

Ann Arbor, Michigan,

November 12, 1906.

Adjourned Regular Session.

Meeting called to order by President Gilmore.

Present—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore.—10.

Absent—Ald. Kurtz, Snaubel, St. James, Sherk and Blaich.—5.

Communications.

Ann Arbor, Nov. 5, 1906.

To the Honorable the Common Council of Ann Arbor, Michigan:

I hereby tender my resignation as a member of the fruit and orchard commission.

L. D. Wines.

Moved by Ald. Fischer that the resignation be accepted and Mr. F. M. Dyer appointed to the vacant position.

Adopted as follows—Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Ann Arbor, Mich., Nov. 12, '06

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

Gentlemen—I hereby tender the city of Ann Arbor a strip of land sixty-six (66) feet wide and running from Washenaw avenue to land sold to L. D. Carr for a street, to be known as Austin avenue. The grading has been done under the direction of E. W. Groves, city engineer.

Respectfully,

Evert H. Scott.

Received and referred to street committee.

Board of Review.

Ann Arbor, Mich., Oct. 25, 1906.

To the Common Council—

Gentlemen—The undersigned city clerk begs leave to submit the following report of the board of review proceedings on the special assessment rolls of lateral sewers, in districts No. 16, 18, 19 and 20 of the city of Ann Arbor, Michigan.

The council sitting as such board of review, in pursuance to its order and appointment for that purpose, met at the council chamber on Thursday, Oct. 25, 1906, at 2 o'clock p. m. The roll was called of the aldermen and the following members were found present: Ald. Gill, Snaubel, Kurtz, Miller, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Fischer—11.

Ald. Manwaring was duly elected chairman for the board of review, and the council entered upon the review of said special assessment rolls. Due proof of the publication of notice of meeting was filed. After hearing all persons desiring to be heard and computing the review of such special assessment rolls in lateral sewer districts No. 16, 18, 19, 20, the following resolution was offered:

By Ald. St. James. The special assessment rolls of lateral sewer districts No. 16, 18, 19, 20, having been duly certified to us, and this day having been appointed and assigned for a review thereof, and all persons appearing having been heard, and the said special assessment rolls having been fully considered, and the review thereof completed, therefore be it

Resolved, and it is hereby ordered, That the city clerk do report the proceedings of this board of review on special assessment rolls to the common council at its next regular meeting.

Resolved further, That said special assessment rolls be and the same are fixed and determined as presented and amended. Ross Granger, city clerk.

Adopted as follows: Yeas—Ald. Gill, Snaubel, Kurtz, Miller, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Fischer—11. Nays—None.

Received and ordered on file and following resolutions offered:

By Ald. Manwaring:

Resolved, That the special assessment roll for lateral sewer district No.

16 of the city of Ann Arbor, Michigan, be fixed and determined by the board of review and certified to this common council, do stand in all things confirmed.

Resolved further, and the city assessor is hereby ordered and required to assess and spread thereon and against the lands, tenements and premises mentioned therein the sum of \$1,229.02, being the estimated cost of such lateral sewer construction, street crossings excepted, and also to levy, assess and spread the said sum of money on and upon each and every of the regular annual assessment roll of the said city for each and every year in and during which any of such assessment shall or may be payable, and to levy and assess the said lands, tenements and premises and against the owners and occupants thereof, as mentioned therein according to law.

Resolved further, That the city clerk do certify the said special assessment roll, this resolution of confirmation and order of assessment to the city assessor according to law.

Adopted as follows—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Manwaring:

Resolved, That the special assessment roll in lateral sewer district No. 18 of the city of Ann Arbor, Michigan, as fixed and determined by the board of review and certified to this common council, do stand in all things confirmed.

Resolved further, and the city assessor is hereby ordered and required to assess and spread thereon and against the lands, tenements and premises mentioned therein the sum of \$3,959.74, being the estimated cost of such lateral sewer construction, street crossings excepted, and also to levy, assess and spread the said sum of money on and upon each and every regular annual assessment roll of the said city for each

and every year in and during which any of such assessment shall or may be payable, and to levy and assess the said lands, tenements and premises and against the owners and occupants thereof, as mentioned therein according to law.

Resolved further, That the city clerk do certify the said special assessment roll, this resolution of confirmation and order of assessment to the city assessor pursuant to law.

Adopted as follows: Yeas.—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Manwaring:

Resolved, That the special assessment roll in lateral sewer district No. 19 of the city of Ann Arbor, Michigan, as fixed and determined by the board of review and certified to this common council, do stand in all things confirmed.

