

COUNCIL PROCEEDINGS.

er, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

Herman Hutzel recalled.

George W. Bullis called and sworn as a witness and examined.

Watson R. Smith was called and sworn as a witness and examined.

Fred B. Crego was called and sworn as a witness and examined.

Ald. Brown moved that the council take a recess until 7:30 P. M.

EVENING SESSION.

Called to order by Pres. Hiscock.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

Fred B. Crego recalled.

Jacob F. Schuh was called and sworn as a witness and examined.

James A. Parkinson was called and sworn as a witness and examined.

William Stevenson was called and sworn as a witness and examined.

Samuel W. Beakes was called and sworn as a witness and examined.

Ald. Prettyman moved that the council adjourn to the court room.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

A. Kent Hale was called and sworn as a witness and examined.

Wm. J. Miller was called and sworn as a witness and examined.

Ald. Maynard moved that the council take a recess of ten minutes.

Adopted.

After the expiration of the time speci-

fied the council reconvened.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

The city attorney here stated that the case of the city rested.

Attorney Thompson moved that the council adjourn.

Ald. Prettyman moved that the council adjourn to 7:30 A. M. to-morrow.

Carried.

Council Chamber,
Ann Arbor, May 9, 1895.

Adjourned Session.

Called to order by Pres. Hiscock.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

Ald. Butterfield moved that the city attorney be not required to elect upon which charge he will argue the case, but that the respondent be allowed to offer testimony in response to all testimony which has been offered in support of the charges.

Ald. Prettyman moved as a substitute that charges 3 and 4 be dropped.

Lost as follows:

Yeas—Ald. Prettyman—1.

Nays—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Coon, Butterfield, Cady, Pres. Hiscock—13.

Cyrenus G. Darling called and sworn as a witness and examined.

Albert M. Clark was sworn as a witness.

The sewer specification was offered in evidence as Exhibit C.

The stub book of Stevenson, Reed & Co. was offered in evidence as Exhibit

D.

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MAY 8, 1895.

Council proceedings of Oct. 9, 1894, offered in evidence as Exhibit E.

Thomas Fernan was called and sworn as a witness.

Ald. Ferguson moved that the council take a recess of ten minutes.

After the expiration of the allotted time the council reconvened.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Pres. Hiscock, also Albert M. Clark, the respondent.

George W. Bullis recalled.

Attorney Thompson here stated that the defense rested.

The city attorney presented the case of the city to the council.

Attorney Thompson presented the case of the defense to the council.

Ald. Koch moved that the council adjourn until 1:30 p. m.

The motion prevailed as follows:

Yeas—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Ferguson, Shadford, Coon, Butterfield, Pres. Hiscock—10.

Nays—Ald. Brown, Taylor, Prettyman, Cady—4.

AFTERNOON SESSION.

Called to order by Pres. Hiscock.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, by attorney.

The city attorney presented the answer to the arguments of the attorney for the respondent.

Ald. Brown moved that the council take a recess for five minutes.

Adopted.

At the expiration of the allotted time the council reconvened.

Roll called.

Present—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock, also Albert M. Clark, the respondent.

CHARGE I.

With official misconduct in the performance of the duties of his office.

I am informed and believe and therefore charge the fact to be that said Clark while acting as a member of the Board of Public Works aforesaid, did vote, as such member to use a certain kind of tile in the construction of lateral sewers, in the city of Ann Arbor, known as the Jackson tile, manufactured by the Jackson Sewer Tile Company, of Jackson, Michigan; that said Clark did after a part of said tile had been laid and the contractors had more on hand to lay cause the said tile to be condemned and rejected, by his vote and influence on said Board. That immediately after the action of said Clark in causing said tile to be condemned, a representative of the Jackson Sewer Tile Company, one Smith, came to the city of Ann Arbor, and visited said Clark and said Clark, as I am informed and believe, was then and there promised five per cent. of all the moneys to be paid by the city of Ann Arbor, for said tile to said contractors, if said tile were used in the construction of said lateral sewers. That thereupon and thereafter said Clark on, to-wit; October 20, 1894, by his vote and influence caused a resolution to be passed by the Board of Public Works, allowing the use of the tile manufactured by the Jackson Sewer Tile Company, which had before then been condemned and rejected. And thereupon by and through such corrupt influence the said Clark procured and permitted the use of such Jackson tile manufactured by the Jackson Sewer Tile Company, which was then and there well known to the said Clark to be greatly inferior to other tile, which it was then and there the duty of the said Clark and the Board of Public Works to require to be used in the construction of the lateral sewers, then in course of construction, by the City of Ann Arbor.

The first charge failed to be sustained as follows:

Yeas—Maynard, Allmendinger, Koch, Snyder, Laubengayer, Ferguson, Butterfield—7.

Nays—Brown, Taylor, Shadford, Prettyman, Coon, Cady, Pres. Hiscock—7.

CHARGE II.

With being indirectly interested in the purchase of material to be used in public work.

[COUNCIL PROCEEDINGS.]

That said Clark became and was interested in to-wit, the month of October, 1894, in the use by the City of Ann Arbor, of certain sewer tile, in the construction of lateral sewers, in this—that he was then and there to receive a certain commission, if the Jackson Sewer Tile Company tile was to be made use of by the City of Ann Arbor in the construction of certain lateral sewers which were being then constructed by the said City. That such tile was so used by and through the influence of said Clark, under the agreement aforesaid.

The second charge failed to be sustained as follows:

Yeas—None.

Nays—Alds. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—14.

CHARGE III.

With unfaithful performance of the duties of his office.

That said Clark when and while a member of the Board of Public Works, aforesaid, became and was a candidate for the office of Street Commissioner, of the said city, which office was then and there vacant, and it being then and there the duty of the Board of Public Works to fill such vacancy, and to appoint a Street Commissioner as aforesaid. He, the said Clark, then and there importuned the other members of the said Board to appoint him, said Clark, to fill such vacancy, and by his unseemly conduct, in his efforts to obtain such appointment delayed and obstructed the business of the said City, and thereby hindered and delayed the business of said City to its great damage, and it finally being made to appear, that he, the said Clark could not obtain such appointment to the office of Street

Commissioner, as aforesaid; he the said Clark, by his vote and influence, procured the appointment of one Bassett, to the said office, well knowing the said Bassett to be wholly without experience or ability to properly perform the duties of the said office, but who is and was then and there related to him, the said Clark, to-wit; a daughter of the said Clark having married and then and there being the wife of a son of the said Bassett; to the great disgrace and scandal of the good people of the City of Ann Arbor and to the evil example of all others in like case offending.

The third charge failed to be sustained as follows:

Yeas—Ald. Allmendinger, Koch, Laubengayer—3.

Nays—Ald. Maynard, Snyder, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—11.

CHARGE IV.

With being inefficient and not qualified to perform the duties of his office.

That said Clark has not the necessary qualifications for a member of the Board of Public Works, in this—that he is not possessed of the necessary knowledge and experience to properly judge of the kind, quality, and character of materials and labor required in conducting the public improvements of the City of Ann Arbor.

The fourth charge failed to be sustained as follows:

Yeas—None.

Nays—Ald. Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Ferguson, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—14.

On motion the Council adjourned.

GLEN V. MILLS,

City Clerk.