

000 pending receipt of proceeds from future bond sale.
Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Nagel, Vernon, Watson and the President—9.
Nays—None.

From the Controller.
To the Honorable, the Common Council:
Gentlemen: So as to correct proceedings relative to the issuance of Special Assessment Bonds, I now wish to recommend the adoption on the attached resolutions. Respectfully submitted.
HENRY STEFFENS, JR.,
Controller.

By Councilman Littlefield:
Resolved, That so much of resolutions adopted August 29, 1922 JCC 1829, Sept. 13, JCC 1752, Sept. 19, JCC 1806, Sept. 5, JCC 1692, Sept. 26, JCC 1853, 1854, October 3, JCC 1907-1908 as refer to the following streets and alleys and lateral sewers be and the same are hereby rescinded:
STREETS.

Wanda—Six Mile Road to Nevada.
Clements—Twelfth to Linwood.
Duncan—Helen to Frontenac.
Northlaw—Grand River to Fullerton.
Fairview—Warren to Shoemaker.
Parkwood—Warren to Canfield.
Rosedale Ct.—Oakland to Russell.
Martin—McGraw to Warren.
Richton—Twelfth to Linwood.
St. Albertus—DeQuindre to St. Aubin.
Burke—Panama to Wagner.
"C"—Vinewood to Hubbard.
Glynn Ct.—Linwood to Dexter.
Sharon—South of Mich. to Mich.
Six Mile Rd.—Log Cabin to Livernois.
Burlingame—Linwood to Dexter.
Canfield—Iroquois to Burns.
Lakewood—Harbor to Korle.
Lemay—Warren to Shoemaker.
Parkwood—Martin to Central.
Hibbard—Brinket to end of st.
Edgewood—Vandyke to Murat.
Hardyke—Vandyke to Maxwell.
Woodward—Six Mile to 7-Mile Rd.

ALLEYS.
1540, 1543, 1547, 1551, 1552, 1568,
1425, 1509, 1524, 1545, 1561, 1566,
1450, 1418, 1500, 1542, 1544, 1554,
1555, 1559, 1560, 1433, 1509, 1529,
1535, 1541, 1548, 1553, 1557, 1562,
1585, 1587, 1576.

LATERAL SEWERS.
3490, 3605, 3645, 3646, 3659, 3693,
3708, 3724, 3571, 3627, 3673A, 3674,
3683, 3687, 3699, 3707, 3709, 3715,
3720, 3705.
Adopted as follows:
Yeas—Councilmen Bradley, Cas-

tator, Ewald, Kronk, Littlefield, Nagel, Vernon, Watson, and the President—9.
Nays—None.
By Councilman Littlefield:
Resolved, That the City Controller be and he is hereby authorized and directed to prepare special assessment bonds in accordance with the provisions of Sections 6, 10, 11, 12 and 18 of Chapter V, Title VI of the Charter of the City of Detroit, covering paving of the following streets, alleys and the construction of the following lateral sewers:
STREETS.

Wanda—Six Mile Road to Nevada.
Clements—Twelfth to Linwood.
Duncan—Helen to Frontenac.
Northlaw—Grand River to Fullerton.
Fairview—Warren to Shoemaker.
Parkwood—Warren to Canfield.
Rosedale Ct.—Oakland to Russell.
Martin—McGraw to Warren.
Richton—Twelfth to Linwood.
St. Albertus—DeQuindre to St. Aubin.
Burke—Panama to Wagner.
"C"—Vinewood to Hubbard.
Glynn Ct.—Linwood to Dexter.
Sharon—South of Mich. to Mich.
Six Mile Rd.—Log Cabin to Livernois.
Burlingame—Linwood to Dexter.
Canfield—Iroquois to Burns.
Lakewood—Harbor to Korle.
Lemay—Warren to Shoemaker.
Parkwood—Martin to Central.
Hibbard—Brinket to end of st.
Edgewood—Vandyke to Murat.
Hardyke—Vandyke to Maxwell.
Woodward—Six Mile to 7-Mile Rd.

ALLEYS.
1540, 1543, 1547, 1551, 1552, 1563,
1425, 1503, 1524, 1545, 1561, 1566,
1450, 1418, 1500, 1542, 1544, 1554,
1555, 1559, 1560, 1433, 1509, 1529,
1535, 1541, 1548, 1553, 1557, 1562,
1565, 1567, 1576.

