor.....	1 50	
Michael Williams, labor.....	12 00	
Victor Strong, labor.....	2 25	
Lawrence Hughs, labor.....	1 50	
Chris. Jetter, labor.....	1 50	
Charles Winkle, labor.....	3 00	
Albert Schwoeman, labor.....	1 50	
Joseph Kiry, labor.....	1 50	
Wm. H. Richmond, labor.....	59	
Gustav Walters, labor.....	12 75	
Frank Sutherland, helping engineer.....	21 60	
Willis Clark, labor.....	36 92	
Zenus Sweet, team labor.....	4 50	
Richard Burns, team labor.....	13 50	
Daniel Crawford, labor.....	18 00	
Abraham Beck, team labor.....	30 00	
Michael Kusterer, team labor.....	6 00	
Thomas Hannon, team labor.....	12 00	
Abraham Voorhees, team labor.....	21 00	
Geo. D. Stevens, team labor.....	3 00	
William Wheeler, team labor.....	5 25	
Hutzel & Co., supplies.....	6 00	
Michael Kenny, labor assigned to Willis Clark.....	4 50	
K. J. Rogers, seed.....	45	
Mary Durheim, typewriting Street Commission'er report.....	50	
Caspar Rinsey, salt.....	1 00	
John Almand, 16 trees.....	9 60	
Christian Frank, handle for scraper.....	1 00	
Esslinger Bros., blacksmithing.....	13 10	
T. L. Hewett, 7 rod-walk.....	6 10	
Nelson Sutherland, salary.....	66 66	
George F. Key, salary.....	60 00	
Total	\$ 474 58	

BRIDGE, CULVERT AND CROSSWALK FUND.

Michael Kusterer, team labor assigned to A. A. Savings Bank.....		15 00
Farmers & Mechanics Bank, accounts assigned them as follows:		
Jesse L. Smith, snow plowing.....	4 50	
Christian Larmee, labor.....	5 25	
Total	9 75	9 75

Samuel Smith, labor assigne to Edward Duffy.....		1 00
Michael Heery, teaming assigned to N. Sutherland.....		12 00
Elias Sadler, teaming assigned to Mann Bros.....		13 50
Gustav Walters, labor.....		3 00
Fredrick Radke, labor.....		6 75
Harry Bragheri, labor.....		4 20
William Enkemann, labor.....		3 75
Anton Otto, labor.....		3 00
Michael Preskorn, labor.....		7 50
Joe Hutzel, labor.....		15 38
Fred Ulrich, labor.....		18 38
Wm. Darrow, labor.....		9 38
Charles Winkle, labor.....		12 00
Chris. Jetter, labor.....		3 75
Victor Strong, labor.....		5 70
Michael Williams, labor.....		19 50
Patrick McCabe, labor.....		16 50
Barney Langer, labor.....		5 25
Godfried Schuon, labor.....		9 00
Albert Glassenapp, labor.....		8 25
Charles Glaser, labor.....		10 50
John Holk, labor.....		3 00
Christian Larmee, labor.....		3 00
Frank Schultz, labor.....		9 70
Wm. Stoll, team labor.....		5 70
Robert Stoll, labor.....		1 35
J. Drake labor.....		13 45
Albert Cook, labor.....		26 00
S. R. Pike, labor.....		3 00
Wm Kue n, labor.....		6 63
Michael Kenny, labor.....		3 75
Geo. D. Stevens team labor.....		9 00
Richard Burns team labor.....		9 60
Thomas Hannon, team labor.....		24 00
Michael Kusterer, team labor.....		9 00
Daniel Crawford, team labor.....		37 50
William Wheeler, horse and cart.....		46 12
Martin Nagle, teaming.....		4 50
George Schlimmer, snow plowing.....		1 50
Bennett French, snow plowing.....		1 50
Julius Weinberg, snow plowing.....		1 50
Geo Walker, repairing tar crossing.....		1 50
Edward Pardue, sand.....		45
Geo Sweet, 5 bbs Portland cement.....		15 75
Louis Rhode, bbs Portland cement.....		15 75
Edward Bycraft, sand.....		3 00
Luick Bros., lumber.....		26 16
Schuh & Muehlig, supplies.....		15 26
John Baumgardner, stone slabs.....		52 87
Total		\$ 562 88

FIRE DEPARTMENT FUND.

