

Resolved, That in the event of the above settlement being made, by said Detroit Railway Company accepting said amount within the time specified, the Corporation Counsel be and he is hereby directed to discontinue whatever proceedings or litigation may be pending in the Courts relative to said claim.

Objected to and laid on the table.

### Public Utilities.

To the Honorable the Common Council:

Gentlemen—Your Committee on Public Utilities to whom was referred the ordinance presented at the last session entitled "An ordinance to provide for the proper heating of Street Railway Cars," respectfully report that we have had the same under consideration and beg leave to state that in the original franchises of the street railway companies there is no specific provision therein which compels them to heat their cars between certain periods of the year or when the temperature reaches a certain degree, when it is absolutely necessary that heat should be provided in the cars. We believe that the ordinance fully covers the subject and will, if enforced, give the desired relief that has been complained about for several years past. We therefore recommend that the ordinance presented at a session held on the 15th inst. (J. C. C. p. 1235) be passed as presented.

Respectfully submitted,  
FRED W. SMITH.  
C. A. BLACK.  
PATRICK O'BRIEN.  
EDMUND ATKINSON.

Accepted.

The ordinance was then placed on the order of third reading.

### Third Reading of Ordinance.

The title to the ordinance was read a third time.

The ordinance was then read.

The question being "Shall this ordinance now pass?" The ordinance was passed, a majority of the Aldermen present voting therefor as follows:

Yeas—Ald. Allan, Atkinson, Balsley, Black, Brozo, Burns, Dederich, Deimer, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Weiler, Wierber, Zink and the President—31.

Nays—None.

The title to the ordinance was confirmed.

### Streets.

To the Honorable the Common Council:

Gentlemen—Your Committee on Streets to whom was referred the resolution presented by Ald. Hillger authorizing the Department of Public Works to issue a permit to A. Brandau to construct areas around building located on n. e. corner of Cadillac and Jefferson avenues, respectfully report that we have had the same under consideration and after investigation can see no objection thereto, being similar to others granted from time to time. We therefore recommend that the resolution above referred to, pre-

sented at a session held on the 15th inst. (J. C. C., p. 1227), be adopted.

Respectfully submitted,  
MAX C. KOCH,  
OTTO REINHARDT,  
C. A. BLACK,  
FRED MOHN,  
JOHN WEIBEL.

Accepted and adopted as follows:  
Yeas—Ald. Allan, Atkinson, Balsley, Black, Brozo, Burns, Dederich, Deimer, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Weller, Weiler, Zink, and the President—31.

Nays—None.

### FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Streets, to whom was referred the petitions of Martin Smith and Henry Peters, respectively, for the cancellation of a paving assessment alleged to have been erroneously assessed, respectfully report that we have had the matter under consideration and upon examination find that petitioners are the owners of lots 11, 12, 13, 14 and 15, Yemans and Sprague's subdivision of part of P. C. 152, lying north of Jefferson avenue, south side Chapoton street and east side McClellan avenue; that when Kercheval avenue was paved the City Engineer was advised by the Corporation Counsel to assess the lots abutting on Chapoton street for the paving of Kercheval avenue, which opinion was rendered on June 24, 1903; that the assessment roll was made and prepared in accordance with said opinion and placed in the hands of the Receiver of Taxes for collection; that when petitioners became aware of the assessment being levied against their property they filed the petitions above referred to, asking for the cancellation of the same, whereupon the matter was again submitted to the Corporation Counsel, by whom we are now informed, in brief, as follows:

"Dear Sir—I am in receipt of your letter of June 1, inclosing petition for cancellation of paving assessments for the paving of Kercheval avenue, and requesting an opinion as to whether this petition should be allowed.

"Chapoton street, undoubtedly, lay between Kercheval avenue and the property owned by petitioners, and I do not believe that an assessment could be legally made against these lots.

"When this matter was up some time ago at the time this assessment roll was made, I think I informed the Engineer that the property could be assessed, and I think it was on my opinion that these lots were included in the district; but at that time I did not thoroughly understand the situation and have given the matter now more careful attention and am satisfied that this assessment, as far as it relates to these lots, cannot be sustained."

