

Council Chamber, Ann Arbor, Mich.,
Nov. 21st., 1910. Regular session.

Meeting called to order by Pres. Mills. Present: Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Absent: Ald. Stark, 1. Minutes of previous meeting approved.

Communications.

From Board of Public Works—

Hon. Board of Public Works, Wirt Cornwell, Pres.: Gentlemen—A few months ago there was a difference of opinion among our city officials as to whether our paving should be done by the city or by contract. It was finally decided that the work should be done by the city, and I am pleased to report that this plan has effected a saving of \$3,563.80, using the lowest bid received for paving E. Huron and Twelfth sts., as a basis.
Respectfully, E. W. Groves, City Engineer.

Referred to the Council on motion of Mr. Scott.
(Council action).

Received and ordered on file.
(From Board)—

Street Commissioner recommended that another city team be purchased.

Moved by Mr. Scott: That the matter be referred to council with recommendation that team be purchased.
(Council action).

Moved by Ald. Blaich: That the matter be referred to the Board of Public Works with power to act. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

(From Board)—

Moved by Mr. James: That the matter of purchase of snow plow be referred to council, with recommendation that \$60.00 be appropriated for same.

(Council action).

Moved by Ald. Lutz: That recommendation be concurred in. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

By Ald. Manwaring: Whereas, it is the sense of this council that a detention hospital should be constructed and maintained in this city, wherein persons afflicted with contagious, infectious and other diseases dangerous to the public health, of a character

requiring isolation and quarantine, may be cared for and treated, and

Whereas, the Board of Regents of the University of Michigan have taken certain action indicating a willingness to cooperate with the city in the matter of constructing, equipping and maintaining such detention hospital, as evidenced by the following resolution:

"On condition that the city of Ann Arbor will furnish \$25,000 for the purpose of building a contagious disease hospital, the University of Michigan will furnish a site for the same and agrees to equip and maintain it after completion. Such hospital shall be for the sole use of patients taken sick of contagious diseases in the city of Ann Arbor, under such conditions as shall be arranged between the city of Ann Arbor and the Board of Regents."

Resolved, that a special election be, and the same hereby is, called and will be held on Wednesday, the fourteenth day of December, 1910, in pursuance of the charter of this city, to vote upon the question of raising the sum of twenty-five thousand dollars (\$25,000) by loan, such funds, when raised, to be used for the purpose of constructing and equipping a detention hospital and to issue bonds therefor in a sum not to exceed \$25,000.00, said hospital to be erected upon a site to be furnished by the University of Michigan, provided that the city be guaranteed in perpetuity or so long as such hospital may stand, sufficient and adequate accommodations for such cases of contagious, infectious or other diseases dangerous to the public health as it may wish to place therein, and provided further, that the maintenance and running expenses of said hospital shall be provided by the University of Michigan free of cost to the city of Ann Arbor, except that the University may charge regular hospital rates for private or indigent patients.

Resolved, further, that said election be held at the engine house, corner of East Huron street and North Fifth avenue in said city; that the polls of said election be opened at the hour of seven o'clock in the forenoon of said day, and continue open until the hour of five o'clock p. m. of said day.

Resolved, further, that the city clerk of said city, be and hereby is, authorized to issue the usual call for said special election pursuant to the charter of said city, and cause to be printed ballots for the use of the electors at said special election, which ballots shall be printed upon white paper of equal length and width, the affirmative ballots to have printed thereon the

words, "For the detention hospital special tax, "Yes," and the negative ballots to have printed thereon the words, "For the detention hospital special tax, No."

Resolved, further, that the canvass and termination of the vote of said special election be made pursuant to the charter of said city.

Moved by Ald. Manwaring: That it be referred to a committee of three, to be appointed by the chair. Adopted and Ald. Murray, Manwaring and Goodyear appointed.
(From Board)—

Engineer's Report on Paving District No. 15.

Ann Arbor, Mich., Nov. 9, 1910.
Hon. Board of Public Works, Wirt Cornwell, Pres.: Gentlemen—I here with submit the following statement, showing the cost of paving E. Washington st. from Fifth av. to Twelfth st.:

Luick Brothers & Co., lumber and mill work	\$ 36.80
J. C. Fischer, Hdw. Co., supplies	12.08
Dean & Co., Ltd., supplies....	16.62
Miller & Pray, supplies.....	5.40
M. Staebler & Co., supplies..	13.90
Benz Brothers, supplies.....	2.68
Ann Arbor Gas Co., tar.....	83.37
Ann Arbor Marine Engine Co., supplies	1.75
C. Schlenker, supplies	1.50
132 3-4 bbls. cement, at \$1.32 per bbl. (for curb).....	175.23
Labor and gravel for curb..	730.29
Labor bills	2701.53
1311 loads of gravel at \$1.00 per load	1311.00
2 loads of gravel at \$.25 by city team	50
64 loads of sand from Chilson, at \$0.67.....	42.88
45 loads hauled by city team, team at \$.50.....	22.50
6 1-2 days tarring with city team at \$4.00.....	26.00
Superintendence and tools for 8633 sq. yds. paving, at \$.05	431.65
1891 1-2 bbls. cement at \$1.32 per bbl.	2496.78
3 bbls pitch from Chicago, at \$4.218 per bbl.....	12.66
Stakes from Sauer & Co.....	15.00
Ann Arbor Water Co., water.	97.11
	<hr/>
	\$8237.23

Less work done for service corporations	\$ 47.50
Total cost of pavement, including curb and excavation	\$8189.73

Deducting the excavation ..	\$1147.17 and
the curb-ing	905.52.....
	<hr/>
	\$2052.63

Cost of pavement.....	\$6137.04
Dividing \$6137.04 by 8633, the number of sq yds., gives \$0.71088 as the cost per sq yd.	

