

Council Chamber,
Ann Arbor, Mich., March 6, 1905.

Regular Session.

Meeting called to order by President Walz.

Present—Ald. Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Coon, Robinson, Fischer, Pres. Walz—11.

Absent—Ald. Gill, Bangs, Sherk, Goodyear—4.

The minutes of the previous meeting were approved.

Communications.

Ypsilanti, Mich., March 5, 1905.
To the Honorable Mayor and City Council, Ann Arbor, Michigan.

Gentlemen:—I have received notice from the City Clerk of Ann Arbor of the resolution passed Feb. 27th instructing us to put conductors on our cars operating in the city service.

Regarding this matter I respectfully draw your attention to Sec. 10 of the ordinance passed Aug. 13, 1888, under which franchise we are now operating; in this section it is specifically stated that the company shall be permitted to dispense with conductors provided patent cash boxes be provided, which has been done. In Section 17 of the same ordinance the right is reserved by the City Council to make further rules as may be necessary to regulate the service, etc. I am advised by our attorneys that this provision does not give the City Council the right to cancel any of the privileges granted in the ordinance to the company, but gives the city the usual police authority in regulating the running of the cars.

I have only recently taken active charge of the management of The Hawks-Angus railway lines, including those in the city of Ann Arbor, but have spent considerable time recently investigating the conditions at Ann Arbor. The city lines in Ann Arbor have never paid their operating expenses and it is only by adopting such economies as dispensing with conductors during period of light travel that we are enabled to save heavy loss.

I am extremely anxious to put the service in Ann Arbor in such condition that it will better serve the entire city and become a credit to both the company and the city, and I am satisfied from my investigations so far that important changes and extensions of the present lines can be made which will far better serve the city and which will increase the riding to such an extent that we can put on conductors, better cars, etc., and make the service thoroughly satisfactory.

I am particularly impressed with the advisability of the establishment of a park and the extension of the city service thereto, and believe that this can be done in such a manner as to serve parts of the city now entirely without service.

Messrs. Hawks and Angus are now in New York where they are making financial arrangements for the expenditure of a large amount of money in the spring and summer improving their property.

I respectfully ask the leniency of the Council in the present situation and assure you that if we receive your co-operation we will take up the question of the betterment of this service actively and in good faith. I would be glad to meet any members of the city government and go into this question of the improvement of the service more thoroughly; in the meantime I respectfully request that you allow the present method of operation of the cars to remain until we can decide what is the best practical method of getting permanent improvement.

Yours very truly,

J. P. CLARK,
General Manager.

Communication received and Ald. Fischer moved that the railroad be given two weeks further time to consider the question of conductors. Carried.

The bill of the Ann Arbor Water Company for \$3390 for hydrant rental was presented and referred to the Special Water Committee.

(Enter Ald. Sherk.)

Reports of Committees.

FINANCE.

Ann Arbor, Mich., Mar. 6, 1905.

To the Honorable the Common Council,

Gentlemen:—Your committee on finance have had the following bills under consideration and would recommend their allowance and that warrants be drawn for same.

Respectfully submitted,

H. W. DOUGLAS,

EMMETT COON,

GEO. H. FISCHER,

Committee.

Contingent Fund.

E. W. Beakes, salary.....	\$8.33
M. E. Easterly, salary	20.00
Marvin Davenport, salary ...	6.35
T. D. Kearney, salary.....	50.00
Ed. Groves, salary	100.00
Ross Granger, salary	83.33
E. L. Seyler, salary.....	125.00
Daniel Ross, salary	83.00
Clerk hire, Ross Granger	25.00
Mrs. C. A. Green, rent.....	32.50
A. A. Times Co., printing....	82.43
Ann Arbor Argus	62.91
Henry Richards, coal	36.25
C. H. Kittredge, supplies ...	2.10
E. E. Calkins, supplies50
Herman F. Miller, supplies..	3.70
Robert A. Rayer, supplies...	3.35
Enoch Dieterle, ambulance ..	6.00
Record Pub. Co., supplies...	3.50
Charles F. Meyers, supplies..	.75
Mich. State Tel. Co., phone..	.75
Mich. State Tel. Co., phone..	.35
Schumacher & Bachkus, serv	3.50
Wm. Bolgas, hay	9.30
Mr. Williams, hay	11.60
Geo. W. Sweet, straw50
Sid W. Millard, printing.....	58.00
M. Staebler & Son, coal	13.65

\$832.55

Fire Fund.

