

Final Session of Council of the Incorporated Village of Alliance Ohio

Council Chamber April 16th 1908

Council met in regular session with Mayor Copra in the Chair. And the following members present  
Weybrich Williams Hills Casasaday.  
Absent Smith

On Motion of Weybrich 2nd by Williams the reading of the Minutes of last meeting was dispensed with. And the Journal Approved

Bills approved were presented and read as follows

Levi Hills Expense to Orville to dispose of his Engine	4.15
E Shaw Room Rent Election Purpose	5.00
E Anderson " "	5.00
Wells P Martin & Bros Lumber	15.68

On Motion of Williams 2nd by Weybrich Orders were authorized drawn on the Treasury for Bills as read Yeas Weybrich Williams Hills Casasaday Yeas 4 Nays None.

Reports

Street Commission White Submitted his Annual report for the past year showing that he had received for Labor performed on Streets and Alleys <sup>and</sup> Poll Tax \$440  
From City Solicitor Cash Collected for same 122.50  
Total \$ 562.50

On Motion Report accepted and Ordered Placed on file

Over

Annual Report of the Solicitor  
for the Year Ending March 31 / 88

The report of Solicitor Phillips  
was read and an Motion of Williams  
Second by Weybrecht Adopted and  
Made Part of the records.

The following is the report  
As Submitted

To the Honorable Council of the Incorporated  
Village of Alliance O

Gentlemen

In Compliance with Section 1780 of the  
revised Statutes of Ohio which makes  
it incumbent on the Solicitor to make  
a report Annually to the Council, at  
their first regular Meeting in April  
of the business of his Office and the Moneys  
by him Collected during the year preceding  
the first day of April and such other matters  
as he may deem proper in order to promote  
the good government and welfare of the Corp  
ration the following report is respectfully  
Submitted. And this Statement of the  
present Condition of the legal departments of  
the City is particularly important at this  
time since by the Advancement of the  
Corporation from a Village to a City of  
the Second Class we are on the eve of  
An Entire Change in the Administration of  
Our Municipal affairs. It is important  
that those coming after us be informed  
of where we have left off that they  
be able to start intelligently.

At the outset, permit me to acknowl  
wledge my appreciation of Unif  
Civility Extended to me by his hon  
Mayor Coffin and each in divid

Member of the Council and Municipal government without Exception.

I Shall endeavor to state the present Condition of Cases in which the City is interested as a party.

At the Opening of the Year there were no such Cases pending in the Supreme Court of O. In the Circuit Court of Stark Co there were two. First - The Village vs Margaret Russell was brought into that Court on Error to the Common Pleas to reverse a judgement there rendered against the Village, the plaintiff in Error and in favor of the defendant in Error for \$1500. damages. This Cause came on for hearing at the September term of the Circuit Court '87. The Exceptions of the Plaintiff in Error were sustained, the judgement of the Common Pleas reversed and the Case remanded to that Court where it now awaits a retrial, or Amicable Settlement.

The Village of Alliance vs against the Penn Co was the second Case. It came into the Court on Appeal from a decree of the Court of Common Pleas making perpetual an injunction obtained by the Village against the Company restraining the Company from placing Obstructions of any kind in the highway first north of and parallel to the Fort Wayne track running East from the C & P and finding the property in said highway to be in the plaintiffs. The Rail Road Company however has not urged its appeal and as the Village could gain nothing by a retrial we have not pressed it.

In the Court of Common Pleas at the beginning of the year was pending the Case of Emma Lucy vs The Village of Alliance.

This was an action brought by Emma Lucy to restrain the Village from replacing an old trunk to conduct the water arising

in a low Springy basin south of Patterson Street north across said said Street into a water Course, its natural Outlet running through plaintiffs Lot North Easterly and thence into the Mahoning river. On Account of the fact that the same question involved in this Case would arise in several other localities in the Corporation the Council desired to have it settled by competent judicial Authority. A trial was had at the last September Term to Judge Pease who granted the prayer of the Plaintiff and made her injunction perpetual. She therefor filed an Appeal Bond to carry the Case to the Circuit Court where it now awaits a retrial.

During the year two Actions were brought against the Village. Emery Osborn prosecuted before Justice Trail a Claim for Salary alleged to be due him as policeman from the 24<sup>th</sup> day of January 1887 to the 20 day of May 1887. The End of the term for which he had been employed. The Clerks record shows that on the 24<sup>th</sup> day of January above mentioned Osborn was suspended from the police force by the Council pending the investigation of certain Charges preferred against him as policeman. That afterwards on the 15<sup>th</sup> of February he was finally discharged from the force having been found guilty of the Charges referred to above after due trial. Relying on this defence the Village contested the Case through two trials before Justice Trail, and a jury, in neither of which was a syllable of evidence

Allowed to go to the jury on the part of the town - However the first jury disagreed but the second found a verdict in accordance with the Charges of the Court of \$169. against the town. The Case was appealed to the Court of Common Pleas and ~~tried~~ at the last January term but judge Pease again thought the town in the wrong and gave judgement accordingly which has been paid

William Chambers Et: al procured an injunction against the Village of Alliance Et: al. Which was settled at the Cost of the Plaintiffs and their action withdrawn

During the Year Error proceedings to the police Court had and <sup>in which the Corporation</sup> was a party have been numerous <sup>too numerous</sup> in fact to admit of individual mention here

In these however the Village was uniformly successful until the last lot consisting of five Cases under the prohibitory Ordinance and involving pretty much the same questions of these four were reversed and remanded for further proceedings and the fifth sustained and judgement affirmed.