Fred Siple, salary.....	\$ 60 00
C. A. Edwards, salary.....	50 00
Henry McLaren, salary.....	50 00
Louis Hoelzle, salary.....	50 00
Max Wittlinger, salary.....	50 00
Albert West, salary.....	45 00
Herman Kirn, salary.....	40 00
Eugene Williams, salary.....	40 00
John Kenny, salary.....	8 00
Samuel McLaren, salary, two months.....	8 00
Wm. Rettich, salary.....	8 00
Edward Hoelzle, salary.....	8 00
William L. Schierle, salary.....	8 00
Mrs. B. Ream, washing.....	5 00
Schuh & Muehlig, supplies.....	6 60
G. R. Kelley, middlings.....	7 65
Ferguson Cart and Carriage Co., one set wheels.....	40 00
Total	\$ 444 25

POLICE FUND.

Charles Wheeler, salary.....	65 00
David Collins, salary.....	50 00
Noble C. Tice, salary.....	50 00
William G. Snow, use of hack.....	1 00
Total	\$ 166 00

POOR FUND.

Fred Siple, salary.....	\$ 10 00
W. H. Wilson, 36½ cords basswood....	41 97
Fred Siple, freight on wood.....	18 00
Doty & Feiner, shoes.....	3 75
Edward Duffy, groceries.....	5 65
John Eisele, groceries.....	10 28
Fberbach Drug Co., medicine.....	1 60
Mrs. Ann Evans, aid.....	5 00
John Goetz Jr., groceries.....	4 47
John Goetz & Son, groceries.....	5 54
L. Gruner, shoes.....	5 75
William F. Lodholz, groceries.....	17 19
O. M. Martin, coffin.....	10 00
William H. McIntyre, groceries.....	15 34
O'Hara & Boyle, groceries.....	10 75
Rinsey & Seabolt, groceries.....	17 21
Caspar Rinsey, groceries.....	10 46
Louis Rohde, coal.....	7 50
Geo Spathelf, meat.....	86
G. W. Snow, hack to county house....	1 00
W. F. Stimson, groceries.....	15 41
C. W. Vogel, meat.....	2 54
Wahr & Miller, shoes.....	4 60
C. Zirn, meat.....	1 61
Total.....	\$ 225 88

RECAPITULATION.

Contingent Fund.....	\$1,040 89
Sewer Fund.....	407 67
Street Fund.....	474 58
Bridge, Culvert and Crosswalk Fund.....	562 78
Fire Fund.....	484 25
Police Fund.....	166 00
Poor Fund.....	225 88
Cemetery fund.....	13 50
Total.....	\$ 3,384 65

Respectfully submitted,

FRANK WOOD,
C. H. MANLY,
A. J. KITSON.
Finance Committee.

Accepted, and recommendation concurred in as follows :

Yeas—Alds. Wagner, Bodmer, Martin, Allmendinger, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Wood, Pres. Wines—13.

Nays—None.

The Finance Committee submitted the following report:

Ann Arbor, Mich., May 7, 1894.

To the Finance Committee of the Common Council of the City of Ann Arbor:

The undersigned begs leave to report that he has examined the books and vouchers of the City Treasurer and the books of the City Clerk, and find that the same are correct.

An examination of the interest account of the Ann Arbor Savings Bank with the City Treasurer shows that for each month except February interest has been calculated at thirty days per month, while for February interest has been calculated for twenty-eight days. This change in method of calculation reduces the amount of interest which

should be credited the city by \$11.84. There appears to be a discrepancy of \$17.58 in the penalty charged for nonpayment of city taxes in July; this is accounted for by the fact that the assessor, under advice of the City Attorney, extended the penalty on even dollars only.

All of which is respectfully submitted.

JNO. R. MINER.

On motion the report was recommitted to the Finance Committee.

The Finance Committee recommended the allowance of John R. Miner's bill of \$25.00 for examining Treasurer's and City Clerk's books.

Accepted and recommendation concurred in as follows:

Yeas—Ald. Wagner, Bodmer, Martin, Allmendinger, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Wood, Pres. Wines--13.

Nays--None.

ORDINANCE.