Fred Siple, salary	72.00
C. A. Edwards, salary.....	66.00
W. H. McLaren, salary	60.00
Max Witlinger, salary	60.00
Eugene Williams, salary	60.00
Herman Kirn, salary	60.00
Sam'l McLaren, salary	60.00
Fred Nordman, salary	60.00

Chas. Andrews, salary	60.00
Ralph Edwards, salary	60.00
Chas. Carroll, salary	30.00
H. Richards, coal	36.25
Ed. Hiscock, coal	18.13
Schairer & Millen, supplies..	8.85
Eberbach Pharmacy, supplies	4.80
J. C. Fischer, supplies	8.15
Geo. Sweet, supplies	7.56
L. C. Weinman, supplies60
Mrs. Ream, washing	8.00

\$740.09

Police Fund.

O. M. Kelsey, salary.....	83.33
John O'Mara, salary	60.00
David Collins, salary	60.00
George Isbell, salary	60.00
Harris Ball, salary	75.00
William Walton, salary	30.00
Mich. State Tel. Co., phone...	.35

\$368.68

Street Fund.

Schuracher's Hdw. Co., sup- plies	3.70
A. J. Volland, supplies.....	3.45
Christ Dieterle, labor	2.75
James Mason, labor	14.12
John Morrison, labor	3.30
Michael Hession, labor	7.15
William Bury, labor	10.45
Michael Williams, labor	3.30
James Williams, labor	10.64
August Schmidt, labor	4.40
George Schibly, labor	5.45
Herman Marquadt, labor	5.45
Lewis Sonalla, labor	10.09
Edward Hill, labor	3.30
W. J. Brown, labor	1.65
P. Fohey, labor	4.40
John Holky, labor	2.75
Chester Dunn, labor	2.75
Herman Schaver, labor,	2.75
George Slimmer, labor	2.75
Lew Bucholz, labor	2.75
John Wolfert, labor	4.40
William Bucholz, labor	2.75
George Mason, labor	3.30
Charles Haas, labor	2.75
Joseph Ross, labor	4.00
Bennett French, labor	5.45
William Rhoda, labor	7.39
William Marke, labor	9.73
Paul Rosasco, labor	1.65

B. Pepper, labor	1.65
Albert Smith, labor	2.39
Peter Banado, labor	10.00
Samuel Dett, labor	1.65
William Herzog, labor	4.40
Frank Schultz, labor	2.75
M. Leophold, labor	2.75
Henry Selh, labor	2.75
Joseph Sebulski, labor	2.75
Ed. Kay, labor50

\$180.45

Poor Fund.

Fred Siple, salary	10.00
B galke & Reule, supplies ...	5.00
J. Eschelbach, supplies	2.20
J. C. Fischer, supplies45
William Goetz, supplies	5.67
Mrs. J. Goetz, supplies	8.79
Ed. Hiscock, supplies	17.80
A. G. Koch, supplies	5.18
Mrs. Lodholz, supplies	9.81
Mann Bros., supplies	1.25
Miller & Pray, supplies	3.00
G. B. Ottmer, supplies	7.43
C. F. Pardon, supplies	4.00
C. Rinsey, supplies	12.16
L. Rhode, supplies	32.70
Robinson Co., supplies	1.50
Rinsey & Keyer, supplies....	12.50
W. F. Stimson, supplies.....	6.22
Geo. Spathelf, supplies	1.00
John Wahr, supplies	1.50
C. Zuern, supplies	2.45

\$150.61

Cemetery Fund.

Mr. Grose, ½ mos. salary...	14.58
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Recapitulation.

