

be rebuilt at once as the same is in bad condition.

Adopted.

By Ald. Rose:

Resolved, That the Department of Public Works be and is hereby requested to cause the sidewalks on the north and south sides of Howard street and also on the north and south sides of Amherst street between Junction and Cavalry avenues to be repaired.

Adopted.

By Ald. Rose:

Resolved, That the Department of Public Works be and is hereby authorized to issue a permit to D. D. Higgins to construct two areas in front of 1207 Michigan avenue.

Provided, That said work shall be performed under the supervision of the Department of Public Works, and in accordance with plans submitted to and approved by said Department, and provided further, that no rights in the public streets shall be considered waived by this permission, which is granted expressly on the condition that said areas and all obstructions in connection therewith shall be removed at any time when so directed by the Common Council.

Adopted as follows:

Yeas—Ald. Allan, Balsley, Brozo, Burns, Deimel, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Weibel, Weiler, Wieber, Zink and the President—26.
Nays—None.

SEVENTEENTH WARD.

By Ald. Hillger:

Resolved, That the Department of Public Works be and is hereby authorized to issue a permit to Frank V. Schwab to construct a coal hole at the northeast corner of Townsend avenue and Champlain street.

Provided, That said work shall be performed under the supervision of the Department of Public Works, and in accordance with plans submitted to and approved by said Department, and provided further, that no rights in the public streets shall be considered waived by this permission, which is granted expressly on the condition that said coal hole and all obstructions in connection therewith shall be removed at any time when so directed by the Common Council.

Referred to the Committee on Streets.

REPORT OF COMMITTEE.

Streets.

To the Honorable the Common Council:

Gentlemen—Your Committee on Streets, to whom was referred the petitions of D. G. H. & M. R. R. for leave to occupy part of Waterloo street, of Mrs. E. Heller for additional refund of part of assessment paid for paving alley, and of John E. Roney protesting against the building of walk and steps alongside of building situate on northeast corner of Cass and Willis avenues, respectfully report that we have given each of the above matters our most careful consideration and after investigation can see no reason for granting same. We therefore

recommend that the prayers of petitioners above mentioned be denied.

Respectfully submitted,

MAX C. KOCH,

FRED MOHN,

JOHN WEIBEL.

Accepted and adopted.

And the Council then adjourned.

WILLIAM F. MOELLER,
President.

GEORGE T. GASTON,
City Clerk.

DEPT. OF PUBLIC WORKS,

Detroit, Mich., Sept. 27, 1904.

ELECTION BOOTHS.

Sealed proposals will be received at the office of the Department of Public Works, Detroit, Mich., until Monday, Oct. 3, 1904, at 10 o'clock a. m., local time, at which time and place they will be opened, for furnishing all the labor and material, and constructing complete to the satisfaction of the Department of Public Works of the City of Detroit three (3) iron election booths, in accordance with plans and specifications on file in the office of the Department of Public Works, in the City Hall, Detroit, Mich. Said booths to be delivered complete where designated by the Department in the City of Detroit, not later than Nov. 1, 1904.

Bidders will submit bids for booths with and without stalls.

Each bidder must deposit with the Department of Public Works, on presenting his proposal, a certified bank check in the sum of \$100, payable to the order of said Department.

Said sum will be forfeited to the Department in case the bidder refuses or neglects to enter into contract for the work, subject to confirmation by the Common Council, within five days after he or they shall have been notified of the acceptance of his or their tender by the Department. Checks deposited with rejected bids will be returned to the bidders on demand. The bidder whose tender is accepted will be required to furnish his contract an approved surety bond to the City of Detroit in the sum of 25 per cent of the estimated contract price for the work, conditioned on the full and faithful performance of his or their part of the contract.

On the proper execution of the contract bond, the amount deposited with the tender will be returned to the contractor.

The Department of Public Works expressly reserves the right to reject any or all proposals.

(2526) WM. H. MAYBURY,
Commissioner of Public Works.

COMMON COUNCIL

(OFFICIAL.)

