

egress and the beneficial use and enjoyment of the lot conveyed.

This ingress and egress of an alley is a property right which the owner cannot be deprived of without due process of law; nor without compensation. If in the judgment of a jury passing upon the necessity of the vacation the owner is entitled to damages. The same is true of the opening of an alley. This involves the taking of private property for public use. It can only be done by condemnation proceedings in the ordinary manner of condemnation.

This rule has been held by the Supreme Court in Horton vs. Williams, 99 Mich., 423.

You are therefore advised that an alley can neither be vacated nor opened by a mere resolution.

Very respectfully,
TIMOTHY E. TARSNEY,
Corporation Counsel.

The action on the mayor's veto was as follows:

Inspector Gentsch moved the vote relating to the Estabrook School alleys be reconsidered.

Carried.

Inspector Field moved that the report of the Joint Committee on Real Estate and Judiciary relative to the Estabrook alleys be adopted, notwithstanding the veto of the Mayor.

Inspector Gentsch moved as a substitute that the matter be referred to the Committee on Real Estate for further consideration.

Lost.

Yeas—Inspectors Bennett, Brewe, Burton and Gentsch—4.

Nays—Inspectors Field, George, Harvey, Hely, Lee, Marschner, Scholl, Schulte, Shivers, Spalding, Vergouw and the President—12.

The motion of Inspector Field was then adopted.

Carried.

Yeas—Inspectors Field, George, Harvey, Hely, Lee, Marschner, Scholl, Schulte, Shivers, Spalding, Vergouw and the President—12.

Nays—Inspectors Bennett, Brewe, Burton and Gentsch—4.

The matter having been finally closed by the board, it is now referred to you for action thereon.

GEO. BROWN,
Secretary.

Accepted and referred to the Committee on Street Openings.

From the Clerk.

That he presented such portion of the proceedings of the last session as is required by the charter to be so presented to his honor the Mayor for approval, on the 10th inst, and that they were approved on the 13th inst., except as noted in communication from the Mayor, this session.

Placed on file.

Also, that the following liquor dealers' bonds have been filed: Koppitz-Melchers Brewing Co., Joseph P. Kaiser, Louis W. Schimmel.

Referred to Committee on Liquor Bonds.

REPORTS OF COMMITTEES.

Ways and Means.

To the Honorable the Common Council:

Gentlemen — Your Committee on

Ways and Means, to whom was referred the reports of the various city officers for the week ending Oct. 10, 1903, respectfully report that with the Chief Accountant we have examined the same, and believing them to be correct, recommend their approval.

Respectfully submitted,

GEO. P. CODD,
HUGH R. BURNS,
WM. W. MAGEE,
WM. HILLGER,
WM. NAGEL,

Accepted and adopted as follows:

Yeas—Ald. Balsley, Black, Brozo, Burns, Codd, Dederich, Gutman, Harp-rer, Heineman, Hillger, Jeffries, Keat-ling, Lemke, McClellan, Magee, Moel-ler, Mohn, Nagel, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—27.

Nays—None.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen — Your Committee on Ways and Means, to whom was referred the petition of W. W. Hannan et al. for acceptance of a deed of certain land to be used for street purposes, which is given in accordance with the report of the Committee on Streets presented at a session held on Sept. 22 (J. C. C., p. 937), and the accompanying resolution adopted at a session held on Sept. 29 (J. C. C., p. 949), respectfully report that we have had the same under consideration, and upon examination find that said deed is certified to by the Corporation Counsel as being correct in form and execution, and title satisfactory, and by the City Engineer as being correct in description. We therefore recommend that said deed be accepted and approved, and that the Controller be authorized to record the same, and therefore offer the following resolution.

Respectfully submitted,

GEO. P. CODD,
HUGH R. BURNS,
WM. W. MAGEE,
WM. HILLGER,
WM. NAGEL,

Accepted, and on leave the following resolution was offered:

By Ald. Codd:

Resolved, That the quit claim deed of Wm. Hannan et al. to the City of Detroit, of all that certain piece or parcel of land, more particularly known and described as follows:

The ely. 90 feet of that part of the w. ½ of P. C. 91, Dubois farm, lying wly. of the wly. line of Dubois street, and between the nly. and sly. lines of Woodbridge street (extended), on a course n. 60 degrees east, be and the same is hereby accepted and approved and the City Controller be and he is hereby authorized and instructed to cause the same to be recorded in the office of the Register of Deeds for the county of Wayne, Michigan.

Adopted as follows:

Yeas—Ald. Balsley, Black, Brozo, Burns, Codd, Dederich, Gutman, Harp-fer, Heineman, Hillger, Jeffries, Keat-ling, Lemke, McClellan, Magee, Moeller, Mohn, Nagel, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—27.

Nays—None.