Contingent fund	\$832.55
Fire fund	740.09
Police fund	368.68
Street fund	180.45
Poor fund	150.61
Cemetery fund	14.58

\$2286.96

Ald. Schumacher moved that the report be accepted and warrants be drawn for the several amounts named therein.

Adopted as follows:

Yeas — Ald. Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Sherk, Coon, Robinson,

Fischer, Pres. Walz.—1.

Nays—None.

Ald. Fischer presented for its second reading an ordinance entitled "An ordinance granting to the Adrian and Ann Arbor Electric Railway Company the right to construct, maintain and operate a street railway in and through the city of Ann Arbor and defining the powers, privileges and restrictions of the said railway company, which on motion passed the second reading as follows:

AN ORDINANCE granting to the Adrian and Ann Arbor Electric Railway Company the right to construct, maintain and operate a street railway in and through the City of Ann Arbor, and defining the powers, privileges and restrictions of the said Railway Company. **The Common Council of the City of Ann Arbor ordain:**

Section 1. That consent, permission and authority be and is hereby given and granted to the Adrian and Ann Arbor Electric Railway Company, a corporation organized and existing under laws of the State of Michigan, and to its successors and assigns, to construct, maintain, use and operate for a period of thirty years from and after the date of approval of this ordinance a street railway, the motive power of which shall be compressed air, direct current system of electricity, multiphase or alternating current system of electricity, storage batteries, or other modern rapid motive power, excepting steam, at the option of said grantees, with from time to time, the necessary switches, turnouts, poles, feeders, wires and other wires and appliances to operate the same through the City of Ann Arbor, and towards, or to the City of Adrian, Michigan, upon and along the following streets in the City of Ann Arbor, namely:

Commencing at the intersection of West Liberty street and the city limits, and running easterly on West Liberty street to Third street; thence northerly on Third street to Washing-

ton street; thence easterly on Washington street to Fourth avenue; thence northerly on Fourth avenue to Ann street; thence westerly on Ann street to Ashley street; thence south on Ashley street to Washington street.

Provided that nothing herein contained shall give the grantees herein any right to operate its said line of railway on Packard and Main streets over the tracks of the D., Y., A. A. & J. Ry. Co., except such rights as they may have acquired by contract with said D., Y., A. A. & J. Ry. Co. and provided further that nothing herein contained shall give said D., Y., A. A. & J. Ry. Co. any greater rights in said streets than it now possesses.

Section 2. The said street railway shall be constructed and consist of a standard gauge track with, from time to time, all necessary switches, a. ' turnouts, and, together with all of ' cars, appliances and equipments, shall be constructed and maintained in the most approved modern manner and in all respects of firstclass material, and so as to interfere and interrupt as little as possible the ordinary traffic on and along the said streets and highways.

Section 3. This grant is made upon the express condition that said proposed street railway be constructed built and in operation from Adrian, Michigan, to Ann Arbor, Michigan, within eighteen months from the date of this ordinance; in the event of a failure so to complete said street railway, within the time above limited, then this ordinance shall be in all things null and void.

In case a part of said railway is constructed and for good and sufficient reasons, beyond the control of said company, the same cannot be fully completed and in operation as above provided, then it is agreed that a reasonable extension shall be granted.

And this franchise is granted upon the further express condition that if the said grantees, their heirs, suc-

cessors or assigns, shall sell, assign or consolidate, or attempt to sell, assign or consolidate the electric railway to be constructed under this franchise, with any steam railway; or if the said electric railway so to be constructed, or the stocks or bonds thereof, shall be purchased, or otherwise acquired, by any such steam railway, or by a director, or other principal officer, or other person acting on behalf of any such steam railway, this franchise shall from thence be null and void.

And upon the further condition that the said grantees, their successors and assigns, and the corporation operating the street railway under this franchise, shall sprinkle, wet down and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars run, by virtue of this franchise or under contract arrangement with any other company, and for a space or distance of two feet on either side of their said tracks, to the extent and so that the dust shall be at all times well and sufficiently laid. And the said Common Council shall have power and authority at all times to make such further rules, orders, ordinances or regulations, concerning the construction and operation of said street railway and cars, as may, from time to time, be deemed necessary to protect the interests, safety and welfare of the inhabitants of the said city, and to accommodate the public in its relation to the said street railway system.