By way of general Summary the Cases at present are viz

In the Circuit Court	2
" " Common Pleas Trial	1
" " " " Error	3
Total	6

Early in the Year there was referred to me the Claim of the Village against James Osborn for \$12.57 for the laying of a walk back in June 1883 Mr Osborn did not regard my request for a Settlement and as the Statuary period within which such Claims must be filed with the Auditor to permit of their being placed on the Lay duplicate had expired its

Collection could not be forced in this way  
And it remains unpaid

This Council Very Early in its administration Made An earnest persistent Effort to Enforce the performance of the required two days labor upon the Streets and Alleys of the Corporation on the part of those liable or in lieu of the labor to Collect the Statutory Penalty

The Street Commissioner was instructed by the Council to turn over to the Solicitor the Names of All Delinquents and the Solicitor received instruction from the same Authority to Notify the Aforesaid delinquents that unless they Arranged for their delinquency within five days proceedings would be instituted to Collect the penalty. In Pursuance to these instructions the Solicitor sent out between Six and Seven Hundred notices and as a result Collected \$122.50 for which the Treasurers receipts are on file.

This Tax is undoubtedly Odious and the Officers whose duty it is made to Collect it encounters a very general feeling of unwillingness on the part of those liable to pay it. This feeling Springs as a rule from no wish to evade the payment of just and Equitable Amount Sufficient to keep our Streets and Alleys in proper repairs but rather from a sense of the injustice and inequality of the burden. The few are justly reluctant to pay while the Many aside from those legally Exempt go free. and must in the Nature of things go free. This is the Objection.

It appears so reasonable that I bring it to the Consideration of the Council with the Suggestion that the Ordinance imposing the Burden, be repealed

The Ordinances of the City are in a State of Great Confusion. The present Ordinance Book has been used for more than twenty years. It contains the Municipal Enactments and repeals of that period. A personal Examination of this sole record of our laws will convince Any one of the Necessity of placing these laws in a plainer, more durable and available form. A movement to this end has already been inaugurated but still awaits Completion. It is suggested that it now be pushed to a Conclusion.

Respectfully Submitted  
J. L. Phillips  
City Solicitor

Report of Finance Committee.  
Submitted as follows.

To Mayor and Council

We the Finance Committee in Closing up our Connection with the Council, desire to Make the following Report Showing the Condition of the Finances of the City at this time. At the last regular Meeting of the Council a resolution was adopted Calling for the report from the Treasurer and Clerk as to the Amount of Outstanding Orders and Balance of Funds in hands of the Treasurer. From the report we find there is \$1786.96 in hands of the Treasurer on day of Settlement made 19th day of March 1888 since which time \$1509.80 has been paid Out leaving a Balance of \$277.16 now in the Treasury. The Total funds due the City from the Collection of Taxes Dec 1887 + June 1888 is \$14246.40 one half of same having been paid Jan last amounting to \$7123.20 The Balance or the remaining half \$7123.20 will be received by the Treasurer.

from Taxes Collected next June.

At this date there are Orders outstanding to the Amount of \$3269.42 which has been drawn in Anticipation of the June tax. When these Orders are paid there will be a balance from the June tax unexpended amounting to \$3853.73. A Part of same will be received in June and the Balance in August next. This with the Amount on hand makes \$4130.89

We endeavored in our Apportionment for various funds one year ago to give to each department of the City its just proportion of funds as near as could be estimated.

We find three of the funds now about exhausted after Anticipating the June Tax. Namely the Street and Sanitary, Police & Salary, and the General fund

The following reasons may be assigned for same which could not be controlled by the Committee. The Street & Sanitary fund two years ago was overdrawn nearly one thousand Dollars and the Council failed to make provision for same one year ago. The Committee have no right under the law to Apportion funds the present year to pay deficiencies. Each year must pay its own Obligations Contracted. While at the same time the Old Orders have come in and been paid from the Years funds thus leaving the fund short as heretofore stated. In our Apportionment for Police & Salary fund one year ago we made provision for two policeman besides the Marshal. Whilst the Council has had three employed the greatest part of the year. The general fund is also exhausted by reason of Orders drawn for Costs and

Expenses in Law suits and other matters not  
Expected by the Committee.

