

Monday April 29th 1912.

The council met in special session with President Hull in the chair.

The following call having been served upon each member of council according to law.

Notice of Special Council Meeting.

To Mr.

You are hereby notified that a Special Meeting of the City Council of the City of Alliance will be held on Monday evening April 29th - 1912. at 7:30 P.M. for the following purposes, to-wit:

To consider an ordinance to change the grade on N. Union Avenue, between Prospect and Ely Street.

To consider such other matters that may properly come before council.

E. J. Gruel
Mayor.

The roll being called, the following members answered to their names:
Messrs. Barnard, Farmer, Guilt, Lower, Voss, Yarmey.
Absent: 1.

Mr. Farmer introduced the following Ord. No. 1473.

Ord. No. 1473.

An ordinance to amend the grade on N. Union Avenue.

Farmer moved, seconded by Lower that Ord. No. 1473. be declared an emergency measure.

The Yeas and Nays were taken, and resulted Yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Guilt, Lower, Voss, Yarmey.

Which motion was agreed to.

Ord. No. 1473.

Mr. Farmer. An ordinance to amend the grade on N. Union Avenue was read the first time.

Farmer moved, seconded by Yarmey that the statutory rule requiring ordinance and resolutions to be read on three different days be suspended and the ordinance read the second and third time.

The question being on the suspension of the rule. The Yeas and Nays were taken and resulted Yeas 6 Nays 1.

Those who voted in the affirmative were
Messrs. Barnard, Farmer, Thob. Lower
Voss, Yarnes

So the rule was suspended and the ordinance read the second and third time.

The question being on the passage of the ordinance. The Yeas and

the ordinance. The Yeas and Nays were taken and resulted Yeas 10 Nays 0. Those who voted in the

May 0. Those who voted in the
affirmative were Messrs. Barnard,
Turner, Gubb, Lower, Voss, Yarnes.

To the ordinance was passed

The City Solicitor read the following statement and which he desired to have spread on the minute.

To the Hon. President and
Members of the city Council,
of Alliance, Ohio,
Gentlemen - I have

Gentlemen - I have refused to indorse
on Ord - entitled - "An Ordinance to
amend the grade on N Union Avenue
and desire now to give and to have
spread upon the records of this body
my reasons for refusing so to do and
at the same time to enter my solemn
protest against the passage of such
ordinance.

Trust. My reason for not approving the ordinance, is that this body is without authority to pass such ordinance or any other ordinance ^{depriving the citizens of the right of travel over any of the streets and alleys of the city.} Municipal corporations have the power to regulate the use of the streets, to be exercised in the manner provided by law, and it is also made the duty of the council to cause them to be kept open in repair and free from nuisance.

Public squares, streets, and alleys, are held in trust for the public, and being so held they are they are held for the public, for public travel.

A municipal corporation may authorize a railroad company to lay its tracks in a street if such use does not exclude the general public thoroughfare, and by that I mean the use, by the public of the whole of such street. Thus the general public have the right of the full enjoyment of the whole of the street for travel between curbs.

The commit that granted to the Pennsylvania Railroad Company the right to construct a portion of the abutment of the bridge on North Union Avenue, and for which is now daily censured by the public, had no power or right to make such grant, for the reason that that body had no power to deprive the general public from free travel over every part and portion of that part of North Union Avenue, and this body as now organized has no power or right to deprive the public from the free travel of every portion of North Union Avenue.

The action of this body, as contemplated by this body is to permit such excavation to be made that the public will be deprived of a certain portion of that avenue.

The improvement contemplated when completed will be an open and continuing nuisance to life and limb, for which the city suffering and allowing a nuisance of this character to remain in its streets will be liable.

For the above and other reasons I now enter my most solemn protest against the passing of this and all actions on the part of this body that will permit the excavations to be made on Union Avenue, which will in any manner deprive the public of the full and free enjoyment of all portions of said avenue.

Respectfully Submitted,
Wm M. Track,
Solicitor

Mr Yarnes introduced the following ordinance.

Ord. No. 1472

An ordinance to make appropriations from the General Fund. was read the first time.

Yarnes moved, seconded by Voss that the statutory rule requiring ordinance and resolutions to be read on three different days be suspended, and the ordinance read the second and third time.

The question being on the suspension of the rule.

The Yeas and Nays were taken and resulted Yeas 6 Nays 0 Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, ~~Fallon~~ Yarnum.

So the rule was suspended and the ordinance read the second and third time.

The question being on the passage of the ordinance.

The Yeas and Nays were taken and resulted Yeas 6 Nays 0 Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

So the ordinance was passed. Mr. Lower introduced the following ordinance.

Ord. No. 1434
Granting to J. J. Robertson of Alliance, O., the right to construct, maintain and operate a railroad switch over and across the alley between Lots #1474 and #1689 in the City of Alliance.

Referred to Com. on Railroads & Telegraphs.

The following resolution was ~~introduced~~ taken up.

Res. No. 1408
Providing for the construction of certain sidewalks within the City of Alliance, O. was read the first time.

Gubb moved seconded by Farmer that the statutory rule requiring ordinances and resolutions to be read on three different days be suspended and the resolution read the second and third time.

The question being on the suspension of the rule.

The Yeas and Nays were taken and resulted Yeas 6 Nays 0 Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarnum.

So the rule was suspended and the resolution read the second and third time.

The question being on the passage of the resolution.

The Yeas and Nays were taken and resulted

Yeas 6. Nays 0. Those who voted in the
affirmative were. Messrs. Barnard
Farmer. Gubb. Lower. Voss. Yarnes

So the resolution was passed.

On motion of Voss. Council
adjourned.

Attest

Chas. Selwin
- Clerk -

J. W. Hulse
- President -