Resolved further, and the city assessor is hereby ordered and required to assess and spread thereon and against the lands, tenements and premises mentioned therein the sum of \$574.76, being the estimated cost of such lateral sewer construction, street crossings excepted, and also to levy, assess and spread the said sum of money on and upon each and every regular annual assessment roll of the said city for each and every year in and during which any of such assessment shall or may be payable, and to levy and assess the said lands, tenements and premises and against the owners and occupants thereof, as mentioned therein according to law.

Resolved further, That the city clerk do certify the said special assessment roll, this resolution of confirmation and order of assessment to the city assessor pursuant to law.

Adopted as follows: Yeas.—Ald. Gill, Schneider, Miller, Sweet, Markey,

Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Manwaring:

Resolved, That the special assessment roll in lateral sewer district No. 20 of the city of Ann Arbor, Michigan, as fixed and determined by the board of review and certified to this common council, do stand in all things confirmed.

Resolved further, and the city assessor is hereby ordered and required to assess and spread thereon and against the lands, tenements and premises mentioned therein the sum of \$2,060.15, being the estimated cost of such lateral sewer construction, street crossings excepted, and also to levy, assess and spread the said sum of money on and upon each and every regular annual assessment roll of the said city for each and every year in and during which any of such assessment shall or may be payable, and to levy and assess the said lands, tenements and premises and against the owners and occupants thereof, as mentioned therein according to law.

Resolved further, That the city clerk do certify the said special assessment roll, this resolution of confirmation and order of assessment to the city assessor pursuant to law.

Adopted as follows: Yeas.—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

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

Gentlemen—The bill of Dr. J. A. Wessinger, city health officer, in the sum of Fifty Dollars for making 262 reports in duplicate to the State Board of Health, has been referred to me, and I would respectfully report thereon as follows:

Under the law of this state the local board of health is authorized to fix the compensation of the health officer including pay for his services at meet-

ings of the board, in investigating and abating nuisances, and for making reports to the state board. It is further provided that unless the board of health makes provision for compensation of the health officer, he shall be entitled to receive from the city compensation at the rate of not less than Two Dollars a day for his services including such reports.

In Ann Arbor, however, neither of these methods of compensating the health officer has been adopted and instead he is paid a salary of One Hundred and Fifty Dollars per year.

The duties of the health officer of this city are nowhere clearly defined in our charter and ordinances. Presumably, however, he is bound to perform all the duties usually performed by health officers in this state, including the making of these reports.

In my opinion the health officer is entitled only to his actual expenses in addition to the salary which he receives.

I may add that the salary has been fixed by this council and is not limited by the charter. Therefore I think the council may allow the health officer extra compensation in special instances should your honorable body consider it proper.

Respectfully submitted,
Frank A. Stivers,
City Attorney.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

From Board of Public Works.

Mr. Nichols moved that the bid of Mr. Frank Perkins to collect the garbage of entire city for one year and nine months at \$200 per month be recommended to the council. Adopted.

Moved by Ald. Markey that the recommendation of the board of public works be concurred in and the board authorized to contract with Mr. Perkins, a bond of \$1,500 to be furnished by

contractor. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Mr. Nichols that the board ask the council to make an appropriation of \$75 for front doors and other necessary changes at the 6th ward engine house. Adopted.

Moved by Ald. Markey that the recommendation be concurred in and the board of public works authorized to make the necessary changes. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Mr. Howe that the bid of Fred Weinberg on construction of South Division street sewer be recommended to the council and contract awarded him. Moved by Ald. Abbott that recommendation be concurred in.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Board of Public works having advertised for bids on raising Broadway bridge and Washington and Third street sewers and received no bids on either, moved by Ald. Gill that the board of public works readvertise for bids on Washington street sanitary sewer, bids to be in by the second meeting in March. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Ald. Manwaring that the matter of Broadway bridge be referred to the city attorney. Adopted.

Moved by Mr. Scott that the bid of Dresselhouse & Co for construction of Gott street sewer be referred to council without recommendation. Adopted.

Moved by Ald. Manwaring that the

matter of Gott street storm sewer be referred to sewer committee, city attorney and city engineer. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Petitions.

Of Christian J. Zahn et al relative to opening Brooks street. Referred to street committee.

Of Ada J. McNames et al relative to closing alley from Lincoln avenue to Olivia Place. Referred to street committee.

Of Arthur M. Smith et al relative to alley on east line of Martin avenue. Referred to street committee.

Of Carl F. Kolbe et al relative to street light on Geddes avenue at intersection of Linden street. Referred to light committee.

Of C. L. Pray et al protesting to construction of sanitary sewer on Broadway. Referred to sewer committee.

