

the same work is done for the Department of Public Works for 40 cents.

Respectfully submitted,

WM. GUTMAN.
LOUIS BROZO.
JOHN GRINDLEY.
E. B. GIBBONS.

Accepted and adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Hillger, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Weiler, Wieber, Wing, Zink and the President—34.
Nays—None.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Claims and Accounts, to whom was referred the petitions of Adolph Lijofski, Frank Miller, Roberta Trevallick, Frank L. Bessenger et al. (re Yacht "Josephine") and Leah A. Clark, all for damages, etc., respectfully report that we have had all of said claims under consideration; have listened to the testimony of the claimants as well as to that of witnesses, and after consultation with the Corporation Counsel recommend that the claims of Frank Miller, Roberta Trevallick and Frank L. Bessenger et al. (re Yacht "Josephine") be denied, there being no liability against the City, in our judgment. In regard to the petitions of Adolph Lijofski and Leah A. Clark, we recommend that the former be tendered the sum of \$35 and the latter \$100 in full settlement of all claims for damages that each of said claimants may have against the City of Detroit by reason of certain injuries alleged to have been sustained, etc., and we therefore offer the following resolution.

Respectfully submitted,

WM. GUTMAN.
LOUIS BROZO.
JOHN GRINDLEY.
E. B. GIBBONS.

Accepted and on leave the following resolution was offered:

By Ald. Gutman:

Resolved, That the City Controller be and he is hereby authorized and instructed to draw warrants upon the proper fund in favor of Adolph Lijofski for the sum of \$35 and in favor of Leah A. Clark for the sum of \$100 in full settlement of all claims for damages that each of the aforesaid petitioners may have against the City of Detroit by reason of certain injuries alleged to have been sustained, upon presentation of the proper receipt therefor; provided, said sums are accepted within 30 days from the date of the adoption of this resolution.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Hillger, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Weiler, Wieber, Wing, Zink and the President—34.
Nays—None.

Grade Separation.

To the Honorable the Common Council:

Gentlemen—Your Committee on Grade Separation beg leave to report to your honorable body that we have again had under consideration the question of a modification of the agreement of July 3, 1903, so as to allow the construction of a subway instead of a viaduct at the intersection of Junction avenue and various railroads crossing same. At a session of this council held on May 16 last, a report was submitted upon this matter and adopted at the following session, which report stated upon what basis the companies interested would consent to make the change proposed, but no recommendation was included in said report for the preparation of agreements, etc., as is usual in like instances. Our reason for not making any recommendation was because we felt that the matter should be thoroughly understood by every member of this Council and for the further reason that we desired to obtain the best possible bargain for the city. As stated in said report, we were informed by Mr. Kinnear of the M. C. R. R. that if the legal representatives of the various interested parties felt that a supplemental agreement substituting a subway for an overhead structure at Junction avenue can be made binding upon all parties, that they were willing to consider such an agreement upon the following basis (which has since been amended in certain respects) to-wit:

First. The city to take care of all damages to persons or property, other than the railroad companies interested (except that a parcel of property belonging to the Grand Trunk lying north of their right-of-way) arising from the change in the grade of the streets, and the construction of the subway and approaches.

Second. The city to make all changes in sewers at its sole expense, the city to pay a portion of the expense of paving, constructing cement walks, piers, etc., which aggregates approximately \$33,590 as estimated by the Engineers of the Grand Trunk R. R., and which latter amount Mr. At-R., and which latter amount Mr. At-R., and which latter amount Mr. At-R., water consented to reduce to \$30,000 as far as their interests were concerned and \$11,703 in so far as the M. C. R. R. is concerned, to which should be added the cost of constructing crown on sewer in Junction avenue, the cost of which is estimated at about \$750 by the City Engineer, making a total cost to the city of approximately \$45,000, to which sum must be added the probable damages that will accrue to abutting property, which in the judgment of the City Engineer, together with above cost will not be more than between \$50,000 and \$55,000. Our reason for recommending this change, in addition to those set forth in the report hereinbefore referred to, are that the viaduct proposed in the agreement of July 3, 1903, would mean that the structure would be 21 feet above the grade of the Lake Shore tracks, while the subway would mean a depression of 10 1-2 at deepest point, which would mean a saving of 10 1-2 in grade—in other words teams and vehicles under

the new plan would go down but an average of 10 1/2 feet, while under the viaduct plan they would have to climb a grade high enough to bring them 21 feet above the present roadway. It also means that instead of paying damages to a total frontage of 3,551.66 feet (by reason of erection of viaduct) the city will but pay damages to a frontage of 1,222.68 feet, by constructing a subway, which means a saving of damages to a total frontage of 2,339 feet, which is certainly deserving of the most serious consideration. Then, again, the convenience of having a subway as against a viaduct will be not only appreciated by the surrounding property owners but by the Fire Department as well, in that less grade will have to be climbed with their apparatus. Various other reasons could be enumerated as to why the change should be made, but we feel it entirely unnecessary to mention them and therefore recommend that the Corporation Council be requested to confer with the attorneys of the various railroads interested, as well as with their engineers and City Engineer, and prepare such an agreement as may be necessary to accomplish the desired end, and report the same, when prepared, to this Council for its further consideration.

