

Council Chamber,  
Ann Arbor, Mich., May 1, 1906.

**Adjourned Special Session.**

Meeting called to order by President Gilmore.

Present—Ald. Gill, Kurtz, Miller, St. James, Sherk, Abbott, Fischer, Pres. Gilmore—8.

Absent—Ald. Snauble, Schneider, Sweet, Markey, Manwaring, Goodyear, Blaich—7.

[Enter Ald. Schneider.]

**Report of Bond Committee.**

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

Gentlemen:—Your committee on bonds to whom was referred the liquor bonds for further consideration and report, would respectfully report that we have made such further investigation, have heard testimony and examined witnesses. We would recommend the approval of the following liquor bonds.

**Liquor Dealers' Bond.**

Michigan Union Brewing Co., principal; E. C. Spring, T. F. Hutzel, sureties.

Haas & Heibein, principals; Chas. F. Kayser, Fred G. Haas, sureties.

Alfred J. Paul, principal; Fred G. Haas, J. A. Waidelich, sureties.

Fred Besimer, principal; Fred Staebler, Tobias Laubengayer, sureties.

Fred Brown, principal; G. F. Stein, Jacob Dupper, sureties.

Lawrence J. Damm, principal; Fred Staebler, William F. Rehfus, sureties.

Jacob Dupper, principal; J. G. Fred Schmid, Fred Brown, sureties.

Collum & Roach, principal; Oswald Dietz, Geo. H. Clarcken, sureties.

J. G. Fred Schmid, principal; Jacob Dupper, G. Fred Stein, sureties.

William F. Kapp, principal; George Spathelf, William A. Gwinner, sureties.

William Goetz, principal; John Goetz, John Walz Sr., sureties

Robert J. Paul, principal; Christ. Gauss, Gottlieb C. Andres, sureties.

Fred G. Haas, principal; Charles F. Pardon, Daniel C. Haas, sureties.

Charles F. Klais, principal; J. Fred Hoezle, John Maulbetsch, sureties.

Joseph Parker, principal; Alex. Ratti, Sam. Heusel, sureties.

Vanderlip & Gale, principals; Sam Heusel, Alfred J. Paul, sureties.

Edward Dunn, principal; John By-

ron, Oswald Dietz, sureties.

Phil Gauss, principal; P. F. Reimold, Mackeus Lutz, sureties.

Geo. Reichard, principal; F. W. Buss, Henry Otto, sureties.

Your committee would further report that from the investigation they have made, and proofs taken for your committee, and facts within the knowledge of your committee, it appears that the bonds presented by the following applicants are not sufficient within the law, for the reason that the sureties, or one of them, in the case of each of said bonds, are not financially qualified to act as bondsmen: Edward C. Zachmann, Illi & Krauth, Charles Limpert, Richard Kearns Jr., William C. Hoppe, Frank Campion, Staebler & Johnson, Edward Dickerson, William Kobenick, William H. Bowman, M. W. Brillinger, Frey Brothers, Joseph Neff, E. A. Bethke, J. August Waidelich, Nicholas Schneider, Ernest Rehberg.

B. ST. JAMES,

GEO. H. FISCHER,

Committee.

[Enter Ald. Blaich.]

Moved by Ald. Fischer, supported by Aid. St. James, that report of bond committee relative to liquor bonds be accepted.

Adopted as follows:

Yeas—Ald. Gill, Miller, St. James, Sherk, Blaich, Abbott, Fischer, Pres. Gilmore—8.

Nays—Ald. Kurtz, Schneider—2.