Committee Reports.

Received, ordered on file and following resolution offered by Ald. Abbott:

Resolved, That Dr. Wessinger be allowed amount of bill presented, \$50, as extra compensation for services and the clerk is hereby authorized to draw warrant for the same. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Ordinance Committee.

Ald. Fischer presented an ordinance entitled "an ordinance to amend an ordinance relative to fire limits," which was given its first reading by title and passed and given its second reading by the following vote: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Ald. Fischer that the ordinance relative to fire limits be referred to the ordinance committee. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Ald. Fischer presented the following ordinance for its third reading:

An Ordinance regulating the posting of bills, tacking and painting of signs, and the circulation of advertising matter and sample packages, to license bill posters and to regulate their manner of doing business in the city of Ann Arbor.

The Common Council of the city of Ann Arbor ordain:

Sec. 1. No person shall engage in or carry on the business or occupation of bill posting in the city of Ann Arbor without first having been licensed to carry on said business in accordance with the provisions of this ordinance.

Sec. 2. Bill posters within the meaning of this ordinance shall be construed to include all persons who engage in the business or occupation of posting by tacking, posting, painting or otherwise or circulating from house to house, or distributing upon the streets any advertising matter, bills, posters, samples, pictures or any other thing, matter or devise whatsoever, advertising the business of any firm or corporation, whether that of merchant, manufacture, publisher, or person or persons engaged in any business or industrial pursuit or of any operas, theaters, shows, circuses, or other exhibitions. Provided, however, that nothing herein contained shall be construed to the painting of store and office signs, nor to the posting of legal notices by public officers of attorneys in the manner and in the places prescribed by law.

Sec. 3. Any person or persons desiring to engage in the business of a bill poster in said city shall make application in writing to the city clerk of said city for a license so to do. The City clerk may thereupon grant such license to the applicant upon payment of twenty-five dollars, and upon the further condition that the applicant shall file with the said city clerk a bond running to the City of Ann Arbor, with two sufficient sureties to be approved by the Mayor, in the penal sum of five hundred dollars, conditioned that the licensee will conform to the ordinance of the city regulating the business of bill posting. The license shall be signed by the Mayor and attested by the City Clerk and shall expire one year from the date of its issue. No licenses will be granted for any less period of time than one year.

Sec. 4. No person shall in said city paint, print, post or in any way affix any picture, bill, banner, or advertising matter of any kind upon any post hydrant, curb, sidewalk or other public improvement in any public ground or street nor upon any bridge or part of the same or public building, structure or erection of any kind, belonging to the city of Ann Arbor unless express consent therefor shall have been first granted by the City Council, nor upon any mast or pole in any street or alley, erected or used for supporting or conducting any wire or cable or incidental thereto, or upon any tree, lamp post or any structure or erection of any kind within the limits of any public street or ground in the city, whether the permission therefor has been granted by the owner or otherwise, except legal or official notices.

Sec. 5. No person shall hereafter paint, print,

post or in any way affix any pictures, bills, signs, or advertising matter of any kind upon any post, fence, bill board or sign board, or upon any building or erection or structure of any kind within the city of Ann Arbor unless the building, lot or object upon which the same may be placed is the property or under the control of the person or persons so doing or unless the consent of the owner or the person in control thereof shall be first obtained for advertising purposes.

Sec. 6. No persons shall loosely scatter or throw any bills or other advertising matter on the surface of any of the public streets, alleys, or on the public grounds of the city, nor in the yards of private residences.

Sec. 7. Any licensed bill poster, his agents, and all of his employees, unless accompanied by him, while engaged in the act of posting bills, tacking signs or banners, hanging lithographs, painting signs or bulletins, distributing bills, books, pamphlets, circulars or samples of any kind whatsoever within the incorporated limits of Ann Arbor, shall, while so engaged, wear a badge not less than six inches long and not less than one and one-half inches wide with the following words, (licensed bill poster) printed or engraved thereon in letters not smaller than one-half inch in size, said badge to be worn at all times so as to be seen upon the person so engaged in said business and all such badges to be furnished at the expense of the licensee.

Sec. 8. No bill poster while distributing is allowed to ring door bells.

Sec. 9. No bill poster while distributing will be allowed to walk across lawns or through gardens.

Sec. 10. It shall be unlawful for any bill poster to distribute samples of any medicine whatsoever.

Sec. 11. It shall be unlawful for any person or persons to tear off, tear down, burn, disfigure, mutilate or in any way destroy, deface, harm or molest any bill board, sign board, or any advertising matter whatsoever affixed thereto in compliance with this ordinance.