Ald. Prettyman, leave having been granted, introduced an ordinance entitled "An Ordinance Relative to Sewers," providing for the construction of lateral and connecting sewers in the city of Ann Arbor.

Ald. Brown moved that the rules be suspended and the ordinance be given its second reading by sections.

Adopted.

The second reading by sections of "An Ordinance Relative to Sewers, Providing for the Construction of Lateral and Connecting Sewers in the City of Ann Arbor."

Ald. Prettyman, leave having been granted, introduced "An Ordinance Relative to Disorderly Conduct, Forbidding and Prohibiting Young Children from being and going upon the Streets Unattended in the Night Time."

Which was read the first time by its title and referred to the Committee on Ordinances.

Ald. Prettyman, leave having been granted, introduced "An Ordinance Relative to Street Sprinkling," which

was read the first time by its title, and referred to the Committee on Ordinances.

Ald. Prettyman, leave having been granted, introduced "An Ordinance Relative to Lawn Extensions in the Streets."

Which was read the first time by its title and referred to the Committee on Ordinances.

FROM THE STREET COMMITTEE.

To the Common Council:

Your Committee on Streets to whom was referred the communication from the Board of Public Works, asking for an appropriation of \$350 for the replanking of the viaduct over the Michigan Central Railroad Company's tracks, on Beakes street, would report that we have had the matter under consideration, and have asked the City Attorney for a written opinion as per contract on the matter. We therefore attach his report to this report for your consideration.

Respectfully submitted,

CHRISTIAN MARTIN,
H. G. PRETTYMAN,
FRANK WOOD,
P. L. BODMER,
A. P. FERGUSON.

Street Committee.

ANN ARBOR, Mich., May 7, 1894.

To the Honorable Street Committee:

Gentlemen,—In reply to your inquiry for information relative to whom and where the legal duty rests to keep and maintain in repair the bridge on Detroit street, over and crossing the Michigan Central Railway Company's tracks and right of way, I have to say, that while the question is not free from doubt, I am convinced that such duty rests upon the Michigan Central Railroad Company.

If it should be found that I am mistaken as to any of the essential and controlling facts stated herein, I shall be glad to further advise you when corrected.

I am advised that Detroit street or a highway at the same place, having another name, was laid out, traveled and well and fully established at a time prior to the construction of the railway over and through the same.

It was the law at the time when this railroad was constructed, and it is the law now, that whenever any railroad is constructed through and over any street or highway, the railroad company is burdened with the duty to build and construct a suitable road crossing thereat, including all approaches thereto, and to maintain the same in reasonably good repair for all time or so long as the railway shall be operated over and through the same.

It was lawful when this railroad was constructed, and it is lawful now, for any railroad company to construct crossings over and through the streets and highways at grade, or to separate the grades and build its railway under the street or to build the street over its road bed and right of way, and it is plain to me that whichever the railway company chooses to do and whatever it shall or may do, it is nevertheless but the construction by the railway company of a street, highway or road crossing only.

The foregoing is but a short and imperfect statement of the Common Law liability of a railway company, in its relation to the public

when in the construction of its railway over or through a street or highway, which liability has many times been amplified and particularized by statutes and possibly somewhat enlarged but never to my knowledge diminished.

It may be said that this solution of the problem, if solution it is, assumes that the railway company constructed this bridge solely as a street passage or crossing, and it may also be said that the city built this bridge for its own convenience and for the safety and convenience of the public, or that the railway company's duty is fully defined in relation to this bridge by its contractual relations with the city. Upon each of these questions I take issue and contend that as matter both law and fact, the railway company constructed this bridge on its own motion and for its own use and benefit; that the city has no contract or relations with the railway company whereby the city assumes or undertakes in anywise the maintenance of the bridge in question, or which in any wise relieves the railway company from all or any of its duties or obligations in the premises.

The following is a short history of the building of the bridge in question, the purpose of its construction and the course pursued by the railway company in bringing its construction about:

Early in the year of 1886, the Michigan Central Railroad Company formulated a project to erect a new and elaborate passenger depot at Ann Arbor and to construct various other improvements thereat, such plan embraced among other things the construction of this overhead crossing in question; that on the 28th day of March, 1886, the railway company concluded an agreement with the city, whereby in consideration of the closing of certain streets and the payment of the sum of \$5,000 by way of a donation or bonus to be payable when the outer walls of the station house and the foundation and piers of said bridge were respectively constructed. The railway company undertook to construct the new proposed passenger depot, make other improvements, and erect and complete the bridge in question and grade and construct the approaches thereto.