Respectfully, E. W. GROVES, City Engineer.

Ann Arbor, Mich., Nov. 9, 1910.

Hon. Board of Public Works, Wirt Cornwell, Pres.: Gentlemen—I herewith submit the following distribution of cost of paving E. Washington st., from Fifth av. to Twelfth st., the city to pay for paving street intersections and 20 per cent of the remainder.

1068.80 sq yds paving at intersections, at \$0.71088.....	\$ 759.79
333 feet of curb at intersections, at \$0.22.....	73.26
286.5 cu yds excavation at intersections, at \$0.50	143.25
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Total	\$ 976.30
20 per cent of the remainder	\$1442.68
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Total for the city to pay ..	\$2418.98
Total for the property to pay	\$5770.75
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Total cost of the improvement	\$8189.73

Respectfully, E. W. GROVES, City Engineer.

Received, ordered printed in minutes and filed.

Rev. E. D. Kelly presented a proposition to bond the city in the sum of \$40,000.00 for a hospital.

Moved by Ald. Sweet: That a committee of three be appointed to confer with Rev. E. D. Kelly, and investigate the proposition.

Adopted and following committee appointed, Ald. Pipp, Lutz, and Blaich.

City Engineer's appointment, as delegate to the Road Builders' Congress and seventh annual convention, at Indianapolis, Dec. 6, 7, 8 and 9, received and following resolution offered:

By Ald. Lutz: Resolved, that the City Engineer be sent as a delegate to Indianapolis to attend the meeting of the American Road Builders' Association at the expense of the city.

Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

Communication from Christina Nimke, relative to supposed defective

crossing, received and referred to the City Attorney on motion of Ald. Sherk.

Communication from Pauline B. Row, on exemption of sewer tax on her property, received and, on motion of Ald. Lutz, referred to Sewer committee.

Petition to pave alley in block 3 south, range 4 east, was approved by the City Engineer and following resolution offered:

By Ald. Murray: Whereas, this common council has been applied to in writing by a majority of the owners of the lands, which are liable to be assessed for the payment of the construction of the same, and praying for the grading and paving of alley running between Liberty and William sts. in block 3 south, range 4 east, within the corporate limits of the city of Ann Arbor, Mich.; and

Whereas, the grading and paving of that part of alley, within the limits aforesaid, is deemed and declared to be a necessary public improvement; therefore

Resolved, and it is hereby declared to be the purpose of the common council to cause said alley in block 3 south, range 4 east, within the limits aforesaid, to be graded and paved under the charter and ordinances of the city of Ann Arbor, and in pursuance of the prayer of said petitioners.

Resolved, further, that the cost and expense of the construction of such public improvement shall be charged, assessed and paid as follows: assessed and paid by special assessment levied and assessed according to benefits on and against all the lands, tenements and premises lying on or fronting alley in block 3 south, range 4 east, within the limits aforesaid.

Resolved, further, that the said petition, along with this determination, be and the same is hereby referred to the Board of Public Works, with directions to report to the council with all convenient dispatch suitable plans with specifications for the said proposed improvement, the kind and quality of material to be used therefore, together with an estimate of the probable cost and expense of such public improvement.

Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres Mills, 14. Nays, none.

Petition for Pavement on Hill and Oswego Sts.

To the Honorable the Common Council, of the city of Ann Arbor: Gentlemen—The undersigned, owners

of property fronting on Hill st. and Oswego st., hereby petition your honorable body to cause said streets to be graded and paved within the limits following, that is to say: Hill st. from Washtenaw ave. to Oswego st., and Oswego st. from Hill st. to Geddes ave.

This petition is signed on the understanding that the city shall pay twenty percent of the cost of such pavement. We respectfully recommend pavement similar to that on Maynard st., the work to be done by the city, pavement not to exceed twenty-four feet from curb to curb:

Names of owners	Number of feet fronting on street:
Frank A. Stivers, Margaret M. Stivers	198
Jessie C. Millen, Geo. W. Millen.....	220
Albert Lockwood	240
N. Woodmansee	264
Martha D. Bach, adm. est. James R. Bach	138
Frank Leverett	50
E. D. Campbell	304.5
Herman Reichert	121
Mrs. Angie R. Mellon.....	72 1/2
Clara S. C. Waldron	85
Phi Gamma Delta by John R. Allen, Secy., and Chas. W. Spooner, Treas., subject to approval of the association.....	165
Wm. Arnold	33
Mrs. Mary Walker	132
Mrs. Mary Jewell	248
Mrs. M. L. Dailey	110

By Ald. Lutz: Whereas, this common council has been applied to in writing by a majority of the owners of the lands, which are liable to be assessed for the payment of the construction of the same, praying for the grading and paving of Hill st. from Washtenaw av. to Oswego st., and Oswego st. from Hill st. to Geddes ave., within the corporate limits of the city of Ann Arbor, Michigan; and

Whereas, the grading and paving of that part of Hill and Oswego streets, within the limits aforesaid, is deemed and declared to be a necessary public improvement; therefore

Resolved, and it is hereby declared to be the purpose of the common council to cause Hill and Oswego sts. within the limits aforesaid, to be graded and paved under the charter and ordinances of the city of Ann Arbor, and in pursuance of the prayer of said petitioners.