Sec. 12. No bill poster or other person shall post or affix any bill or advertising containing pictures, illustrations or printed matter of any obscene or immoral character.

Sec. 13. No bill poster shall scatter, daub, or leave any paste, glue, or other like substance used for affixing bills upon any public sidewalk or pavement, nor scatter or throw any old bills or waste material removed from bill boards on the surface of any public street or alley, nor on the surface of any private grounds, nor in the rear of any bill boards or sign boards.

Sec. 14. Any person or persons violating any of the provisions of this ordinance shall, upon the conviction thereof, be punished by a fine of not exceeding one hundred dollars or by imprisonment for a term not exceeding ninety days.

Sec. 15. Nothing herein contained shall be construed as conflicting with the provisions of "An ordinance relative to the use of streets and other public places" passed Nov. 4, 1895, approved December 15, 1902, as amended June 5, 1899, nor with the provisions of "An ordinance relative to distributing advertising packages" passed December 1, 1902, approved December 15, 1902.

Sec. 16. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof.

Moved by Ald. Schneider that the ordinance relative to bill posting be laid on the table. Adopted as follows: Yeas—Ald. Gill, Schneider, Markey, Manwaring, Goodyear, Abbott, Pres.

Gilmore—7. Nays—Ald. Miller, Sweet and Fischer—3.

Ald. Fischer presented the following ordinance for its third reading:

An ordinance relative to Curbing and Gutters. The Common Council of the City of Ann Arbor ordain:

Sec. 1. All curbing and gutters hereafter constructed in the City of Ann Arbor shall be of artificial stone, and the materials thereof shall be colored a dark red or brown to resemble Lake Superior sand stone. All curbing hereafter constructed shall be of the uniform height of six inches, and all gutters of the uniform width of twenty-four inches. Provided, however, that upon application of property owners desiring to construct curbing and gutters of other material, the Common Council may grant permits therefor. And provided, also, that upon application of property owners desiring to construct curbing of a greater height or width than as above provided, the board of public works may, in cases where the city engineer shall deem it necessary on account of water or for other reasons satisfactory to said board, grant permits allowing the construction of such curbing to a height greater than six inches, and to a width greater than twenty-four inches.

Sec. 2. Curbing and gutters shall in all cases conform to the established grade of the street. At the intersections of streets and alleys the curbing shall be built in a proper curve under direction of the City Engineer. At all other point said curbing shall be built on a line parallel with the center line of the street, and at such distance from said center line as will permit a width of thirty-four feet from curb to curb for the purpose of public travel. The portions of the street between the curbing and the side walk shall be lawn extension. Provided, however, that the Common Council may by resolution, reduce the width of said travelled portion of the street to thirty feet from curb to curb.

Sec. 3. Whenever the Common Council shall deem it expedient to order the construction of any curbing and gutter, in combination or separately, said Common Council shall so declare by resolution, naming the street or streets, or portions thereof, in and along which it is proposed to construct the same; whereupon it shall be the duty of the City Engineer to cause all needful measurements and surveys to be made, to determine grades, if not already established, and to make estimates as to the value of the curbing and gutters already constructed within the specified limits within which it is proposed to construct such improvement; all of which said City Engineer shall report to the Common Council, together with a full, complete and detailed estimate of the costs thereof, showing separately the costs of the curbed portions thereof at the intersections of streets and alleys; said report shall be accompanied by a map, showing the street, or streets, or portions of such street or streets, upon which such improvement is proposed to be constructed, and showing all the land, lots or parts of lots fronting on or adjacent to the same.

Sec. 4. Such report of the City Engineer, together with the original resolution, shall thereupon be referred to a committee of the Common Council, which shall make due inquiries relating thereto, and after hearing all persons interested therein, appearing and desiring to be heard, shall make a report thereon to the Common Council; such report of said committee shall include its determination as to the value of existing curbs and gutters within said specified limits and also as to whether said existing curbs and gutters were constructed in accordance with the ordinan-

ces and charter of the city in force when the same were constructed, and also whether said existing curbs and gutters, if any, were constructed and paid for by the owner or owners, or any former owner or owners, of adjacent property, and also whether the same was constructed on the proper line and at the grade then existing.