**Communication from City Attorney.**

To the Bonds Committee of the Common Council:

Gentlemen—By request, I submit for guidance of your committee, the following statement of the law relative to the qualifications of sureties on liquor bonds:

By Sec. 5386 of Miller's Compiled Laws, it is required that a liquor dealer shall enter into a bond in the sum of not less than three thousand dollars "with two or more sufficient sureties, who shall be male residents and free holders of the township, village or city in which such business is proposed to be carried on, neither of whom shall hold any elective or appointive office in any county, city, village or township of this state (except notaries public) nor be a surety upon more than two bonds required by the provisions of this act, and each of whom

shall justify in real estate situated in the county in which such business is proposed to be carried on in a sum equal to the amount of the bond, over and above all indebtedness and all exemptions from sale or executions."

By statute of this state, a homestead is exempt to the amount of fifteen hundred dollars. Therefore a surety, in estimating his net worth, could only include his homestead in such estimate in a case where its value exceeds fifteen hundred dollars, and then only to the amount of such excess.

The amount of personal property owned by the surety cannot be considered in determining his pecuniary responsibility. The statute limits the consideration to real estate alone, not including that which is exempt by law, and such real estate must be situated in the county.—Palmer v. Hartford, 73 Mich. 100.

The Council is not bound by the affidavit of justification, but may proceed upon other information in determining the responsibility of the surety.—Palmer v. Hartford, 73 Mich. 100.

It is the duty of the council to investigate the responsibility of the sureties, and it has the full right and authority to decide this question. The members may use their own knowledge or any other evidence, and are not bound by the affidavits of the sureties.—Palmer v. Hartford, 73 Mich. 100.

Nothing is left to the Council except to pass upon the sufficiency of the sureties. They may inquire beyond the general averments of the affidavits of justification; but they have no right to disregard affidavits without legal proof and no right to reject sureties without at once giving the reason and giving a speedy opportunity to meet the facts or supply others.—Potter v. Homer, 59 Mich. 13.

If the Council is not satisfied as to the sufficiency of the bond, its duty is to reject the bond and inform the petitioner of the reasons therefor.—Amperse v. Kalamazoo, 59 Mich. 83.

The Council cannot act capriciously or against evidence. It is bound to act fairly and in perfect good faith.—Post v. Sparta Twp. Board, 63 Mich. 325.

A liquor dealer who presents his bond for approval seasonably is en-

titled to have it acted upon so that he can file it in time.—Warner v. Lawrence, 62 Mich. 251.

It was not designed by the law that the right to carry on the liquor business should depend on the pleasure of a Common Council. The Legislature has fixed the conditions upon which the liquor business may be carried on and nothing is left to the Council except to pass upon the sufficiency of the sureties.—Potter v. Village of Homer, 59 Mich. 13.

The determination of the Council rejecting a bond where the sureties or one of them is not financially qualified to act as bondsman, where the Council acts in good faith and upon due proof of such disqualification, is final, and will not be set aside by the courts.—Divine v. Board of Trustees of Village of Lake View.

Respectfully submitted,

**FRANK A. STIVERS,**

City Attorney.

Ann Arbor, Mich., May 1, 1906.

Moved by Ald. Sherk, supported by Ald. Fischer, that communication of City Attorney to bond committee relative to qualifications of sureties on liquor bonds be incorporated and printed in the minutes of this council. Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blauch, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

Moved by Ald. Abbott, supported by Ald. Blauch, that bond committee report, as amended, relative to constable bonds be accepted.

**Constable Bonds.**

Peter Hines, principal; E. J. Hines, John Mathews, sureties.

Franz Korzuck, principal; Lester Canfield, William J. Clancy, sureties.

A. H. Holmes, principal; Geo. B. Rhead, surety.

Joseph Sekora, principal; Earl Ware, Charles Neithamer, sureties.

Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blauch, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

Moved by Ald. Abbott, supported by Ald. Sherk, that bond committee report, as amended, relative to druggist's bonds be accepted.

**Druggists' Bonds.**

H. J. Brown, principal; Chas. S. Mil-

len, Ottmer Eberbach.

A. E. Mummery, principal; J. J. Goodyear, E. E. Calkins, sureties.

Mann Brothers, principals; H. J. Mann, Fred Schmid, sureties.