Respectfully Submitted

R G Williams <sup>Chairman</sup>  
B D Weybrocht } <sup>Council</sup>  
R G Smith } <sup>Re</sup>

Weybrocht Moved the report be Accepted and  
that the same be made a part of the Minutes  
Second by Hills and Carried

Mr Hills who was appointed <sup>a Committee</sup> to Confer with  
the Authorities at Orville in regard to the dis-  
posal of the fire Engine. Reported no  
Sale. On Motion report accepted

Weybrocht Moved that the Clerk be authorized  
to Certify to the Authorities of the Incorporated  
Village of Mt Union the result of the  
Election held Apr 2<sup>nd</sup> 1888 on the question  
relating to the Annexation of said Village  
to the City of Alliance. Said vote having  
resulted in favor of said Annexation. Second  
by Cassaday and Carried

Offered by Mr Weybrocht The following  
Resolution

Resolved, That the thanks of Council are hereby  
Extended to his honor Mayor Coxen for the Able and  
impartial Manner in which he has presided over  
the deliberations of this body the past two years  
and the Satisfactory Manner in which he has  
fulfilled the other duties of his office.

On Motion the Resolution was Unanimously  
Adopted -

This concluded the work of the last Session  
of the Council of the Incorporated Village of  
Alliance. Which upon Motion of  
Mr. Weybrocht was adjourned by the Mayor  
Signed by J. M. Gullaburn Clerk

# Organization of the First Council Elect of City of Alliance.

Mayor Coxon Presiding  
Council Chamber Apr 16<sup>th</sup> 1888

The Ex Councilmen having vacated their Seats  
Mayor Coxon Announced that the Law  
Made it his duty to preside until  
the new Council was Sufficiently Org  
Anized for the transaction of business.

Councilmen Elect A A Betts, M Earley  
J M Miller, John Sefert R. E Jones M C Pennock  
J M Williams, E H Johnson H. E Vack and  
Charles Bush Presented their Certificates of Election  
And took the Oath of Office, as required by Law

The Council then Proceeded to Organize  
On Motion of Johnson J M Culbertson was appointed  
Clerk Protem

The Selection of a president being next  
in Order Johnson Moved that M. C Pennock  
be Elected President of the Council by a clamo-  
tion. Secured by Williams And Carried  
Mr Pennock was Elected by a Unanimous vote.

## Election of Clerk

Betts Moved to proceed to the Election of City  
Clerk by Ballot. Motion Carried

## Nominations

Mr Betts Nominated James Hull  
Mr Earley " J W Edwards  
Mr Williams " J M Culbertson

No further Nominations being offered.

On Motion Mr Betts & Mr Vack were appointed  
Tellers. And the Council Proceed to Ballot  
Resulting as follows

James Hull Received 2 Votes  
J W Edwards " 2 "  
J M Culbertson " 6 "  
J M Culbertson having received the

Majority of the votes cast was declared duly  
Elected. for the term of one year.

Mayor Elect Chapman Presented his official Bond  
for \$1000. with A. B. Love and S. C. Hall as Sureties  
Which was on Motion Approved by the Council

Mr Coffin After administering the Oath of Office  
to the Clerk Elect Invited President Elect Pennock  
to the Chair. And Announced that his Official  
Career as Mayor had ended.

The Council then Continued the transaction of  
its further Business. with All the Members  
Present And President Pennock Presiding

Carley Moved that the Council Proceed to the  
Election of a President Protem And that  
the Same be Elected by Ballot. Seconded by  
Betts And Carried.

Mr Williams and <sup>Mr Jones</sup> were nominated. The  
Council proceed to Cast their Ballots. Resulting  
in the Choice of Mr Williams.

Mr Coffin As Attorney for Anson Ewing  
gave notice to the Council that the Election of  
Charles Bush would be Contested. as follows  
And asked the Council to name a time & for  
hearing the Contest And also to decide  
by what Method they proposed to hear the  
Evidence.

Mr Vick Moved that the ~~the~~ Contested  
Case between Mr Ewing & Mr Bush be heard  
Set for hearing on Tuesday Evening Apr  
24<sup>th</sup> And that the Same be heard in Open  
Council Seconded by Jones and Carried.

Johnson Moved that whatever testimony <sup>that</sup>  
might be Offered in the Contested Case be

It taken orally and in Open Council. Secured  
by Jones & Carried.

Mr Johnson Moved that the President of  
the Council Mr Pennock be Made Chairman  
of the Committee on Finance. Secured by  
Betts And Carried

Johnson Moved that a Committee Consisting  
of three Councilman be Appointed to prepare  
a Code of rules. And report at the next regular  
Meeting. Motion Carried. The President  
Appointed Johnson Betts and Vick.

Drfered Moved that when we adjourn we  
adjourn to meet Thursday Evening Apr 19<sup>th</sup>  
Carried.

Without further business Council adjourns  
to meet Thursday Evenng 7<sup>1/2</sup>  
J M Culbertson Clerk  
M B Pennock  
Pastor of Cannon