Sec. 5. Upon the coming in of the report of said committee, the Common Council, if the construction of such proposed uniform curb and gutters within said specified limits shall still be deemed expedient, shall so declare by resolution by a vote of the majority of the members elect, which resolution shall also declare that said curb and gutter within said specified limits is a necessary public improvement; and if said Common Council shall determine that existing curb and gutter, if any, within said specified limits has been paid for by the owner or owners, or any former owner or owners, of said adjacent lands and lots, and that the same was built in accordance with the charter and ordinances of the city then in force, it shall so declare in said resolution and also in such resolution set forth the proper description of all lands, lots, tenements and premises within said specified limits in front of which said curb or gutter or combination of curb and gutter has already been constructed and paid for by the owner or owners, or any former owner or owners, of said adjacent lands, lots, tenements and premises. And thereupon the matter shall be referred to the Board of Public Works and said Board of Public Works shall proceed to advertise for proposals for the furnishing of material and the performance of the work of construction of said curb and gutter within said specified limits in accordance with Section 137 of the Charter of the City of Ann Arbor. All bids submitted to the said Board shall be publicly opened and as soon thereafter as may be shall be referred to said Board of Public Works to the Common Council, together with its recommendation in respect thereto; and no contract shall be made by said Board until duly authorized by said Common Council.

Sec. 6. The costs and expense of building and constructing such uniform curbing and gutters when determined upon as herein provided, shall be audited and paid from the bridge, culvert and crosswalk fund.

Sec. 7. Whenever the Common Council shall have approved the plans and specifications for such curb and gutter within said specified limits, and shall have authorized the Board of Public Works to enter into a contract for the construction thereof, it shall, by resolution, declare that all such sums of money, when paid as aforesaid, from the bridge, culvert and crosswalk fund for the construction of such curb and gutter within said specified limits, shall be and become on lien on and against the land, lots, tenements and premises adjacent to and abutting upon said street, within said specified limits, which lien shall continue until the said money, so paid from said fund, shall be repaid into or otherwise received by the city treasurer, and, when so received, the same shall be credited to the bridge, culvert and crosswalk fund. Provided, however, that in all cases, where it appears by the order and determination of said Common Council that there has already been established and constructed and in existence any curb, or gutter, or both curb and gutter, within said specified limits, and that the same has been constructed at the expense of the owner or owners, or any former owner or owners, of the adjacent lands or lots, and that the same was built in accordance with the city charter and ordinances in force at the time of the construction thereof, then the property in front of which such curb or gutter shall have been constructed shall be relieved of said lien to the extent of the value thereof as determined

by said Common Council, and provided, also, that the cost of constructing the curbed portions of such curbing and gutters at intersections of streets and public alleys shall be a charge against the city.

Sec. 8. The Board of Public Works shall cause to be kept a just and true account of all moneys paid, laid out and expended for the construction of all curbing and gutters paid for from the bridge, culvert and crosswalk fund, as herein provided, as well as a particular description of the lots, lands and premises, in front or adjacent to which any such curb and gutter shall have been constructed, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the Common Council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the construction of each particular portion of curb and gutter in front of or adjacent to each particular description of land, lots, tenements, or premises, to the extent of and in the particular which shall create a lien against said lands, lots, tenements or premises as above provided for.

Sec. 9. Whenever at such report of the Board of Public Works shall be certified to the Common Council, said Common Council shall, at the same or at the next meeting thereof, appoint and fix a day not later than the third Monday of November next following, when they will meet as a Board of Review to pass upon and determine the said certificate, and the said Common Council shall give notice to all persons named in the said certificate or who shall appear to be the owners of the particular description of the lands, lots, tenements and premises subject to lien as aforesaid of the time, when, had the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said Council, as such Board of Review shall, without adjournment, proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of lands, lots, tenements or premises, mentioned in the same, and to take any other action to the end that the said certificate may at all times be made just and true, which determination shall be in all things final and conclusive. After such determination said Board shall, by resolution, certify its determination to the Common Council, and the Common Council shall, at the same meeting, or at an adjourned session cause the money so found by the said Council as such Board of Review to be due and owing for the construction of such curb and gutter to be assessed on and against the owner of, and against the lands, lots tenements or premises in front of or adjacent to which any such curb and gutter shall have been constructed as aforesaid and shall certify such determination and order of assessment to the city assessor.

Sec. 10. After such order and determination shall be certified to the city assessor, said city assessor shall without delay proceed to make, fill out and complete a special assessment roll, in accordance with such order and determination and shall thereupon proceed to spread the sum or sums of money mentioned in any such order of assessment upon any such assessment roll, and assess the same against the persons therein named and against the lands mentioned therein, as determined by the Board of Review, and thereafter shall make a true copy thereof and certify the said assessment roll to the city treasurer, who shall have and retain custody of the same, and the taxes so spread on and assessed upon any such assessment roll and levied against the lands described therein shall be and remain a valid tax and charge against the owner and against the lands mentioned therein until paid. The said

taxes shall become due and be payable in four equal annual installments: The first installment in the month of July along with the other city taxes next after any such assessment roll shall have been confirmed, and annually thereafter until fully paid. All of the said taxes shall draw interest from the date of confirmation of any such assessment roll at the rate of five per cent annum until paid. Any person against whom any such tax shall have been assessed shall have leave and be at liberty to pay the same at any one payment at any time after any such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only. The city assessor shall retain a copy of each assessment roll in his office.