Dawson Brothers, principals; William H. Stark, Laverne O. Cushing, sureties.

L. O. Cushing, principal; Charles Dawson, O. W. Cushing, sureties.

J. J. Quarry, principal; Fred T. McOmber, Henry W. Douglas, sureties.

Herman F. Miller, principal; Michael J. Fritz, John Schmid, sureties. Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blaich, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

Moved by Ald. Sherk, supported by Ald. Blaich, that the amended report of the Bond Committee relative to saloon bonds be adopted and concurred in by the Council.

#### Saloon Bonds.

Chas. F. Klais, principal; John Maulbetsch, J. F. Hoelzle, sureties.

Fred G. Haas, principal; Oswald Dietz, Daniel E. Haas, sureties.

Robert J. Paul, principal; Gottlieb Andres, Christian Gauss, sureties.

Frey Brothers, principals; Frederick Frey, Jacob L. Dupper, sureties.

William C. Hoppe, principal; D. J. Malloy, Jacob Dupper, sureties.

William Goetz, principal; John Walz Sr., John Goetz Sr., sureties.

William F. Kapp, principal; George Spathelf, Fred Brown, sureties.

Vanderlip & Gale, principals; Sam Heusel, Alfred J. Paul, sureties.

Joseph Parker, principal; Alex. Ratti, Sam Heusel, sureties.

J. G. Fred Schmid, principal; G. F. Stein, Jacob Dupper, sureties.

Charles F. Limpert, principal; Charles F. Klais, Gottfried F. Scoettle, sureties.

Collum & Roach, principals; Oswald Dietz, Geo. M. Clarken, sureties.

Jacob Dupper, principal; J. G. Fred Schmid, Fred Brown, sureties.

W. H. Bowman, principal; Christian Martin, Fred Brown, sureties.

Lawrence J. Damm, principal; Eugene Oesterlin, E. Wagner, sureties.

J. August Waidelich, principal; Geo. A. Waidelich, John Berger, sureties.

Nicholas Schneider, principal; John Berger, J. A. Waidelich, sureties.

Fred Brown, principal; J. F. Stein,

Jacob Dupper, sureties.

M. W. Brillinger, principal; William A. Gwinner, Christian Martin, sureties.

Fred Besimer, principal; Fred Staebler, Tobias Laubengayer, sureties.

Alfred J. Paul, principal; Fred Haas, J. A. Waidelich, sureties.

Haas & Heibein, principals; Fred G. Haas, Jacob Dupper, sureties.

Edward Dunn, principal; John Byron, Oswald Dietz, sureties.

Illi & Krauth, principals; Wm. Frey, George Goetz, sureties.

E. A. Bethke, principal; Gottlob Bethke, Mattheus Fischer, sureties.

Phil Gauss, principal; P. F. Reimold, Mackeus Lutz, sureties.

George Richard, principal; F. W. Buss, Henry Otto, sureties.

Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blaich, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

By Ald. Sherk—

Resolved, that the city clerk forthwith give notice to all applicants whose liquor bonds have been rejected because of insufficient sureties of that fact and also of the reasons therefor.

Resolved further, that said rejected bonds be referred to the bond committee and that said committee appoint a time and place of meeting and give notice thereof to said applicants, at which time said applicants may if they so desire present further evidence concerning the qualifications of said sureties or new bonds for consideration of the committee.

Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blaich, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

Moved by Ald. Fischer, supported by Ald. Abbott, that above resolution comply also with rejected saloon bonds, druggists' bonds and constable bonds.

Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, St. James, Sherk, Blaich, Abbott, Fischer, Pres. Gilmore—10.

Nays—None.

Moved by Ald. Schneider that when we adjourn, we adjourn to meet Fri-

day evening, May 4th at 7:30 o'clock.  
Supported by Ald. Abbott.  
On motion the Council adjourned.

B. F. GRANGER,  
Deputy City Clerk.