Resolved, further, that the cost and expense of the construction of such public improvement shall be charged, assessed and paid as fol-

lows: All street and public alley inter-sections, engineering expenses and twenty per cent of the remainder shall be paid by the city, and the remainder shall be assessed and paid by special assessment, levied and assessed according to benefits on and against all the lands, tenements and premises lying on or fronting Hill and Oswego sts, within the limits afore-said.

Resolved, further, that the said petition, along with this determination, be and the same is hereby referred to the Board of Public Works, with directions to report to the council with all convenient dispatch suitable plans with specifications for the said proposed improvement, the kind and quality of material to be used there-fore, together with an estimate of the probable cost and expense of such public improvement.

Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

Committee Reports.

FINANCE REPORT.

Ann Arbor, Mich., Nov. 21st, 1910.
To the Honorable the Common Council.

Gentlemen: Your finance committee have had the city bills under consideration and respectfully recommend that Rule 21 be suspended for the evening and warrants ordered drawn as follows:

Geo. Blaich, Geo. Lutz, Wm. H. Murray, Finance Committee.

CONTINGENT FUND.

Inspectors Election.

L. E. O'Connor, services	\$10.00
Alfred Staeb, services	10.00
Henry Hochrein, services	10.00
Wm. H. Murray, services	10.00
C. L. Staffan, services	10.00
C. J. Sweet, services	10.00
Wm. P. Flynn, services	10.00
Henry G. Pipp, services	10.00
E. B. Manwaring, services	10.00
I. L. Sherk, services	10.00
Geo. Blaich, services	10.00
Wm. Goodyear, services	10.00
A. H. Paton services	10.00
George Lutz, services	10.00
E. M. Wurster, services	4.00
Harry H. Gillen, services	4.00
Frank Pardon, services	4.00
Herman Krapf services	4.00
Ernest Rehberg, services	4.00
A. F. Martin, services	4.00
Henry Bliton, services	4.00

Clerks.

T. P. Stowe, services	\$4.00
W. K. Childs, services	4.00
Wm. R. Schneider, services	4.00
John Gehringer, services	4.00
W. A. Clark, services	4.00
F. G. Haas, services	4.00
John Baumgardner, services	4.00
H. B. Dodsley, services	4.00

John H. Shadford, services	4.00
Jay C. Taylor, services	4.00
Edward Duffy, services	4.00
Channing Smith, services	4.00
Frank A. Stivers, services	4.00
D. A. Hammond services	4.00

Gatekeepers.

B. J. Bond, services	\$2.00
F. W. Prochnow services	2.00
Fred Huhn, services	2.00
Joan Pfisterer, services	2.00
C. F. Schulz, services	2.00
Thos. Burke, services	2.00
Michael Hession, services	2.00
Jacob Frank, services	2.00
Ernst Gutekunst, services	2.00
Jacob Kalmbach services	2.00
T. G. Howell, services	2.00
Chas. L. Beach, services	2.00
Peter Jones, services	2.00
Sebastian Seyfried, services	2.00
John Lindenschmitt, election commis-sioner	5.00
John T. Kenny, election commis-sioner	5.00
George Fischer, election commis-sioner	5.00
Jacob Gwinner, rent of store	10.00
Chas. Lutz rent of store	10.00
Wm. Ferrier, labor	3.00
M. E. Easterly, labor	12.00
Michael Schaible, cartage	2.25
C. H. Heck & Son, wood	3.75
St. James Cafe, meals	1.00

Total election ... \$309.00

Fire Fund.

Chas. Andrews, salary	\$ 41.66
Eugene Williams, salary	33.30
Frd Jolly, salary	33.30
Ralph Edwards, salary	33.30
Henry McLaren, salary	34.37
Geo. Hoelzle, salary	34.37
Jacob Gwinner, salary	33.00
Arthur Clark, salary	33.00
Arch. Waggott, salary	33.00
Max Wittlinger, salary	33.00
Harley Wise, salary	27.50
Frank Tice, salary	27.50
Martin Noll, salary	27.50
Russel' James, salary	27.50
Geo. Isbell, salary	27.50
Mat. Heininger, salary	27.50
Fred Nordman, salary	27.50
John Behr, salary	27.50
Chas. Carroll, salary	22.00
Frank Kapp salary	22.00

Total salaries for 1-2 month of November ... \$315.30

Police Fund.

Theo. C. Apfel, salary	\$ 41.66
Thos. O'Brien, salary	37.40
Matthew Max, salary	33.00
Zenus Sweet, salary	33.00
Wm. Blackburn, salary	33.00
Wm. J. Aprill, salary	33.00
Gustave Meyer, salary	33.00
DeWitt Hathaway, salary	33.00

Total salaries for 1-2 month of November ... \$277.03

Park Fund.

Thos. Allen labor	\$ 18.00
Wm. Bury, labor	6.00

N. Charlan, labor	1.60
Wm. Clark, labor	5.33
Michael Hession, labor	4.80
Chas. Huddy, labor	11.20
James Mason, labor	6.67
J. W. O'Brien, labor	10.00
Chas. H. Otis, labor (supt.).....	8.33
Wm. Randel, labor	10.80
Fred Ulrich, labor	6.67
Bennett French, team	32.00
E. Hotchkin, team	32.45
Walter Schneider, team	10.67

Total Park fund\$164.52

Street Fund.