Detroit, Tuesday, Dec. 6, 1904.

The Council was called to order by the President, Hon. William F. Moeller.

Present—Ald. Atkinson, Black, Brozo, Burns, Gutman, Harpfer, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Tossy, Weibel, Weiler, Wieber, Zink and the President.

There being a quorum present the Council was declared to be in session. The journal of the preceding session was approved.

Reconsideration.

Previous notice having been filed with the clerk, Ald. Burns moved to reconsider the vote by which a resolution directing the Commissioner of Public Works to remove the side track from in front of premises occupied by Byram & Co., etc., was adopted at the last session, which motion prevailed as follows:

Yeas—Ald. Atkinson, Black, Brozo, Burns, Gutman, Harpfer, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Tossy, Weibel, Weiler, Wieber, Zink and the President—22.
Nays—None.

The resolution was then referred to the Committee on Streets.

Ald. Heineman, Smith and Jeffries entered and took their seats.

Third Reading of Ordinance.

Ald. Gutman moved to take from the table an ordinance laid over Nov. 29, 1904, entitled "An ordinance changing the name of Helene avenue to Colingwood avenue," which motion prevailed.

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

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. Atkinson, Black, Brozo, Burns, Gutman, Harpfer, Heineman, Jeffries, Jerome, Keating, Koch, Lemke, McClellan, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Smith, Tossy, Weibel, Weiler, Wieber, Zink and the President—25.
Nays—None.

The title to the ordinance was confirmed.

Petitions Presented.

BY ALD. BLACK.

Of Olive M. Farrand, for extension of Antoinette street from Twelfth street easterly to Grand Trunk freight yards.

Referred to Committee on Street Openings.

BY ALD. JEROME.

Of Alfred J. Murphy, et al., request-

ing change of name of Spencer street to State street.

Referred to Committee on Ordinances.

BY ALD. O'BRIEN.

Of Maggie Dohany, for the cancellation of a tax.

Referred to Committee on Taxes.

Of J. W. Dohany, for the cancellation of a tax.

Referred to Committee on Taxes.

Of Kate Conglin, for the cancellation of a tax.

Referred to Committee on Taxes.

BY THE CLERK.

Of John F. Hoschna, for damages for injury to property caused by defective sewer.

Referred to Committee on Sewers.

Of Orsn Scotten, et al., for the straightening of Lafayette Boulevard.

Referred to Committee on Parks and Boulevards.

Of H. Scherer & Co., requesting to be reimbursed for construction of sewer between Palmer, Hendrie, Sheridan and Townsend avenues.

Referred to Department of Public Works.

Of C. Bewick, for the cancellation of a sidewalk assessment.

Referred to the Committee on Streets.

Ald. Balsley entered and took his seat.

COMMUNICATIONS.

From the Mayor.

To the Honorable the Common Council:

Gentlemen—In reviewing the proceedings of your last session, I noted that quite a number of resolutions were adopted, apparently providing for the occupation of public spaces for areas, showcases, etc., and in order that I might be correctly informed as to the power of the Common Council in the premises, I submitted the respective resolutions to Assistant Corporation Counsel Halley.

The advice received from the Corporation Counsel regarding the authority of the Common Council, briefly stated, is as follows: that in granting the use of a street for an area-way adjacent to a building where there is in contemplation the putting of a grating or other proper protection above the areaway, and in no way infringing upon the use of the sidewalk or street, the power of the Common Council is abundant to confer such privilege, but that in all cases where it is sought to grant permission to maintain structures on the sidewalks or adjacent to the premises, especially if they are to be permanent in character, it is beyond the authority of the Common Council and such structures when erected create a nuisance which is subject to abatement by process of law.

In your proceedings I find there are two resolutions which appear within the inhibition laid down in the opinion of counsel, viz.: resolution permitting George Netschke to construct a showcase in front of 732 Gratiot avenue, and the resolution permitting W. T. Guetschow to maintain a showcase in front of 577 Baker street. It is probable that the infringements of the law in these two cases are no more glaring than are to be found elsewhere