LATERAL SEWERS.
3490, 3605, 3645, 3646, 3659, 3693,
3708, 3724, 3571, 3627, 3673A, 3674,
3683, 3687, 3699, 3707, 3709, 3715,
3720, 3705.
Said bonds to bear interest at the rate of 4 1/2 per cent per annum.
Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Nagel, Vernon, Watson, and the President—9.
Nays—None.
From the Corporation Counsel.
To the Honorable the Common Council:
Gentlemen—You ask an opinion from this department as to the liability of the City of Detroit in the opening of Lawton Avenue respecting grade separation and main-

ance of crossing protection until grades are separated. Under section 10 of an agreement entered into by and between your Honorable Body, the Michigan Central Railroad Company, et al, it is provided that any streets, which may be opened and used after July 3, 1903, across the rights of way of railroad companies lying between Woodward and Michigan avenues shall be constructed at a grade sufficiently lower than the grade of the railroad tracks to permit the streets to pass under the tracks and the city shall assume and pay the entire cost of the work of such separation of grades at such new crossings. This provision precludes the city from crossing the tracks at grade without a subsequent agreement and I am unable to find that such an agreement has been entered into. Under the provision referred to it is, as you will note, expressly provided that the entire cost of the expense of separation of grades at new crossings shall be borne by the city. In the absence of an agreement to the contrary the city must likewise bear the expense of maintaining crossing protection where a new street is opened across and upon a railroad right of way, as the rule is adopted in this State that when a new highway is laid out it belongs to those laying it out to bear the expense of making the crossing in such condition as is necessary to meet all the dangers which it occasions. (See Chicago and G. T. Railroad Company vs. Hough 61 Mich. 507; People vs. Lakeshore and Michigan Southern R. R. Company 52 Mich. 277; Grand Rapids vs. Grand Rapids and I. R. Company 58 Mich. 641). Also, for the expense of constructing, maintaining and operating a gate or tower, if necessary, Grand Rapids vs. Bennett 106 Mich 528 and for all structural changes and flagmen or gates or cattle guards, Plymouth vs. Pere Marquette R. R. Co., 139 Mich. 247.
Very truly yours,
PAUL T. DWYER,
Asst. Corporation Counsel.
Approved: C. E. Wilcox, Corporation Counsel.
Accepted and placed on file.

From the Corporation Counsel.
To the Honorable the Common Council:
Gentlemen—The following employees of the City of Detroit were injured while in the course of their employment:
Charlie Streeter, employe Department of Public Works.
August Giebel, employe Department of Public Works.
Thomas Gregor, employe Department of Street Railways.
Anthony Bauer, employe Department of Street Railways.
Henry Godbold, employe Department of Street Railways.
Under the terms of the Michigan Workmen's Compensation Law the employe shall pay the injured employe at the rate of 60 per cent of his average weekly wages, not to exceed \$14.00 per week, nor more than 500 weeks from the date of the accident. To the end that the above be paid, I suggest the adoption of the following resolution.
Respectfully submitted,
JAMES H. WALSH,
Asst. Corporation Counsel.
By Councilman Littlefield:
Resolved, That the Controller be and is hereby instructed to draw his warrant upon the proper fund in favor of Charlie Streeter and August Giebel, employes of Department of Public Works; Thomas Gregor, Anthony Bauer, and Henry Godbold, employes of Department of Street Railways at the rate of 60 per cent of their average weekly wages, not to exceed \$14.00 per week, said sum to be paid during the period of disability not to exceed 500 weeks from the date of the injury.

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Nagel, Vernon, Watson and the President—9.
Nays—None.
From the Corporation Counsel.
To the Honorable the Common Council:
Gentlemen—
In re Marie R. Penn vs. City of Detroit.
In re Edgar Penn vs. City of Detroit.
The above suits arose out of a claim which the above plaintiffs had against the City of Detroit by reason of their automobile striking a defect in the pavement in front of 833 Bewick avenue on July 2, 1920, and which claim was heard before your Honorable Committee under date of September 30, 1920, same being claim No. 1952, submitted to your Honorable Body by this office with recommendation that a liability existed and that we requested your Honorable Body for authority to settle this matter as reasonably as possible, which claim was referred back to this office with authority to negotiate with the attorneys for claimants, but at that time no satisfactory adjustment of the claim could be made and a further recommendation was made to your Honorable Body by this office to deny the claim, which was done. Suit was then started in both cases, and is now on the Circuit Court call ready for trial. This matter has been taken up

Adopted as follows:
Yeas—Councilmen Bradley, Castator, Ewald, Kronk, Littlefield, Nagel, Vernon, Watson and the President—9.
Nays—None.