Sec. 11. That on the third Monday in June in each and every year in which any such curb and gutter tax shall remain unpaid and be due and payable, the city treasurer shall proceed to the city assessor's office and together with the city assessor shall stamp or mark "PAID" on the copy of every such assessment roll all of the paid curb and gutter taxes due and payable in and during the then current year and the said city treasurer shall report all unpaid curbing and gutter tax then due and payable; and the Common Council shall on the fourth Monday of June in each year certify to the city assessor, along with the other city taxes to be assessed, all unpaid and payable curbing and gutter taxes and all money required to be raised for the construction of all curbs and gutters, for the then current year and also in a general way a description of the lands by reference to the number of the curbing and gutter district to be taxed therefor; and the city assessor shall thereupon spread upon the general city tax roll of that year all such sums of money so remaining unpaid and payable, and so required to be raised for the construction of any such curbing and gutter all such taxes to be carried out and entered in a separate column on said general tax roll with the interest thereon as aforesaid, the tax in one column and the interest thereon in another column, the general city tax roll to be properly ruled and printed for that purpose, and such columns to be entitled respectively "curbing and gutter tax" and "interest on curbing and gutter tax." And the sum or sums of money so set down and spread upon any such general city tax roll, shall be, remain and continue a valid debt, demand and tax against the person, and a valid tax on and against the lands so assessed as aforesaid, until fully paid, and shall be certified to the city treasurer and collected in the same manner in every particular as the other taxes set down and spread upon such general tax roll are, shall or may be collected.

Sec. 12. In case the tax assessed on such lands, lots, tenements or premises charged with the expense of constructing any curb and gutter as provided by this ordinance shall not be paid or collected and any such lands, lots, tenements and premises shall be returned for non-payment of such tax by the city treasurer, such lands, lots, tenements and premises, unless soon redeemed, shall be sold for such tax by the county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

Sec. 13. All notices required to be served by this ordinance shall be served by the street commissioner, marshal, or any policeman of said city, personally on the owner or owners of the lands, lots, tenements and premises fronting on or adjacent to which it is proposed to construct any such curb and gutter, if such owner or owners shall be found within the city. If such owner or owners shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner or owners there-

of shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; provided, however, that the notice of the meeting of the Common Council as a Board of Review may be given by publication in the official newspaper or newspapers of the said city, and one publication in such newspaper or newspapers, shall be deemed sufficient, and the said Board of Review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

Sec. 14. Any owner, agent or occupant of any lands, lots, tenements or premises, or any other person constructing, reconstructing, renewing or repairing any curb and gutter contrary to the provisions of this ordinance, or constructing the same of material other than as herein directed, shall, on conviction thereof, be punished by a fine not to exceed one hundred dollars, and the costs of prosecution; and in the imposition of any such fine and costs, the court may make the further sentence that the offender be imprisoned in the county jail of the county of Washtenaw, or other place of imprisonment provided by the city of Ann Arbor, until the payment thereof, provided, that the term of any such imprisonment shall not exceed a period of thirty days.

Sec. 15. This ordinance shall take effect and be in force ten days after its legal publication.

The chair put the question, "Shall this ordinance pass?" Lost as follows: Yeas—Ald. Gill, Sweet, Markey, Goodyear, Abbott, Pres. Gilmore—6. Nays—Ald. Miller, Schneider, Manwaring, and Fischer—4.

Sewer Committee.

Common Council—

Gentlemen—Your committee on sewers to whom was referred the petition of Messrs. McIntyre and Dancer for a sewer on Hiscock street as a part of the Spring street sewer recommend that the petition of the petitioners be denied. Your committee recommends that a sanitary sewer be constructed on Dewey avenue and Slate street and that the city engineer furnish this council with the necessary plans, specifications and estimates therefor.

Your committee further recommends that a sanitary sewer be constructed on Wall street from the main sewer on Fuller street to Broadway and on Broadway from Swift to the Boulevard and that the city engineer be directed to furnish the necessary plans, specifications and estimates therefor.

Horatio J. Abbott,
E. B. Manwaring.