It is true that the city some weeks afterwards, as a method of obtaining the money to pay such promised bonus, caused an election by the then taxpaying electors to be held and the sum of \$5,000 to be raised by the vote of the tax payers for the asserted purpose of constructing this overhead crossing, but it is too plain for controversy that such election was held as a way and means adopted to bring about a result then in view, other than the building of the bridge in question, to-wit—as a way and means to obtain the money to pay the promised donation or bonus, for the city in fact never did build the bridge, and at the very time the election was held, had the written agreement of the railroad company to construct the same at its own cost and expense. It was the law then and it is the law now that the city cannot lawfully expend any such large sum of money for any public purpose, except the work be done by contract let to the lowest responsible bidder, and furthermore, after the money was thus obtained by this method of "whipping the devil around the post," every dollar of it was paid directly to the railroad company, and the railroad company on the 12th day of May, 1887, presented its certified bill to the Common Council whereby it made claim for the sum of \$5,000 as a bonus on account of the construction of the new passenger depot, bridge and other improvements and thereafter receipted for the same expressly as bonus.

From all which I believe I am justified in inferring that as a matter of fact the railroad company built and constructed the bridge on its own account, with its own money and for its own use, benefit and purpose, and that the bridge is nothing more nor less than a crossing for Detroit street over the Michigan Central Railway Company's tracks and right of way, and that as a matter of law, the railroad company is in duty bound to keep and maintain its said crossing in good order and repair.

The following authorities support in a greater or less degree these contentions:

- 1 Maltby vs. The Chicago and W. Mich. Ry. Co., 62 Mich., 108.
- 2 The People vs. Chicago & A. R. R. Co., 67 Ill., 118.
- 3 Oliver vs. Northeastern Ry. Co., L. R. 9, Q. B. 409.
- 4 Paducah, Elizabeth Town R. R. Co. B. S. Commonwealth
- 5 10th A. M. & Eng. R. R. Cas. 318.
- 6 Manly vs. St. Helens, C. & Ry. Co., 2d H. & N., 840.
- 7 Chicago R. I. & P. R. R. vs. Moffitt 75 Ill., 524.
- 8 Cooke vs. Boston & L. R. R., 133 Mass., 185.
- 9 White vs. Inhabitants of Quincy, 97 Mass., 430
- 10 Gillett vs. W. R. R. Corp. 8, Allen. 560.

I advise the committee as follows, that you do inspect the bridge and crossing and if you find the same is now in need of repair you do report to the Council and recommend that the Council by resolution call the attention of the Michigan Central railroad company to the unsafe condition of its overhead crossing, and if the company decline or neglect to make suitable repair thereto, then that the Council do call the attention of the Railroad Commissioner to the Company's neglect and default and ask the Railroad Commissioner to make an order requiring the Railroad Company to perform and discharge its duty to the public in the premises.

Respectfully yours,
E. B. NORRIS, City Atty.

On motion of Ald. Manly the report was accepted and adopted and ordered printed.

FROM THE SIDEWALK COMMITTEE.

To the Common Council:

Your Committee on Sidewalks would report that there being a necessity for the grading and construction of sidewalks where stated, your committee caused to be prepared and herewith submit the proper resolution ordering the same, and recommend that it be adopted.

Respectfully submitted.

C. H. MANLY,
ARTHUR J. KITSON,
H. J. BROWN,
Sidewalk Committee.

Accepted and leave being granted, the following resolutions were offered.
By Alderman Manly:

Resolved, That the grading and construction of the sidewalks herein-

after mentioned is deemed and declared a necessary public improvement.

Therefore, It is hereby ordered that plank sidewalks be graded, built and constructed on and along the following streets and in front of the following property in the city of Ann Arbor, viz:

On Mary street along the east side in front of the property of John V. Sheehan.

On South Fourth avenue along the west side in front of the property of Dr. James C. Wood.

On Packard street along the south side in front of the property of the Richardson estate.

On East Huron street along the south side from Ingalls to Thirteenth street, on Fuller street along the south side in front of the property of Harvey Cornwell.