Section 4. The said grantees, their successors and assigns, and the corporation operating the street railway under this franchise shall have the right, privilege, power and authority to carry passengers, baggage, express, United States mail, light and package freight, and shall carry passengers—that is to say, local passengers meaning thereby all persons who shall or may apply for carriage and transportation within the corporate limits of the City of Ann

Arbor over the said line of street railway, or any part thereof, for one continuous passage one way, for a single fare of five cents for such passenger.

The said grantees, their successors and assigns, shall continuously keep on every car devoted to passenger service a supply of tickets for sale at and for the price of twenty-five cents (25c) for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the city on and over said street railway, and each and every person so paying such fare or delivering any such ticket shall on application be entitled to have and receive from the said grantees, their successors and assigns a transfer ticket, to the Detroit, Ypsilanti, Ann Arbor and Jackson Railway, or any other street railway that may hereafter be constructed within said city, within thirty minutes from the time of issue, shall entitle any such passenger to one continuous ride over said Detroit, Ypsilanti, Ann Arbor and Jackson Railway or any other street railway that may hereafter be constructed within said city to any part of the city; and the said grantees, their successors and assigns, shall receive and accept in payment for single fares and continuous rides over the street railway constructed under this franchise within the corporate limits of the city, like transfer tickets issued and delivered by the Detroit, Ypsilanti, Ann Arbor and Jackson Railway, its successors and assigns, or other street railway hereafter constructed within said city and the said grantees shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti, Ann Arbor and Jackson Railway, its successors and assigns, or any other street railway that may hereafter be constructed within said city, and shall carry and transport children under age of five years, when accompanied by guardian or parent; and all the members of the Ann Arbor po-

lice force, fire department force, aldermen and engineering force, when on duty, free.

The provisions of this section shall not apply to passengers or persons who begin and end their journey outside of the limits of the City of Ann Arbor, but shall be understood to apply strictly to local passenger traffic only, except that all persons who begin or end their journey within the corporate limits of the City of Ann Arbor, shall be entitled to receive, have and make use of such transfer tickets.

Section 5. This grant is made upon a further condition that all of the cars of said street railway shall at all times be propelled by electric power or such other rapid motive power, except steam, as the grantees shall, or may, from time to time, deem expedient. The said cars shall be of modern type and shall at all times be properly lighted and comfortably heated, and be propelled at a rate of speed not exceeding twelve miles per hour.

The said railway company, its successors and assigns shall operate cars over said line on a schedule of not less than one car per hour, but may operate its cars as much oftener as it may deem necessary.

In the paved or hereafter to be paved portion of said street, the poles erected by the said grantees shall be of iron, all other poles may be of well shaped cedar and at all times maintained properly painted.

All the rails of the said railway, laid in said streets, shall be not less than 90 lb T or tram rail and the said grantees shall at all times keep and maintain the space between the rails and eighteen inches on the outside of the rails filled with fine crushed stone and packed down flush with the rails, subject to the approval of the Board of Public Works, so that the travel on the streets will be as little obstructed as possible.

The tracks and other appliances shall be laid and constructed in a careful and prudent manner and by

careful bonding and other approved methods, provide against electrolysis of gas, water and other pipes laid beneath the surface of the street; and the grantees, their successors and assigns, shall be liable for, and shall pay to any person, firm or corporation entitled thereto, any and all damage occasioned by electrolysis, coming from the said electric railway construction or operation.

No cars shall be allowed to remain standing idle upon any street within the city limits, except by consent of the Common Council, nor shall any cars be permitted to stop on any crosswalk or any other street crossing except in case of accident, or to take on or to discharge passengers, and then only without obstructing the crosswalks.

All cars taken over said railway shall be in charge of sober, prudent and experienced employees, and it shall be the duty of every person in charge of any car, to keep a vigilant watch or lookout for all teams, persons on foot and especially children and all other obstructions, either upon the tracks or moving towards it, and at first appearance of danger, the car shall be stopped in the shortest time and space possible and all the cars shall be provided with sufficient air brakes for that purpose.

