

deed was approved by the undersigned. On October 27, 1936 the deed was recorded in the Wayne County Registry in Liber 4745, page 495.

On December 2, 1937, a new petition was filed requesting that the original petition be reconsidered.

On December 28, 1937 (J. C. C. 2699) the following resolution was adopted:

"To your Committee of the Whole was again referred petition of Berry Brothers (2979) for cancellation of taxes on land offered by petitioner for the extension of Woodbridge Street west of Leib Street. After consultation with the Corporation Counsel's office, and careful consideration of the request, your Committee recommends that same be denied."

A representative of Berry Brothers and the undersigned appeared before your Honorable Body April 28th, last, and again discussed the entire matter. It was then suggested that the present petition be filed and we recommended the granting of the same which will involve the following:

A formal acceptance by the City of Detroit of the deed already delivered and recorded, and in consideration therefor, the cancellation of City taxes which had been levied against the property dedicated, in the following amounts:

1935 City Tax.....	\$73.43
1936 City Tax.....	71.77
1937 City Tax.....	74.03

We are attaching form of resolution and would suggest that your Honorable Body adopt the same.

Respectfully submitted,

JAMES H. LEE,

Assistant Corporation Counsel.

Approved:

RAYMOND J. KELLY,  
Corporation Counsel.

By Councilman Bradley:

Whereas, Berry Brothers Company, a Michigan corporation of Detroit, did file a petition with the Common Council on February 25, 1936 (445), offering to dedicate a strip of land for street purposes, which land is now used as a portion of Woodbridge Street west of Leib Street, and which land is described as follows:

"The rear 50 feet of the North 250 feet of the East 100 feet, lying South of and adjacent to Jefferson Avenue, Plat of the George Hunt Farm, South of Gratiot Road."

And Whereas, the said land has been used by the City of Detroit for street purposes, and has been assessed to the said Berry Brothers Company and the taxes thereon paid by the said Berry Brothers Company; and

Whereas, the aforementioned offer was based upon the cancellation of City taxes for the year 1935, and

Whereas, the said petition was approved by the City Plan Commission on March 9, 1936, and a resolution was passed by the Common Council on July 14, 1936 (J. C. C., 1936, 1670), authorizing acceptance of a deed to the said land for dedication; and

Whereas, thereafter various proceedings were had as is shown by the official journal of the Common Council, as follows:

On December 15, 1936 (J. C. C., 1936, 2136).

On December 23, 1937 (J. C. C., 1937, 2699).

In which proceedings the request to cancel taxes was denied; and

Whereas, the deed to said property was approved by the Corporation Counsel and the City Engineer and was recorded on October 27, 1936, in Liber 4745, page 495, Wayne County Registry; and

Whereas, a new petition was filed with reference to this matter on April 28, 1938, and the same has been approved in accordance with a communication from the Corporation Counsel under date of May 2, 1938; therefore be it

Resolved, That the City of Detroit formally accept the deed for the dedication of the aforementioned property for street purposes; and be it further

Resolved, That the Board of Assessors, the City Treasurer and the City Controller be and are hereby directed to cancel the city taxes upon said property for the year 1935 in the amount of \$73.43, with penalty thereon, and city taxes for the year 1936 in the amount of \$71.77 and penalty thereon, and city taxes for the year 1937 in the amount of \$74.03 with penalty thereon, and taxes levied and which will become due and payable on July 1st, 1938; and be it further

Resolved, That proof of cancellation of the said city taxes be submitted to the proper authorities for the County of Wayne to the end that the 1935 State and County taxes and the 1936 and 1937 State and County taxes against the said described dedicated land be removed from the City, County and State tax rolls.

Approved:

RAYMOND J. KELLY,  
Corporation Counsel.

Adopted as follows:

Yeas—Councilmen Bradley, Breitmeyer, Dingeman, Ewald, Kronk, Lodge, Sweeny, and the President—8.  
Nays—None.

From the Corporation Counsel  
May 3, 1938.

To the Honorable, the Common Council:

Gentlemen—You advise that on

the James Vernor Company and Elliott Cartage Company for furnishing the parks with gingerale, etc. A notice of reconsideration was filed within the required time limit, and on April 12th the vote was reconsidered and the matter referred back to the Committee of the Whole. On April 26th you advise that the same resolution as adopted April 5th was again adopted and a second notice of reconsideration of the resolution of April 26th filed with the clerk. You request the opinion of this office as to whether or not more than one notice of reconsideration can be filed on the same subject matter.

The rules and order of business of the Common Council do not expressly restrict the number of times a notice of reconsideration can be filed, and voted on, upon the exact same subject matter. Rule 28 provides as follows:

"The rules and parliamentary practice comprised in Cushing's Manual and Cushing's Law and Practice of Legislative Assemblies shall govern the council in all cases where the rules of the common council are not applicable."

Inasmuch as there is no expressed rule of the council, Cushing's Manual of Parliamentary Practice controls. Cushing's Manual, Section 94, page 110, provides in part, as follows:

\*\*\* "The general principle is that a question, original or subsidiary, which has been once decided by a vote of the assembly, cannot be renewed, except by reconsideration during the same session."

Again, in Section 206, page 180, the rule is stated, as follows:

\*\*\* "When a motion has been rejected by the assembly, precisely the same proposition may not be moved again during the session; but a privileged or subsidiary motion or an incidental question may be renewed or repeated (although the form of words is the same) whenever its content (that to which it applies or relates) is different from its content as previously moved;" \*\*\*

The rule concerning the specific question in issue is stated on page 105, Cushing, as follows:

\*\*\* "A reconsideration cannot itself be reconsidered; and no question is open to reconsideration more than once,—except, that when a motion has been materially amended after reconsideration, a vote taken upon it in this altered form may be reconsidered." \*\*\*

With reference to a motion to reconsider, Cushing states the rule on page 109, as follows:

\*\*\* "Where there is no special rule on the subject, a motion to reconsider must be considered in the

same light as any other motion, and as subject to no other rules."

It is our opinion, therefore, that the second notice to reconsider the exact same subject matter is not in order.

Very truly yours,  
JOHN H. WITHERSPOON,  
Asst. Corporation Counsel.

Approved:

RAYMOND J. KELLY,  
Corporation Counsel.  
Received and placed on file.

From the Corporation Counsel

April 27, 1938.

To the Honorable, the Common Council:

Gentlemen—In accordance with the resolution of your honorable body we are attaching hereto proposed ordinances changing the name Barham Avenue, from Harper Whittier Avenue, to Greensboro Avenue; and Rowena Street, from Woodward Avenue to Riopelle Street, Mack Avenue.

Very truly yours,  
RAYMOND J. KELLY,  
Corporation Counsel.

By Councilman Bradley:  
AN ORDINANCE changing the name of Barham Avenue, from Harper Avenue to Whittier Avenue, Greensboro Avenue.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That the name of the street and highway now known as 3 Barham Avenue, from Harper Avenue to Whittier Avenue, be and the same is hereby changed to 3 Greensboro Avenue.

Sec. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved as to form:  
RAYMOND J. KELLY,  
Corporation Counsel.

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

By Councilman Bradley:  
AN ORDINANCE changing the name of Rowena Street, from Woodward Avenue to Riopelle Street, to Mack Avenue.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That the name of the street and highway now known as Rowena Street, from Woodward Avenue to Riopelle Street, be and the same is hereby changed to and shall hereafter be known as Mack Avenue.

Sec. 2. All ordinances or parts