On Broadway along the north side, from Henry West's property to the property of Mr. Thomas Hotchins' estate, said walk to be four feet in width.

On East Ann street along south side in front of the property of Mrs. Timothy Keating and Charles R. Whitman.

On Gott street along the east side from Miller avenue to Summit street.

On Gott street along the west side from Geo. Clark's land to Miller avenue.

On Fourth avenue along the west side in front of the property of W. G. Dieterle.

That all such sidewalks be graded, built and constructed in the manner, within the time and of the material prescribed by the provision of an ordinance entitled an "Ordinance Relative to Sidewalks," and the grade to be established.

Accepted and Adopted.

FROM THE SAME.

To the Common Council:

Your Committee on Sidewalks would report that after a careful examination of the premises of W. G. Dieterle, in reference to sidewalk on the north side of his property, on Liberty street would recommend that said Dieterle be granted permission to lay a stone or cement walk six feet in width along said street. Provided, that he the said W. G. Dieterle or his grantees will extend the same to 11 feet in width, whenever the said property is to be

used for store purposes, without further notice.

The petition of James W. Robison which was referred to your committee, at our late council meeting, asking permission to build a plank driveway in front of livery barn on Fourth avenue, your committee would recommend that the prayer of the petitioner be granted.

Respectfully submitted,

ARTHUR J. KITSON,

C. H. MANLY,

H. J. BROWN,

Sidewalk Committee.

Accepted and recommendation concurred in.

FROM THE FIRE DEPARTMENT COMMITTEE.

To the Common Council of the city of Ann Arbor.

Your committee to whom was referred the matter of repairing the floor of the Sixth ward engine house, respectfully recommend that the appropriation of \$75.00 asked for be granted, and that the board of public works be ordered to have a two-inch hardwood floor laid in said engine house.

Respectfully submitted,

C. W. WAGNER,

H. G. PRETTYMAN,

D. F. ALLMENDINGER.

Committee on Fire Dep't.

Ald. Martin moved to amend the report by striking out \$75.00 and inserting \$85.00.

Accepted and adopted.

The original report as amended was adopted as follows:

Yeas—Ald. Wagner, Bodmer, Martin, Allmendinger, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Pres. Wines—12.

Nays—Ald. Wood—1.

REPORTS FROM SPECIAL COMMITTEES.

To the Common Council:

Your special committee to whom was referred the Mayor's annual message for division and reference, beg leave to report that so much of the message as refers to street railway, the closing of saloons, the extension of the lawns to the curbstone, the unequal representation of the people by

the wards, and the matter of small children playing about our streets should be referred to the Ordinance Committee. That so much as refers to streets and paving be referred to the Street Committee. That so much as refers to lighting be referred to the Lighting Committee. That so much as refers to sidewalks be referred to the Sidewalk Committee. That so much as refers to sewers be referred to the Sewer Committee. That so much as refers to water supply be referred to the Water Committee.

All of which is respectfully submitted,

H. G. PRETTYMAN,

W. L. TAYLOR,

FRANK WOOD,

Committee.

Accepted and recommendation concurred in.

To the Common Council:

GENTLEMEN: Your committee to whom was referred the matter of ascertaining the cost of a three-seated spring wagon for the use of committees, &c, would report that they have had the same under consideration and would recommend that \$100 be appropriated from the Contingent Fund for a wagon to be made by the Ferguson Cart & Carriage Company, as cut submitted by said company.

Respectfully submitted,

FRANK WOOD,

A. P. FERGUSON,

C. H. MANLY,

Committee.

On motion of Ald. Wagner the report was recommitted and committee directed to ask for bids on said wagon from all local dealers and submit them to this Council.

REPORTS OF CITY OFFICERS.

The monthly reports of the city clerk, city treasurer, poor superintendent and marshal were read and ordered filed.

Poor Superintendent Siple reported the following expenditures during the month of April: 1st ward, \$17.90; 2nd ward, \$17.87; 3rd ward, \$66.04; 4th ward, \$65.45; 5th ward, \$69.60; 6th ward, \$5.15.

Chief of Police Wheeler reported eight arrests during the month of April as follows: drunk, 4; violating city ordinances, 4.