Wm. Bury, labor	\$ 12.50
R. M. Caughey, labor	10.00
Wm. Clark, labor	12.00
Michael Herey, labor	1.60
Michael Hession, labor	3.80
John Holka, labor	9.60
Louis Seneli, labor	4.22
John McHugh, team	29.34
Walter Schneider, team	22.67

Total Street fund\$105.73

Bridge, Culvert and Crosswalk Fund.

Wm. Bury, labor	\$ 3.25
R. M. Caughey, labor	14.00
N. Charlan, labor	1.60
Wm. Clark, labor	1.11
Wm. Graf, labor	19.20
Michael Herey, labor	4.00
Michael Hession, labor.....	1.60
John Holka, labor	3.20
Chris. Larmee, labor	6.45
James Mason, labor	4.17
Louis Seneli, labor	1.11
Fred Ulrich, labor	18.06
R. S. Ellis, team	43.12
John McHugh, team	4.89
Chas. Neithammer team	26.67
Geo. Schaible, team.....	32.00
Walter Schneider, team	2.23
Jos. Wallacker, team	23.67

Total Bridge, Culvert & Crosswalk \$215.33

Recapitulation.

Contingent fund	\$ 309.60
Fire	615.30
Police	277.03
Park	164.52
Street	105.73
Bridge, Culvert and Crosswalk....	215.33

Total\$1,687.54

Approved and respectfully submitted to the finance committee.

ROSS GRANGER, City Clerk.

Ald. Blaich moved the adoption of the report. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

Lighting Committee.

To the Honorable the Common Council: Gentlemen—Your committee, to whom was referred the matter of street lighting, have received the bids and had the same under consideration; and as the Eastern Michigan

Edison Co. are the lowest bidders, your committee recommends that they be awarded the contract to furnish the city with one hundred and eighty-one arc lights, at a cost of \$60.00 per light per year, and as many more as the city may order from time to time at the above price; also to furnish the city with one hundred and twenty-nine 75 watts Tungsten lamps in place of gas lights now being furnished by the Welsbach Street Lighting Co; also twenty-seven 75 watts Tungsten lamps in place of incandescent lights now being used in the alleys, and four 75 watts Tungsten lamps to replace the incandescent lights now being used under the Ann Arbor railroad bridges; all Tungsten lamps to cost the city \$18.00 per light per year, and to furnish as many more as the city may order from time to time at the above price. All Tungsten street lamps to be mounted on either iron or reinforced concrete posts, providing the council approves of the photographs and specifications of posts to be furnished by the Eastern Michigan Edison Co. We also recommend that a clause be put in the contract that it be optional with the city to renew this contract at the end of five years, at a price not to exceed the above prices.

The foregoing is on the schedule presented in bids, 3815 hours; any additional hours city may order shall be charged pro rata.

Respectfully submitted, C. J. Sweet, Chairman Lighting Committee.

Moved by Ald. Blaich: That it be laid over for two weeks. Adopted.

Officers' Reports.

CITY FUNDS—Treasurer's Report for Month Ending Oct. 31.

Contingent Fund—	
Stamps sold	\$.42
Fees collected	1.42
Spraying	4.40
City scales	14.90
Peddlers' licenses	19.00
Pool licenses	2.00
Dray licenses	1.00
Milk licenses	1.00 44.14
Police Fund—	
Officers' fees	15.75
Rejected Tax Fund—	
Taxes collected	13.68
Park Fund—	
Rent of house	10.00
Dog License Fund—	
Dog licenses	6.25
Cemetery Fund—	
Burial permits	11.00

Total\$100.82
On hand Oct. 1st.....\$23,421.55

Total\$23,522.37

Warrants paid	10,039.13
On hand Nov. 1st	\$13,483.24
Disbursed, Warrants Paid—	
Bridge, culv't and crosswalk fund \$4	141.79
Contingent fund	1,948.02
City cemetery fund	40.00
Fire department fund.....	1,473.50
Poor fund	85.24
Police fund	499.52
Street fund	243.29
Fair grounds fund	133.83
Park fund	252.89
Street lighting fund	1,201.16
Sidewalk fund	19.89

Total\$10,039.13
 Condition of City Funds on the First Day of November.

On Hand—	
Bridge, culv't and crosswalk fund \$	5,228.47
Contingent fund	9,462.18
City cemetery fund	351.44
Dog license fund	124.73
State dog tax fund	100.00
Fire department fund.....	5,719.95
Poor fund	766.10
Police fund	4,708.40
Street fund	1,104.87
Water fund	4,698.00
Park fund	641.39
Street lighting fund	6,679.07
Sidewalk building fund.....	82.04
Rejected tax fund	13.68

Total\$39,680.32
Overdrawn—
 Fair grounds fund\$ 3,502.32
 Sidewalk fund 55.57
 Uncollected city tax fund..... 20,259.00
 Delinquent tax fund 2,380.19

Total\$26,197.08

Warrants Outstanding—	
Bridge, culv't and crosswalk fund..\$	6.29
Contingent fund	21.10
Police fund	33.00
Street fund.....	34.23
Fair grounds fund	308.33
Park fund	1.00

PAVING FUNDS—Treasurer's Report for Month Ending Oct. 31.