Moved by Ald. Manwaring that the report be accepted and adopted.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Abbott:

Resolved, That this common council still deeming it expedient to cause to be constructed a lateral sewer in lateral sewer district No. 21 (Spring street) the construction of the same is hereby ordered.

Resolved further, That the city engineer furnish proper boundaries by the next regular meeting of the council and this order and determination be certified to the city assessor and board of public works and the board advertise for bids on construction of such sewer.

Moved by Ald. Miller that the matter be referred back to the sewer committee. Adopted.

By Ald. Abbott:

Resolved, That the matter of sewer district No. 24 (Hill street from Oxford Road to Oswego street, on Oswego street from Hill to Geddes avenue from Oxford Road to Oswego street) including the report of the city engineer thereon, be referred to the sewer committee, and that said committee meet in the rooms of the board of public works at a time to be fixed by the chairman of said committee for the purpose of making due inquiry relating to said sewer district, and after hearing all persons interested therein, appearing and desiring to be heard, said committee report to the common council at the next regular meeting. Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Ald. Abbott that the water company be requested to flush water mains once every two months. Adopted.

Officer's Report.

City Funds.

Treasurer's report, for month ending Oct. 31, '06.			
Money received—		Amount	
Contingent fund—			
From peddlers' licenses...	\$24.00		
From dray.....	.50		
From billboard permits...	26.00	\$26.50	
City cemetery fund—			
From care lots.....		4.00	
Dog license fund—			
From licenses.....		5.00	
Police fund—			
From W. G. Doty, justice of peace, 3d quarter fines.....	39.00		
From W. G. Doty, justice of peace, 3d quarter fees.....	12.30		
From W. G. Doty, justice of peace, Oct., 1906 fees	6.20	57.50	
Street fund—			
From Gas Co., repairing..		3.75	
Sidewalk fund—			
Transfer from bridge, culvert and Crosswalk fund	500.00		
Transfer Alex. Dow repairs.....	13.13	513.13	
Building sidewalk fund—			
Prom Oct., 1906, collections.....		143.78	
Total.....		\$ 753.66	
On hand Oct. 1, 1906.....		\$25,548.70	

Disbursements.....	\$26,302.36	12,920.05
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On hand Nov. 1, 1906.....	\$13,382.31
Condition of city funds on the first day of Nov., 1906	
Disbursed, warrants paid—	Amount
Bridge, Culvert & Crosswalk fund....	\$1,076.51
Contingent fund.....	6,133.68
City cemetery fund.....	29.16
Dog license fund.....	5.50
Fire department fund.....	1,601.21
Poor fund.....	80.61
Police fund.....	664.49
Street fund.....	1,462.19
Park fund.....	416.63
Street lighting fund.....	983.79
Sidewalk fund.....	260.03
Sidewalk building fund.....	206.25

	On hand	Overd'wn
Bridge, culvert and crosswalk fund.....	\$5,438.20	
Contingent fund.....	774.12	
City cemetery fund.....	391.78	
Dog license fund.....	236.75	
State dog tax fund.....	100.00	
Delinquent fund.....		590.91
Fire department fund....	7,624.66	
Poor fund.....	1,873.69	
Police fund.....	2,676.91	
Street fund.....		1,620.77
Uncollected city tax fund.		17,403.01
Water fund.....	4,873.88	
Storm sewer fund.....	.60	
Park fund.....	499.59	
Street lighting fund.....	6,424.02	
Sidewalk fund.....		155.79
Sidewalk building fund..		54.41
Main sewer fund bond....	2,300.00	
Total.....	\$33,214.20	\$19,831.89

Paving Funds.

Treasurer's report, for month ending Oct. 31, '06.

Money received—		Amount
Labor account paving district No. 9—		
Transfer from paving district No. 9 tax account.....		\$315.88
Total.....		\$ 315.88
On hand Oct. 1, 1906.....		9,412.67
Total.....		\$9,728.55
Disbursements.....		315.88
On hand Nov. 1, 1906.....		\$9,412.67
Condition of paving funds on the first day of Nov., 1906.		
Disbursed, warrants paid—		Amount
Tax account paving district No. 9....		\$315.88
Total.....		\$315.88
	On hand	Overd wn
Tax account paving district No. 4.....	\$3,234.83	
Tax account paving district No. 5.....	5,022.56	
Tax account paving district No. 6.....	455.29	
Tax account paving district No. 7.....	3,343.45	
Tax account paving district No. 8.....	185.10	
Labor account paving district No. 10.....		\$2,384.46
Labor account paving district No. 9.....		444.10
Total.....	\$12,241.23	\$2,828.56

Lateral Sewer Funds.