To the Honorable Common Council:

In accordance with the request made by the committee, I submit the accompanying

drawings of the proposed extensions to the culvert across Fountain street. The required dimensions are marked and the scale is also given.

A liberal estimate would be, I think, \$130 for masonry and \$45 for some grading or filling. So that an appropriation of \$175 would be sufficient to put the work in proper shape.

Respectfully submitted,
GEO. F. KEY,
City Engineer.

ANN ARBOR, Mich., May 7th 1894

To the Common Council:

I hereby certify that the pressure of water on guage at Engine House, with the exception of the time during which the pipes were being flushed, has not been less than 65 lbs. since the date of last report.

FRED SIPLEY, Chief Fire Dept.
Received and filed.

CITY TREASURER'S REPORT FOR THE MONTH ENDING APRIL 30, 1894.

To the Common Council of the City of Ann Arbor:

Balance on hand as per last report..... \$20,988 15

MONEY RECEIVED.

Contingent Fund—		
Liquor tax, Co. Treas.....	\$ 103.12	
W. J. Miller, license.....	15.00	
Police Fund—		
Wheeler, fees ...	1.50	
Fire Fund—		
Sipley, old iron..	2.00	
Cemetery Fund—		
Manly.....	10.00	
Street Fund—		
Sidewalk tax collect, Co. Treas..	25.00	
Delinquent Tax Fund—		
Co. Treas. tax col	149.03	
Contingent Fund—		
Interest on.....	17.21	
Total	323.35	323.35

26,311.50

MONEY DISBURSED.

Contingent Fund.....	\$1,850 53
Street Fund.....	329.91
Firemen's Fund.....	576.33
Police Fund.....	182.00
Poor Fund.....	269.81
Sewer Fund.....	228.67
Bridge, Culvert and Crosswalk Fund.....	187.62
Soldiers' Relief Fund.....	20.00
Total.....	\$ 3 644.87

3,644 87

\$17,666 63

BALANCE ON HAND.

Contingent Fund, over-drawn.....	\$ 300 33
Street Fund.....	436 64
Firemen's Fund.....	2,766.84
Police Fund.....	1,363.57
Poor Fund.....	150 18
Water Fund.....	2,608.40
Cemetery Fund.....	284.26
Soldiers' Relief Fund.....	1,243.63

University Hospital		
Aid Bond Fund.....	840.00	
Delinquent Tax Fund.....		144.39
Sewer Fund.....	2,066.43	
Bridge, Culvert and Crosswalk Fund,....	6,251.40	
Dog Tax Fund	100 00	
Total	\$18,111.35	444.72
	444.72	
		17,666.63

Total Treasurer's Balance.....\$17,666 63

GEO. H. POND,
City Treasurer.

Ann Arbor, May 1st, 1894.

Ann Arbor Savings Bank,
Ann Arbor, Mich., May 7, 1894 }

To the Common Council of the City of Ann Arbor:

DEAR SIRS—This will certify that Geo H. Pond has on deposit to his credit as City Treasurer, the sum of Seventeen Thousand, Six Hundred and Niney-two and 13-100 Dollars, (17,692.13). Yours truly,

CHAS. E. HISCOCK, Cashier.

MOTIONS AND RESOLUTIONS.

By Ald. Taylor:

Resolved, That Dr. E. A. Clark be and is hereby appointed to the office of City Physician for the ensuing year, at a salary of one hundred dollars.

Ald. Prettyman moved as a substitute that we hear nominations of candidates for the office of City Physician. Accepted and adopted.

The following nominations for the office of City Physician were made:

Dr. E. A. Clark and Dr. W. F. Breakey.

Ald. Manly moved that the Clerk call the roll and each Alderman answer to to his choice.

Accepted and adopted.

Ald. Martin moved that the Clerk call the roll by beginning with the 6th ward first.

Accepted and adopted.

The following members voted for Dr. W. F. Breakey: Pres. Wines, Ald. Prettyman, Kitson, Wood, Allmendinger, Bodmer, Wagner.—7.

The following Aldermen voted for Dr. E. A. Clark, Ald. Taylor, Manly, Brown, Ferguson, Snyder, Martin,—6.

By Ald. Taylor:

Resolved, That the matter of opening a street from Broadway to Mill St. at a point nearly opposite the Boule-

vard, be referred to the Street Committee with instructions to report at the next regular meeting.