Labor Acct. Pav. Dist. 13—	
Sale of bonds	\$135.14
Labor Acct. Pav. Dist. 14—	
Work by city	13.64

Total\$148.78

Disbursed, Warrants Paid—	
Labor paving district No. 14.....\$	110.76
Labor paving district No. 15.....	2,710.25
Labor paving district No. 16.....	164.82

Total\$2,985.83
 Overdrawn Oct. 1st..... 303.62

Total\$3,289.45
 Money received 148.78

Overdrawn Nov. 1st.....\$3,140.67

Condition of Paving Funds on the First Day of November.

On Hand—	
Tax acct. paving district No. 5...\$	2,631.30
Tax acct. paving district No. 6... .	22.04

Tax acct. paving district No. 7... .	1,564.25
Tax acct. paving district No. 8.....	173.39
Tax acct. paving district No. 9... .	1,529.81
Tax acct. paving district No. 10... .	1,508.10
Tax acct. paving district No. 11... .	616.23

Total\$8,045.12

Overdrawn—	
Tax acct. paving district No. 4...\$	253.74
Labor acct. paving district No. 11..	807.55
Tax acct. paving district No. 12... .	212.31
Labor acct. paving district No. 13	675.23
Labor acct. paving district No. 14	4,343.23
Labor acct. paving district No. 15	4,728.88
Labor acct. paving district No. 16	164.82

Total \$11,185.79

Warrants Outstanding—	
Labor acct. paving district No. 15	\$51.82
Labor acct. paving district No. 16	.84

SEWER FUNDS—Treasurer's Report for Month Ending Oct. 31.

Tax Acct. Sewer Dist. No. 27—	
Taxes collected	\$ 53.78

Total\$ 53.78

On hand Oct. 1st.....\$ 3,193.16

Total\$3,246.94
 Warrants paid 11.58

On hand Nov. 1st.....\$3,235.36

Warrants Paid—

Labor acct. lateral sewer No. 35..\$	11.58
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Total\$ 11.58

Condition of Lateral Sewer Funds on the First Day of November.

On Hand—

Tax acct. lateral sewer No. 14...\$	50.75
Tax acct. lateral sewer No. 17....	50.80
Tax acct. lateral sewer No. 19....	208.63
Tax acct. lateral sewer No. 22....	201.39
Tax acct. lateral sewer No. 26....	194.07
Tax acct. lateral sewer No. 27....	2,835.37
Tax acct. lateral sewer No. 28....	400.04
Tax acct. lateral sewer No. 30....	641.74
Tax acct. lateral sewer No. 31....	379.53
Labor acct. lateral sewer No. 32..	825.33
Tax acct. lateral sewer No. 33... .	123.79
Labor acct. lateral sewer No. 33..	73.31
Labor acct. lateral sewer No. 34..	1,179.96
Tax acct. lateral sewer No. 35....	14.53
Tax acct. lateral sewer No. 36....	75
Labor acct. lateral sewer No. 36..	253.66
Labor acct. lateral sewer No. 37..	158.99
Tax acct. lateral sewer No. 38... .	80
Labor acct. lateral sewer No. 38..	38.68
Labor acct. lateral sewer No. 39..	299.46
Labor acct. lateral sewer No. 40..	447.07
Tax acct. lateral sewer No. 41....	1.65
Labor acct. lateral sewer No. 41..	1,748.79

Total\$10,129.68

Overdrawn—

Tax acct. lateral sewer No. 15....\$	6.57
Tax acct. lateral sewer No. 16....	171.15
Tax acct. lateral sewer No. 18....	262.82
Labor acct. lateral sewer No. 19..	253.93
Tax acct. lateral sewer No. 20... .	158.99
Tax acct. lateral sewer No. 21....	33.10
Tax acct. lateral sewer No. 24....	14.63
Tax acct. lateral sewer No. 25....	158.58
Tax acct. lateral sewer No. 29....	277.00

Tax acct. lateral sewer No. 32....	1,540.98
Tax. acct. lateral sewer No. 34....	3,794.95
Labor acct. lateral sewer No. 35..	240.69
Total ...	\$6,894.32
City funds on hand.....	\$13,483.24
Sewer funds on hand	3,235.36
Total ...	\$16,718.60
Paving funds overdrawn	3,140.67
Total ...	\$13,577.93

Bank certificate	\$13,345.93
Cash on hand	232.00

Total ... \$13,577.93
 To the Hon. Common Council, City of Ann Arbor, Mich.

Gentlemen: This is to certify that there was on deposit in this bank to the credit of Eugene G. Mann, city treasurer, the sum of thirteen thousand three hundred forty-five and 93-100 (\$13,345.93) dollars on the 31st day of October, 1910.

Respectfully yours,
 Nov. 3rd, 1910. M. J. KRITZ, Cashier.

Report of the City Clerk and Comptroller.

CITY FUNDS	BAL. OCT. 31, 1910.		Liabilities Contracted	Available	Deficit
	On Hand	Overdrawn			
Bridge, Culv't & Crosswalk ...	\$5,222.18		\$6,036.05		\$813.87
Contingent	9,441.08		9,836.56		395.48
City cemetery..	351.44		320.00	31.44	
Dog license ...	124.73			124.73	
State dog tax...	100.00			100.00	
Fire deparam't.	5,719.95		9,849.56		4,129.61
Poor	766.10		160.00	606.10	
Police	4,675.40		4,432.96	242.44	
Street	1,070.64			1,070.64	
Water	4,698.00		4,635.00	63.00	
Park	639.79			639.79	
Street lighting..	6,679.07		9,742.04		3,062.97
Sidewalk		55.57			55.57
Sidewalk bldng	82.04			82.04	
City hall tax...					
City hall labor..					
Uncol'd city tax		20,259.00			
Delinquent tax.		2,380.19			
Rejected tax ..	13.68				
Fair grounds ..		3,810.65			
Total.....	\$39,584.10	\$26,505.41	\$45,012.17	\$2,960.18	\$8,457.50

Respectfully submitted: ROSS GRANGER, City Clerk.