The assessment involved aggregates \$650, and your committee, believing that a compromise could be effected, negotiated with the petitioners upon the basis that if they would pay the paving assessment levied against their property for the paving of Kercheval avenue that the committee would recommend to the Common Council that Chapoton street, of which 48 feet lies

between their property and Kercheval avenue, be vacated to them, which proposition, after hanging fire for six months, is agreeable to the petitioners; provided, however, that the city will guarantee to defend any law suits that may be commenced by the original dedicators of said land for the recovery of the same. This latter question was taken up with Mr. Tarsney and he informs me that there is no objection to including the same in the resolution, because, in his opinion, if the property is vacated, it can only accrue to the abutting property owners. Your committee therefore recommend, in view of the opinion of the Corporation Counsel, and in view of what we believe to be to the best interests of the City of Detroit, that Chapoton street, hereinbefore referred to, be vacated to the abutting property upon condition that they pay into the City Treasury the paving assessment levied against their respective properties for the paving of Kercheval avenue, as appears upon the assessment roll made and prepared for said street, and we therefore offer the following resolution.

Respectfully submitted,

MAX C. KOCH,  
OTTO REINHARDT,  
C. A. BLACK,  
FRED MOHN,  
JOHN WEIBEL.

Accepted and on leave the following resolution was offered:

By Ald. Koch:

Resolved, That the east 112 feet of that part of Chapoton street lying north of and adjoining lots 15, 14, 13 and 12 in block 5, of Yemans and Sprague's sub. of that part of P. C. 152, lying north of Jefferson avenue, be and the same is hereby vacated in its entirety to become a part of the lots abutting thereon, viz., lots 12, 13, 14 and 15 in block 5, in the subdivision above described, situate on the south side of Chapoton street, and that the west 118 feet of that part of Chapoton street lying north of and adjoining lot 11, block 5, of Yemans and Sprague's sub. of that part of P. C. 152 lying north of Jefferson avenue, be and the same is hereby vacated in its entirety to become a part of the lot abutting thereon, viz., lot 11, block 5, in the subdivision above described, situate on the southeast corner of Chapoton street and McClellan avenue, provided the owners of lots 11, 12, 13, 14 and 15 pay into the City Treasury the four parts of the paving assessment levied against their respective lots for the paving of Kercheval avenue, as appears upon the books of the City Treasurer and Receiver of Taxes, aggregating \$650 00; and be it further

Resolved, That should the original dedicators of said street ever attempt by any action of law or otherwise to recover the property affected by this resolution and herein described, the Corporation Counsel be and he is hereby directed to defend said suit or suits, without any costs or charges whatsoever, that may accrue to petitioners, viz., Henry Peters and Martin Smith, their heirs or assigns.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Balsley, Black, Brozo, Burns, Dederich, Deimel, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Weiler, Wieber, Zink, and the President—31.

Rose, Smith, Tossy, Weibel, Weiler, Wieber, Zink, and the President—31.  
Nays—None.

### Street Openings.

To the Honorable the Common Council:

Gentlemen—You. Committee on Street Openings, to whom was referred the petition of Robert Henkel for the vacation of an alley, respectfully report that we have had the same under consideration and find that petitioner's company (Commercial Milling Co.) is the owner of all the property located on the west side of Randolph street between Woodbridge and Atwater streets, also considerable of the property on the south side of Woodbridge street immediately west of Randolph street, also considerable of the property on the north side of Atwater street, west of Randolph street; that petitioner's company is the owner of all the property abutting upon the alley desired to be vacated, which extends from Atwater street to the public alley north of and parallel with said street, lying in the rear of lots situate on the west side of Randolph street; that petitioner's company is desirous of occupying the same, to facilitate them in handling their business, to which your committee can see no objection; provided, petitioner pays into the City Treasury any expense that may have been incurred by the city in the matter of constructing cross walks, sidewalk, curbing, paving, etc., and we therefore offer the following resolution.

Respectfully submitted,

MAURICE J. KEATING,  
DAVID E. HEINEMAN,  
ALBERT T. ALLAN.

Accepted and on leave the following resolution was offered:

By Ald. Keating:

Resolved, That the public alley west of and parallel with Randolph street, running northerly and southerly in the block bounded by Bates, Randolph, Woodbridge and Atwater streets, extending from north line of Atwater street to the southerly line of the east and west alley in said block, be and the same is hereby vacated; provided, the abutting property owners pay into the City Treasury any expense that may have been incurred by the city in the matter of paving Atwater street, constructing crosswalks, sidewalk, also cost of curbing, etc., in front of said alley hereinbefore described, within 60 days from the date of the adoption of this resolution, as may be certified to by the City Engineer.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Balsley, Black, Brozo, Burns, Dederich, Deimel, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Weiler, Wieber, Zink, and the President—31.