The cars upon said railway shall be always entitled to the track except as against the fire department, when on duty, and buildings being moved under the direction of the Board of Public Works, and the driver of any vehicle obstructing the same shall turn out and leave the track free upon the approach of any car, as soon as possible, and so as not to impede the car; and any person who shall refuse so to do, after having been warned by the motorman, or other person in charge of the car by the ringing of the car bell, or otherwise, shall upon conviction thereof, before any court of competent jurisdiction, be fined in

any sum not exceeding twenty-five (\$25) dollars and the cost of prosecution, and the court upon the imposition of any such fine shall have the further power and authority, to sentence any such offender to confinement in the common county jail of the County of Washtenaw, until such fine and cost shall be paid, not exceeding thirty days.

Section 6. Whenever the Common Council of the City of Ann Arbor shall order any of the streets over which this franchise is granted, to be paved, repaved, or otherwise improved, or any part or parts thereof, where the tracks of said street railway are laid, it shall be the duty of the said grantees, their successors and assigns, and they shall at their own cost and expense, grade, pave, repave, or otherwise improve all of the parts of said streets which lie between the outer rails of their said tracks, and one foot six inches distant therefrom on the outer side thereof, and also the space lying between the main tracks or track, and all side tracks, and all other places where there are side tracks, turnouts, or switches with like kind of material other than street asphalt, at the same time and in the same manner in which the other portions of said streets, or street, shall or may be paved, repaved or otherwise improved.

If the said street railway shall be constructed in any street already paved, then said grantees, shall pay to the City of Ann Arbor the cost of all material which the said grantees will be required to furnish to pave any such street. If said grantees shall make use of the high tension system for providing current, the wires shall be safely insulated and subject to the approval of the Common Council, the poles for its high tension feeders shall be erected on some convenient street, which the Common Council shall designate, such designation to be made within sixty days after notice, or the said grantee shall have the power and authority to select such

convenient street or streets for them.

If possible, said railway company shall not locate a rotary station within the city limits in order to avoid stringing high pressure wires within the limits of the said city.

Section 7. The tracks of said railway shall be laid in the street at the points and on the lines designated by the Common Council, and in the event that the said Common Council shall, for any reason, fail to make such designation within sixty days after receiving notice from the said grantees so to do, then the same shall be laid in and along the center of said street.

Section 8. The said grantees their successors and assigns, operating the street railway under this franchise shall, after completing the construction of said street railway, restore the streets and all portions thereof, occupied by said street railway and maintain the same in as good condition as the same were at the time such railway construction shall commence, and the said street railway shall be in all things constructed and operated in such a manner so as to interfere as little as may be with public travel and traffic in and along the streets and avenues of the City of Ann Arbor.

Section 9. The said grantees shall, within ten days after the passage of this ordinance, file with the City Clerk a written acceptance of the same and of all the terms and conditions thereof.

Section 10. Said Adrian and Ann Arbor Electric Railway Company shall permit any other interurban railway company or city railway seeking admission to Ann Arbor to use its tracks and switches for the following compensation, viz.: said applying company or road to pay one-half of the interest on the bonded value of such tracks so used and one-half the expense of maintenance of such portion of the track so used.

Section 11. The said grantees and their assigns shall be liable for all damages which the city may sustain

by reason of any negligence on the part of the grantees, their agents, contractors or sub-contractors in the construction of said railroad and shall hold the city harmless therein, including all costs and expense incurred in defending any suit occasioned thereby, or which may arise out of or be based upon alleged negligence. The said grantees and their assigns shall file a bond before doing any work in said city other than surveying in the penal sum of ten thousand dollars, conditioned to hold the said city harmless as aforesaid.

Section 12. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the City Clerk a written acceptance of the same as above provided.

Section 13. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistencies, hereby repealed.

Ald Miller presented an exhaustive report of the committee that attended the Municipal League held in Ionia Feb. 1 and , which was received and placed on file.