Office of Street Commissioner, Ann Arbor, Mich., Nov. 5, 1910.

Hon. Board of Public Works, Wirt Cornwall, Esq., President: Gentlemen—I herewith present a report of the work done under my direction and control during the month of October, 1910:

- Oct. 1-13; 14-31—Cleaning paved streets, labor
- Oct. 1-12; 14-31—Sweeping streets, labor ...
- Oct. 1-13; 14-31—Extensions and crosswalks, labor
- (Across Olivia at Wel's and across Wells; Olivia and Granger; Lincoln W. of Wells; Broadway at Swift and across Swift; three alleys on Broadway; Wall st. at school; Mill st.; Broadway N. of Mill, cement box; Lawrence and Thayer; Miller av. and 7th; Miller and Spring, cement box; Linden and S. Univ.; Oxford and Hill; N. E. cor. Huron and Glen av.; raising crosswalks Clark and Ann, Clark and Catherine; re-

pairs gutter boxes and inlets; 2 extensions Washtenaw and 5th av.; clearing culverts Allen's creek.)

- Oct. 3-13; 14-15; 19-27 and 31—patching and graveling streets and grading with street drag, labor..\$320.86 (Oxford road; N. Main; Hill; Cambridge road; Prospect; Monroe; E. Univ.; Ingalls; Beakes; Packard; Broadway; Pontiac; Fuller; W. Huron; various streets 5th ward; Geddes; Washtenaw. Grading with street drag, N. Main; W. Washington; E. Univ.; S. Univ.; Forest; Church; Olivia; Hill; Packard; Washtenaw; W. Liberty; 7th st.; 8th st.; 2nd ward streets.)
- Oct. 1-4; 21-24; 28-29—Unloading cement and shipping empty cement sacks, labor
- Oct. 1—Cutting weeds, labor.....
- Oct. 12-13; 24-25; 28-29—Grading sidewalks, labor
- (8th S. of Washington; S. Univ.; W. side

Packard S. of Wells; W. side Ferdon road; E. side Ferdon road.)	
Oct. 11-13 and 31—Tarring paved streets, labor	4.46
(Liberty; N. Univ.; E. Huron.)	
Oct. 4-6; 21 and 29—Work at city yard, piling lumber etc., labor..	10.63
Oct. 4; 7-8—Cleaning inlets and cross-walks, labor	20.12
Oct. 10-13; 21-22—Storm sewer Baldwin and Cambridge road and extension Washtenaw and Baldwin; removing old storm sewer Washtenaw and Oxford road, labor.....	18.02
Oct. 25; 28-29—Cleaning gutters, labor	24.66
(S. Univ. and Church; State, Packard to Ferry field; Detroit st.)	
Oct. 27—Cleaning sewer Ann st., labor	2.50
Oct. 1-18—E. Washington st. paving, labor acct.....	866.96
Oct. 3-27—Washtenaw av. paving, labor acct.....	1,244.38
Oct. 28-29—Repairs State st. pavement at Liberty, N. Univ. and Washington, labor	5.00
Oct. 17-20 and 24—Laying brick intersect. E. Washington and Thayer; Washtenaw and Oxford; Baldwin and Hill streets, labor.....	15.32
Oct. 24-26 and 31—Lowering man-hole near No. 2 bridge, removing stumps from river and extending fence, labor	18.96
Oct. 24—Cleaning roadway bridges Nos. 1 and 3, labor.....	3.12
Oct. 26-27—Graveling and filling at new bridge, labor and teams \$74.65	
82 loads gravel at 20c.....	16.40

Total ... \$3,427.99

Respectfully submitted, J. Wisner, Street Commissioner.

Treasurer's, Clerk's and Street Commissioner's reports for month of October received and ordered to take usual course.

Clerk's Report on Amendments.

Ann Arbor, Mich., Nov. 9th, 1910.

To the Common Council of the city of Ann Arbor: Gentlemen—The following is a tabulated list of the votes given for and against the proposed amendments to the charter of the city of Ann Arbor at the election held in the city of Ann Arbor, Mich., Tuesday, the 8th day of November, 1910:

For maximum rate of taxation for the general city funds three-fourths of one per cent:

First ward...Yes 217.....No 93
Second ward..Yes 345.....No 109
Third ward...Yes 91.....No 66
Fourth ward..Yes 214.....No 54
Fifth ward...Yes 86.....No 32
Sixth ward...Yes 158.....No 59
Seventh ward..Yes 339.....No 104

Total Yes.....1,450 Total No. 517

Majority for, 933.

For power to issue bonds for any public purpose:

First ward...Yes 218.....No 98
Second ward..Yes 319.....No 118
Third ward...Yes 86.....No 71
Fourth ward..Yes 195.....No 69
Fifth ward...Yes 87.....No 28
Sixth ward...Yes 151.....No 71
Seventh ward..Yes 328.....No 115

Total Yes.....1,384 Total No. 570

Majority for, 814.

Respectfully submitted, Ross Granger, City Clerk.