Nays—None.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the petition of Edward A. Schill-

ing, et al., for vacation of an alley running north and south of Hazelwood avenue, west of Third avenue, respectfully report that we have given the matter our careful consideration and find that the original platting of this property caused a so-called private way to be extended north and south from Hazelwood avenue to the public alleys in the rear of said property, such private way being between lots 19 and 20 on the north side of Hazelwood avenue and lots 101 and 102 on south side of said avenue. The reason for said private ways being given at that time, was that the north and south streets were not determined upon and said private ways were platted in order to allow ingress and egress to the alleys in the rear of said property from Hazelwood avenue, without traveling a half mile or more to get on the street proper. Since the platting of said property, Third avenue has been opened, which said avenue (as opened) lies but 40 feet easterly of the private ways hereinbefore described, which said avenue gives all the necessary ingress and egress that may be desired. Your committee can see no objection to request of petitioners for the vacation of said 15 feet private ways, and therefore recommend that the request of petitioners be granted; provided, the abutting owners pay into the city treasury any expense that may have been incurred by the city in the matter of paving, crosswalks, sidewalks, curbing, etc., as may be certified to by the City Engineer, and we therefore offer the following resolution.

Respectfully submitted,

MAURICE J. KEATING,  
DAVID E. HEINEMAN,  
ALBERT T. ALLAN,  
E. J. JEFFRIES.

Accepted and on leave the following resolution was offered:

By Ald. Keating:

Resolved, That the alley west of and parallel with Third avenue from north line of Hazelwood avenue northerly to southerly line of east and west alley between lots 19 and 20, also the alley west of and parallel with Third avenue from south line of Hazelwood avenue southerly to the northerly line of east and west alley between lots 101 and 102, south side Hazelwood avenue, between Third avenue (extended) and Hamilton Boulevard, be and the same are hereby vacated; provided, that abutting property owners pay into the city treasury any expense that may have been incurred by the city in constructing sidewalks, crosswalks, paving, curbing, etc., as may be certified to by the City Engineer, within 60 days from the date of the adoption of this resolution.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Balsley, Black, Brozo, Burns, Dederich, Demmel, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Weiler, Wieber, Zink, and the President—31.

Nays—None.

Ald. Harpfer was excused.

### Ordinances.

To the Honorable the Common Council:

Gentlemen—Your Committee on Or-

dinances, to whom was referred the communication from the Board of Health suggesting that certain amendments be made in the ordinance entitled "An Ordinance to regulate the milk supply of the City of Detroit," approved July 19, 1904, respectfully report that we have had the same under consideration and after investigation recommend that the request of said Board be granted and we therefore recommend the passage of the following ordinance.

Respectfully submitted,

WM. GUTMAN,  
JOHN HARPFER,  
JOS. F. DEDERICH,  
E. J. JEFFRIES.

Accepted.

The following is the ordinance:

### Ordinance.

AN ORDINANCE to amend section 1 of an ordinance entitled "An Ordinance to regulate the milk supply of the City of Detroit," approved July 19, 1904.

It is hereby ordained by the people of the City of Detroit.

Section 1. That section 1 of an ordinance entitled "An Ordinance to regulate the milk supply of the City of Detroit," approved July 19, 1904, be and the same is hereby amended to read as follows:

Section 1. That no person, partnership or corporation shall engage in the sale, delivery or distribution of milk in the City of Detroit, nor shall any person bring or send into the City of Detroit milk for such sale, delivery or distribution without having first obtained a license so to do from the Mayor of said city. Application for said license shall be made in writing upon form prescribed by the Board of Health. It shall be the duty of said Board of Health upon receipt of said application in due form to make or cause to be made an examination of the premises, which it is intended to use in the maintenance of said dairy or dairy farm, and also of the methods of keeping, storing, handling and distribution of the milk so distributed, delivered or sold, provided that no applicant for said permit shall be restrained from conducting business until said application has been acted upon, and further, provided that the license so granted may be suspended or revoked at any time upon hearing after notice, by the Mayor, whenever any of the provisions of this ordinance or of Acts 26, 1873; 246, 1887; 219, 1889; 106, 1839, or any amendments thereto shall have been violated, or, whenever in the opinion of the Mayor, after due investigation by said Board of Health, the milk so sold, delivered or distributed shall be of such quality as to render its distribution dangerous to public health.

Sec. 2. This ordinance shall take immediate effect.

Read twice by title, ordered printed and laid on the table.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Ordinances to whom was referred the communication from the Board of Health relative to certain corrections