Treasurer's report, for month ending Oct. 31, '06.		Amount
Money received—		
Tax account Lat'l Sewer Dist. No. 9—		
Transfer from Con. fund.....		\$252.43
Tax Lat'l Ac. sewer Dist. No. 10—		
From contingent fund.....		89.85
Tax account Dist. No. 12—		
Transfer from labor account sewer district 12.....		104.15
Labor account Dist. 13—		
Transfer from tax account Dist. 13.....		540.13
Labor account lateral sewer Dist. 14—		
Transfer from tax account Dist. No. 14.....		521.17
Tax account district No. 14—		
October, 1906, collections.....		57.60
Labor account Dist. No. 15—		
Transfer from Tax account Dist. 15.....		348.65
Tax account Lat'l Dist. No. 17—		
Transfer to labor account 17.....		85.63
Total.....		\$1,999.61
Overdraft Oct. 1, 1906.....		12,559.21

Disbursements.....	\$10,559.60	1,599.73
Overdraft Nov. 1, 1906.....	\$12,159.33	
Condition of lateral sewer funds on the first day of Nov., 1906.		
Disbursed, warrants paid.		Amount
Labor account lateral sewer No. 12....		\$104.15
Tax account lateral sewer No. 13.....		540.13
Tax account lateral sewer No. 14.....		521.17
Tax account lateral sewer No. 15.....		348.65
Tax account lateral sewer No. 17.....		85.63
Total.....		\$1,599.73
	On hand	Overd wn
Tax account lateral sewer No. 11.....		47.23
Tax account lateral sewer No. 12.....	4.50	
Labor account lateral sewer No. 13.....		2,170.17

Labor account lateral sewer No. 20.....	2,039.91
Labor account lateral sewer No. 14.....	1,186.67
Tax account lateral sewer No. 14.....	57.60
Labor account lateral sewer No. 15.....	910.21
Labor account lateral sewer No. 17.....	212.97
Labor account lateral sewer No. 19.....	546.02
Labor account lateral sewer No. 16.....	1,202.30
Labor account lateral sewer No. 18.....	3,905.95
Total.....	\$62.10 \$12,221.43

Recapitulation.

City funds on hand.....	\$13,382.31
Paving funds on hand.....	9,412.67
	\$22,794.98
Sewer funds overdrawn.....	12,159.33
Balance.....	\$10,635.65
Certificate.....	\$10,203.15
Cash and checks on hand.....	432.50
	\$10,635.65

Respectfully submitted,
GEORGE W. SAMPLE,

Treasurer.

Ann Arbor, Mich., Nov. 12, 1906.

To the Common Council of the city of Ann Arbor, Mich.:

Gentlemen—This will certify that George W. Sample had on deposit in this bank to his credit as city treasurer under date of October 31, 1906, the sum of ten thousand two hundred three and 15-100 dollars (\$10,203 15).

Very respectfully,
CHAS. E. HISCOCK,
 President.

Ann Arbor Savings Bank

The reports of treasurer, clerk, physician and marshal received, accepted and ordered on file.

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

Gentlemen—Pursuant to the authority of your honorable body conferring upon me by resolution directing settlement of the sidewalk assessment against Louise Gott Miner for the sum of twenty-five dollars, I would report that I made said settlement, gave receipt in full and have paid the money to the city treasurer.

Respectfully submitted this 12th day of November, A. D., 1906.

Frank A. Stivers,
 City Attorney.

Received, adopted and ordered on file.

Resolutions.

By Ald. Manwaring:

Whereas, It is the sense of this council that the verdict and judgement of the case of Henry Richards vs. the City of Ann Arbor, for alleged damages occasioned by the extraordinary storm and flood of July 7th, 1902, is against the just rights of the city and that all possible steps should be taken to have the same vacated and set aside, now, therefore,

Resolved, That the city attorney be, and is hereby instructed to take such proceedings as he shall deem necessary to secure the rights of the city, either by proceedings for a new trial in the circuit court or by appeal to the supreme court.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Miller:

Resolved, That the action taken at the special meeting Oct. 22 offering \$500.00 reward for the arrest and conviction of the person that shot Chief Masten be reconsidered.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

By Ald. Miller:

Resolved, That it is the sense of this council to withdraw the \$500.000 reward offered at the special meeting Oct. 22 for the arrest and conviction of the person that shot Chief of Police Masten.

Adopted as follows: Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Goodyear, Abbott, Fischer, Pres. Gilmore—10. Nays—None.

Moved by Ald. Miller that the matter of water pressure gauge be referred to the water committee. Adopted.

On motion council adjourned.

ROSS GRANGER, Clerk.