By Ald. Pipp: Resolved, that the report of the City Clerk, relative to the election on the adoption of the charter amendments of sections 171 and 186, be accepted, and the City Clerk comply with section 24 of an Act to provide for the incorporation of cities and for changing the boundaries, by filing with the Secretary of State and the County Clerk two printed copies of the said amendments together with his certifying to same. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

City Attorney's Report on Bridge.

To the Common Council of the city of Ann Arbor: Gentlemen—The matter of the final payment due The Herman Tapp Construction Co. for the construction of the Wall st. bridge, referred to me by your honorable body at its last meeting, has been duly considered, and I report as follows:

The contract with the said company was entered into on March 28, 1910, and it was agreed that said bridge was to be completed Aug. 15, 1910. The bridge was not completed till about Oct. 15, 1910. The contract contains two provisions governing delay in finishing the work. The first clause authorizes the Board of Public Works, with the consent of the Common Council, to declare the contract forfeited, if in its opinion the work is unnecessarily delayed. The second clause provides that for failure to complete the bridge by Aug. 15, 1910, the Construction Co. shall pay to the city, as liquidated (stipulated) damages, the sum of fifty dollars for each and every day the bridge shall remain unfinished after that date.

The Construction Co. claim that owing to high water it was unable to get at the work as soon as it ex-

pected, that it encountered unavoidable delay in securing material and proper labor. Besides, it claims that the job was a large one and that it would be unsafe to hurry the completion of the bridge, as the cement needed plenty of time to set. On the other hand, the Board of Public Works and City Engineer who superintended this work are well satisfied with the bridge, and feel that the Construction Co. should be complimented for its businesslike way in carrying out its contract with the city. The bridge needed all the time used to guarantee a safe bridge. Besides, the Construction Co. erected a foot bridge across the river and allowed the public to use this at all times. No one appears to have suffered damage.

Taking up the legality of the provision of the contract requiring the Construction Co. to pay fifty dollars per day for the time after Aug. 15, I wish to state that the law, following the dictates of equity and natural justice, in cases of this kind, adopts the principle of just compensation for the loss or injury actually sustained; considering it no greater violation of this principle to confine the injured party to the recovery of loss, than to enable him, by the aid of the court, to extort more. It is the application of that principle long recognized which disregarding the penalty of the contract, gives only the damages actually sustained. This principle may be stated, in other words, to be, that courts of justice will not recognize or enforce a contract, or any stipulation of a contract, clearly unjust.

There are two classes of cases of this kind that usually come before the courts. The first class will not be enforced, the second class will. In the first class the sum to be paid is, in fact, in the nature of a penalty, and this is to be determined by the magnitude of the sum in connection with the subject matter, and not by the words used in the contract. Stipulated damages in such cases will not be enforced. In the second class of cases, where from the nature of the contract and the subject matter of the stipulation, for the breach of which the sum is provided, it is apparent to the court that the actual damages for a breach are uncertain in their nature, difficult to be ascertained, or impossible to be estimated with certainty, by reference to any pecuniary standard, and where the parties themselves are more intimately ac-

quainted with all the peculiar circumstances, and therefore better able to compute the actual or probable damages than courts or juries from any evidence which can be brought before them. In all such cases, the law permits the parties to ascertain for themselves, and to provide in the contract itself, the amount of the damages which shall be paid for the breach. In permitting this, the law does not lose sight of the principle of compensation, which is the law of the contract, but merely adopts the computation or estimate of the damages made by the parties as being the best and most certain mode of ascertaining the actual damage, or what sum will amount to a just compensation. The reason, therefore, for allowing the parties to ascertain for themselves the damages in this class of cases is the same which denies the right in the former class of cases, viz., the courts adopt the best and most practicable mode of ascertaining the sum which will produce just compensation.

From the facts surrounding the contract in this case, I have come to the conclusion that the breach of contract on the part of the Herman Tapp Construction Co. in failing to have the bridge completed on Aug. 15, 1910, did not involve more than trifling damages, if any at all, and for the city to insist upon a compensation of three thousand dollars for such delay would undoubtedly be exorbitant.

Therefore I recommend that the action of the Board of Public Works, relative to the same, be concurred in and a warrant ordered drawn for the amount due.

Respectfully submitted, J. W. Dwyer,
City Attorney.

By Ald. Paton: Resolved, that the recommendation of the Board of Public Works, relative to payment of the final account on the Wall st. bridge, be concurred in, and a warrant drawn for the amount. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

Resolutions.

By Ald. Paton: Resolved, that a fire hydrant be placed on the west side of Broadway between Depot st. and the river, under the direction of City Engineer. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwar-

ing, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

By Ald. Lutz: Resolved, and it is hereby ordered, that the sum of \$2,205.23 be transferred from the labor account paving district No. 14 to the Bridge, Culvert and Crosswalk fund; and the sum of \$405.84 be transferred from labor account paving district No. 13 to the Bridge, Culvert and Crosswalk fund. Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

By Ald. Staffan: Resolved, that the pavement on East Washington st., within the city of Ann Arbor, heretofore ordered, in the opinion of the common council is and is hereby deemed and declared to be a necessary public improvement.

Resolved, further, that all the lands, tenements and premises hereinafter mentioned are deemed and declared to be benefited by the construction and completion of the pavement heretofore ordered and it is hereby ordered and determined that all the costs of the said public improvement, street intersections and twenty per cent of the balance of the cost of said public improvement excepted, shall be and is hereby ordered to be levied on and assessed against the lands, tenements and premises situated in the special district assessment hereinafter designated and the said special assessment district is hereby fixed as follows, to-wit:

All those certain pieces and parcels of land situated in the city of Ann Arbor, county of Washtenaw, state of Michigan, as follows:

Boundary Paving District No. 15.