Respectfully submitted,
 GEORGE A. OWEN.
 LOUIS BROZO.
 HIRAM L. ROSE.
 WM. GUTMAN.
 LOUIS E. TOSSY.

Objected to and laid on the table.

Streets.

To the Honorable the Common Council:

Gentlemen — Your Committee on Streets, to whom was referred the petitions of J. H. Moeller, Nelson S. Praigg and W. T. Bowen, all for the cancellation of sidewalk assessments, respectfully report that we have had the matter under consideration and after a thorough investigation, beg leave to submit the following detailed report, to-wit:

Re petition of J. H. Moeller, we find that petitioner is the owner of lot one of J. A. Moeller's sub. of part of o. ls. 13 and 14 of Maurice Moran farm, situate on the west side of Ellery street, between Perry and Palmer avenues; that an assessment was levied against said lot for the alleged construction of a sidewalk in spring of 1902; that we now find from the records in the Department of Public Works that no walk was built in front of said lot, as none exists there today, and in view thereof we recommend that the certificate of title issued to C. H. Wiltsie be recalled and the amount so paid for same, with interest, be refunded.

Re petition of Nelson S. Praigg we find that petitioner is the owner of premises known as No. 308 Putnam avenue, more particularly described as follows, to-wit: East 63.46 feet of north 43.84 feet of o. l. 34, Baker farm, n. s. Putnam avenue; that a sidewalk assessment was levied against said property for the alleged construction of a sidewalk two or three years since; that we now find that no sidewalk was laid or even repairs made there-

to, as the owner of said premises makes an affidavit; that petitioner has always done whatever repairing was necessary and paid for same from time to time. It is quite evident that this walk is in the same category as various other walks previously called to the attention of your honorable body, which were probably built in front of other premises, and which premises cannot be located at this late date. We feel satisfied to accept the sworn statement of petitioner and recommend that the assessment be cancelled in due form.

Re petition of W. T. Bowen, we find that petitioner is the owner of the south half of lot 62 and north 23 feet of lot 63 of James B. McKay's sub. of part of P. C. 152, w. s. of Bowen avenue, between Kercheval and Jefferson avenues; that an assessment for the alleged construction of a sidewalk was levied against said property on May 21, 1902, but upon searching the records we find that none of the descriptions correspond—that is to say, that the records of the Department of Public Works do not agree and both of said descriptions are different upon the roll, showing inexcusable errors in making up the assessment for the construction of this sidewalk, wherever it may have been laid. Your committee are satisfied that the assessment was levied in error, and therefore recommend the adoption of the following resolution.

Respectfully submitted,
 WM. F. MOELLER,
 GEO. A. OWEN,
 WM. GUTMAN,
 WM. HILLGER,
 GEO. H. ELLIS.

Accepted, and on leave the following resolution was offered:
 By Ald. Moeller:

Resolved, That the City Controller be and he is hereby authorized and instructed to draw a warrant upon the proper fund in favor of C. H. Wiltsie for the sum of \$30.37, being the aggregate paid by him for certificates of title against the following described property, to-wit: Lot one (1) of J. A. Moeller's sub. of part of o. ls. 13 and 14, Maurice Moran farm, situate on w. s. Ellery street (parts one and two), \$5.52; east 63.46 feet of north 43.84 feet of o. l. 34, Baker farm, n. s. Putnam avenue, \$15.92, and south half of lot 62 and north 23 feet of lot 63, of James B. McKay's sub. of part of P. C. 152, w. s. Bowen avenue, between Jefferson and Kercheval avenues (parts 1 and 2), \$8.93, the same being amounts paid by him as above stated, by reason of the non-payment of sidewalk assessments erroneously levied against above described property, upon presentation of the certificates so issued him. The above amount including interest at the rate of six per cent per annum from date of purchase.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Hillger, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Well-er, Wieber, Wing, Zink, and the President—34.

Nays—None.

To the Honorable Council
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Accepted and
 Ald. Weibel

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 and the President—34.