Accepted and adopted.

By Ald. Prettyman:

Resolved, That the salaries of the city officers be fixed as following for the coming year:

City Clerk.....	\$ 800
“ Attorney.....	300
“ Treasurer.....	100
“ Marshal.....	780
“ Patrolman.....	600
“ Assessor.....	1,000
“ Physician.....	100

The same to be payable monthly.

Adopted as follows:

Yeas—Ald. Wagner, Bodmer, Martin, Allmendinger, Wood, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Pres. Wines.--13.

Nays—None.

By Ald. Wood:

Resolved, That the Board of Public Works be instructed to advertise for and receive bids for the extension and repair of the culvert on Fountain St., and report at the next regular meeting.

Accepted and adopted.

By Ald. Ferguson:

Resolved, That the sum of \$150 be appropriated from the Bridge, Culvert and Crosswalk Fund, for the construction of two cement crossings on and along the east and west sides of North Fifth Avenue crossing, Detroit street.

Referred to the Committee on Sidewalks.

By Ald. Wagner:

Resolved, That the sum of \$30 be and is hereby appropriated from the Bridge, Culvert and Crosswalk Fund for the building of a cement crosswalk on the east side of Fourth Avenue, crossing Packard street.

Referred to the Committee on Sidewalks.

By Ald. Wagner:

Resolved, That the sum of \$100 be and is hereby appropriated from the Bridge, Culvert and Crosswalk Fund, for the building of a cement crosswalk on the north side of Washington street, across Main street.

Referred to the Committee on Sidewalks.

By Ald. Wagner:

Resolved, That the sum of \$90 be and is hereby appropriated from the Bridge, Culvert and Crosswalk Fund for the building of two cement crosswalks, on the east side of Main street, crossing William street, and on the north side of William street, crossing Main street.

Referred to the Committee on Sidewalks.

By Ald. Prettyman:

Resolved, That a telephone for fire purposes be placed in the School of Music, the same to be without expense to the city.

Accepted and adopted.

By Ald. Ferguson:

Resolved, That \$50 be appropriated from the Street Fund to grade and widen Fuller street at the junction of Carey and State streets.

Referred to the Committee on Streets.

By Ald. Ferguson:

Resolved, That the City Engineer give the proper grade for sidewalk on south side of Summit street from Beakes to Detroit streets.

Referred to Board of Public Works.

By Ald. Brown:

Resolved, That the owners of the property abutting on the alley between Detroit street and N. Fifth Ave., running south from Catherine street be ordered to have the same paved with stone, under the supervision of the Board of Public Works.

Referred to the Board of Public Works.

By Alderman Brown:

Resolved, That the sum of one hundred dollars be appropriated from the street fund for the purpose of grading North 13th street, and repairing the crossing at the foot of said street.

Referred to the committee on streets.

By Alderman Wood:

Resolved, That the sum of fifty dollars be appropriated from the Contingent Fund, and an order drawn thereon in favor of John F. Lawrence, attorney for the city of Ann Arbor, for the purpose of subpoenaing witnesses in the case of Florence Smith vs. the city of Ann Arbor.

Adopted as follows:

Yeas—Ald. Wagner, Bodmer, Martin, Allmendinger, Wood, Snyder, Ferguson, Brown, Manly, Taylor, Kitson, Prettyman, Pres. Wines—13.

Nays—None.

By Alderman Martin:

Resolved, That the City Clerk is hereby directed to at once notify the Michigan Central Railway Company, to repair and make safe for public travel railroad crossing, on Broadway and Detroit street.

Accepted and adopted.

By Alderman Prettyman:

Resolved, That the sidewalk committee be instructed to examine and report on the sidewalk grade on the south side of Volland street.

Referred to the committee on sidewalks.

By Alderman Prettyman:

Resolved, That the bill of five hundred dollars (\$500) of Prof. Chas. E. Greene for services as consulting engineer, be allowed and warrant drawn for the same.

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

Adopted as follows:

Yeas—Ald. Martin, Allmendinger, Wood, Snyder, Ferguson, Manly, Taylor, Kitson—8.

Nays—Ald. Wagner, Bodmer, Brown, Prettyman, Pres. Wines—5.

On motion the Council adjourned.

W. J. MILLER,
City Clerk.