(East Washington st.)

All of lots 1 and 16, B. 2 S., R. 12 E., except the south 7 feet of the west 87 feet of lot 1. Beginning at the S. E. corner of B. 1 S., R. 12 E., thence N. 53.5 feet; thence 38 feet; thence N. 53.5 feet; thence W. parallel to Washington st. to the E. line of N. Ingalls st.; thence S. to the S. W. corner of said block 107 feet; thence E'ly to the place of beginning. Lots 1, 15 and 16, except the E. 44 feet of the S. 50 feet of lot 15, of B. 2 S., R. 11 E. The S. 82.5 feet of lot 5, and lots 6, 7 and 8 of B. 2 S., R. 11 E. Lot 1, B. 2 S., R. 10 E., and beginning at the N. W. corner of lot 16, B. 2 S., R. 10 E.; thence S. 132 feet; thence E. 33 feet; thence N. 98 feet; thence E. 99 feet to the W. line

of Thayer st.; thence N. 44 feet; thence W. to the place of beginning. South half of B. 1 S., R. 10 E. Beginning at the N. E. corner of lot 8, B. 2 S., R. 9 E., thence S. along the W. line of State st. 98 feet; thence W. parallel to Washington st. 132 feet; thence S. parallel to State st. 34 feet; thence W. to the E. line of Division st.; thence N. 132 feet; thence E. to the place of beginning. Beginning at the S. E. corner of B. 1 S., R. 9 E., thence N. along the W. line of State st. 66 feet; thence W. parallel to Washington st. 132 feet; thence N. parallel to State st. 33 feet; thence W. parallel to Washington st. 258.42 feet; thence N. 33 feet; thence W. 101.72 feet; thence S. along the E. line of lot 6, Cornish addition, 51 feet; thence W. to the W. line of said lot 6; thence N. 51 feet; thence W. to the E. line of Division st.; thence S. 132 feet; thence E. to the place of beginning. Lots 1, 15, 3, 4, 5, 6, 7, 8, except the S. 33 feet of lot 1, B. 2 S., R. 6 E. Beginning at the S. E. corner of lot 9, B. 1 S., R. 6 E., thence N. along the W. line of Division st. 80 feet; thence W. parallel to Washington st. 82.5 feet; thence N. 52 feet; thence W. to the N. E. corner of lot 2 of said block; thence S. 32 feet; thence W. to the E. line of Fifth av.; thence S. along the E. line of Fifth av. to the N. line of Washington st.; thence E. to the place of beginning.

Resolved, further, that and this common council hereby requires and orders the sum of five thousand, seven hundred seventy and 75-100th dollars (\$5,770.75), payable in ten equal annual installments, with four per cent interest, or, at the option of the tax payers, in one payment, to be raised by tax and a special assessment on and against the lots, parts of lots, lands, tenements aforesaid and situated in the said special assessment district and as a tax against the owners thereof. All to be assessed on and against said lands, tenements and premises according to the benefits coming to each parcel thereof from such local public improvement, and the City Assessor is hereby required to levy and assess the said sum of money as aforesaid on and against the lands and tenements aforesaid on and upon the special assessment roll for the paving district aforesaid and on and upon each and every of the regular assessment rolls of the city of Ann Arbor for the year and during which any such special assessment may be payable, until the whole of

such special assessment shall be paid in full, all to be assessed in the manner and for the purpose aforesaid pursuant to law.

Resolved, further, that the sum of two thousand, four hundred eighteen and 98-100ths dollars (\$2,418.98) is hereby appropriated for the purpose of defraying the cost of such public improvement at street and alley intersections and twenty per cent of the balance of costs of said public improvement; all of which sum of money in ten equal annual installments, with interest, be and the same is hereby ordered and required to be levied, spread and assessed on and upon each and every of the regular annual assessment rolls of the city of Ann Arbor, and on and against all the taxable property within the said city in and during the period in which any part of this appropriation and assessment is or shall be payable.

Resolved, further, that the City Clerk do certify this determination and order of assessments to the City Assessor pursuant to law.

Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

By Ald. Murray: Whereas, the common council has authorized the

construction by the Board of Public Works of a pavement, known as the Washington st. pavement, District No. 15, and the common council having caused to be certified to the City Assessor the lands, tenements and premises to be assessed for costs of said public improvement, street intersections and twenty per cent of the balance excepted.

Resolved, and it is hereby ordered, that the Mayor and the City Clerk are hereby authorized and required to execute, under their hands and the seal of the city of Ann Arbor, pavement bonds of the city of Ann Arbor, under date of January 1, 1911, for \$8,189.73, that being the cost of such improvement, payable to bearer in ten equal annual installments from and after the first day of August, 1911, at the office of the City Treasurer, with interest at four per cent per annum, payable annually on the first day of August in each and every year, principal to be payable at the option of the City Treasurer pursuant to law.

Adopted as follows: Yeas, Ald. O'Connor, Hochrein, Murray, Staffan, Sweet, Flynn, Pipp, Manwaring, Sherk, Blaich, Goodyear, Paton, Lutz, Pres. Mills, 14. Nays, none.

The council adjourned.

ROSS GRANGER, Clerk.