The following communication was received from the Special Water Committee:

To the Honorable the Common Council of the City of Ann Arbor:

The committee that your honorable body appointed to investigate fully the situation relating to the water supply of the city, including the rights of the city under the contract heretofore existing between it and the Ann Arbor Water Co., and the rights and powers of the city to purchase or construct water works to be operated by itself, respectfully represent that the legal questions involved in the subjects to be considered are numerous, intricate, difficult, and constantly arising. In order that the investigation may ascertain the legal rights of the city and the legal duties of the Water Company, and the facts upon which they depend, that it may

proceed in an orderly and legal way, and especially that the rights of the city and its inhabitants may be fully preserved, protected and enforced at every step of the investigation, and under all the exigencies that may arise, your committee are of the unanimous opinion that it is not only desirable, but indispensably necessary that it be provided with legal counsel competent in every way to advise the committee, to take such legal steps as will enable it fully to perform its duties, and to enforce or defend the city's rights in case litigation should arise.

We therefore respectfully urge that your honorable body authorize the committee to employ Thomas A. Bogle, of this city, as its counsel and adviser in conducting the investigation ordered, and that he be retained as the city's attorney in case litigation arises in the courts in Washtenaw county, and that there be appropriated therefor a sum not exceeding five hundred dollars such sum not to include fees for conducting litigation should any arise.

By order of committee.

EMMETT COON,
Chairman.

Ald. Coon moved that the request of the committee be granted and Mr. Bogle employed.

Ald. Kearns moved that Mr. Bogle be employed at \$50 per month. These motions were withdrawn and Ald. Douglas moved to lay the matter on the table until the next meeting.

Adopted as follows:

Yeas—Ald. Douglas, Hutzel, Miller, Kearns, Markey, Robinson, Fischer, Pres. Walz—8.

Nays—Ald. Schlenker, Schumacher, Sherk and Coon—4.

City Attorney Kearney reported that the proposed charter amendments had been practically finished and suggested that a meeting be held in a week to consider them. He also reported that there was no vacancy in the aldermanship of the first ward.

Ald. Coon moved that Ald. Douglas be requested to withdraw his resignation. Carried unanimously.

Ald. Douglas withdrew his resignation.

The report for February of the City Physician was received and placed on file.

Motions and Resolutions.

Ald. Fischer moved that the City Attorney and ordinance committee be instructed to draft a valid Transient Traders' ordinance. Carried.

Ald. Kearns moved that Lennane Bros. be allowed the five per cent of their contract on Liberty street and fourth avenue which had been retained and that a warrant be drawn for the same.

Ald. Douglas moved that the resolution be referred to the City Engineer and the Board of Public Works. Lost as follows:

Yeas—Ald. Douglas, Hutzel, Schumacher, Coon, Robinson, Pres. Walz—5.

Nays—Ald. Schlenker, Miller, Kearns, Markey, Sherk, Fischer—6.

The original motion being put was lost a majority elect of the common council not voting therefor as follows:

Yeas—Ald. Hutzel, Schlenker, Miller, Kearns, Markey, Sherk, Fischer—7.

Nays—Ald. Douglas, Schumacher, Coon, Robinson and Pres. Walz—5.

By Ald. Coon—

Resolved that the Board of Public Works be and are hereby requested to furnish to the council their annual report for the year 1904, which was due, according to the provision of the charter, on the first Monday of January, 1905.

And resolved further, that said report embrace a list of all appropriations made by the council during the year 1904, for work ordered to be done or for material or tools to be purchased, and for all expenditures thereunder. Also an inventory of city property.

Adopted.

Ald. Kearns moved that the Board of Public Works be requested to send

to the council the amount due Lenane Bros. Carried.

Ald. Hutzel moved that when we adjourn, we adjourn until next Monday night. Carried.

The taxed bill of costs in the case of the Attorney General on relation of Sedgwick Dean et al vs. the City

of Ann Arbor was presented and referred to the City Attorney and finance committee.

On motion the council adjourned.

ROSS GRANGER,
City Clerk.

By S. W. Beakes, Deputy Clerk.