VILLAGE COMMISSION PROCEEDINGS

Adjourned regular meeting of the Village Commission held Monday evening at 8 o'clock Jan. 8, 1923.

Present, President McBride, Commissioners Brown and Bell, Manager Starr and Clerk Hazel Clark.

Moved by President McBride that $2,599.88 be transferred from the Contingent fund to the Street fund for the purpose of paying 1921 notes of the Street Fund. Yeas, 3; Nays, None.

Moved by Commissioner Brown that the bills and payroll be allowed as read:—The Lunkenheimer Co., $4.49; Stuart Foundry Co., $140.85; W. H. Miller, $4.85; J. L. Hudson Co., $5.50; Wm. J. Thornton, $15.50; Det. Blue Print & Supply Co., $7.5; H. H. Starr (expense account), $51.37; Pittsburgh Meter Co., $29.66; Standard Oil Co., $25; D. B. Wilkinson, $43.50; Irving Bailey, $39.36; A. H. Irvin Co., $2.60; Sundstrand Adding Machine Co., $9.04; Conant-Osborne Co., $130.44; Hawthorne Electrical Co., $18.46; David Bliesath, $9.15; Detroit Edison Co., $387.57; J. H. McBride, $10.23; Birmingham Hardware Co., see J. T. Wing Co., $19.73; Grand Trunk Railway, $155.76; Birmingham Fire Dept., $373; Miller & Gibbons, $3.75; Michigan State Telephone Co., $20.04; Thomas E. Harris, $9.50; David Fleming, $42.34; Birmingham Review, $29; John J. Gafill, $295; Patterson & Patterson, $31.15; Birmingham Garage, $1.70; The Union Agency, $213.10; Wm. Olsen, $33.34; Ernest Gardner, $25; Wm. Thornton, $25; Wm. Luth, $147.50; Ray Luth, $42.50; John Allen, $4.50; Fred Aldred, $46.25; John Berry, $54. Yeas, 3; Nays, 0.

Moved by Commissioner Bell that interest $2,124.41 on sewer bonds due at the Peoples State Bank, to be paid from the Interest and Sinking Fund. Yeas, 3; Nays, 0.

Moved by President McBride that the following Ordinance be adopted:

ORDINANCE NO. 105

An Ordinance defining the authority and duties of the Sealer of Weights and Measures, to regulate the sale of coal, coke, wood, or petroleum products and other commodities, the manufacture of bread, the use of bottles and jars in the sale and delivery of milk and cream, the sale and delivery of sand and gravel.

It is Hereby Ordained By the Village of Birmingham:

ARTICLE I.

Section 1. There shall be in and for the Village of Birmingham an officer to be designated the Sealer of Weights and Measures, who shall be appointed by the Village Manager from the members of the Police Department, and the person so appointed shall have the power to perform all the duties pertaining to her office, and shall during the time he is directed by said Village Manager to perform said duties, take charge of such standards and apparatus as shall be furnished to his department as standards for the Village of Birmingham, and he shall maintain such standards in good order and take all necessary precaution for their safe keeping.

The Sealer of Weights and Measures shall keep a true record of all of his official acts.

Section 2. The word "measure" or "measures" as used in this ordinance shall be construed to mean any device or devices used to ascertain the weight, size, quantity, value, or dimensions of any liquid, solids or other articles.

Section 3. The Sealer of Weights and Measures and his assistants shall possess jurisdiction, have power, and it shall be their duty, within the Village of Birmingham, Michigan:

(a) To inspect and test the accuracy of all measures of every kind, and tools and appliances connected therewith, used and employed within the Village to determine the weight, size, value, quantity or dimensional of any liquids, solids, or other articles offered for sale, purchase, hire or reward.

(b) To re-weigh or re-measure any package put up ready for sale or delivery, or any amount of any commodity whatsoever offered for sale or sold by weight or measure, or which is commonly sold at any time before or after the actual delivery of such package or amount of commodity to the buyer.

(c) To enter, without formal warrant, for the purposes hereto specified and in the official performance of his official duties, any stand, plate, building or premises, or to stop any wagon or conveyance upon which any measure or measures or weighed or measured packages, or amount of commodity are kept, or maintained or transported for the purpose of testing, inspecting, correcting and sealing or condemning such measure or measures, or re-weighing or re-measuring such package or amount of commodity, either upon his own initiative or at the request of any citizen.

Section 4. The Sealer of Weights and Measures shall inspect, test, try and make correct, if need be, any measure or measures either in the place of business where the same are used or at his office or other place as in his best judgment he deems most advisable.

Section 5. Once annually and oftener, if in his judgment such inspection is warranted;

(a) Whenever any measure or measures are installed, removed, or altered in any specified stand, store, conveyance, or establishment;

(b) Whenever a request to examine any particular measure or measures is filed in his office.

Section 5. It shall be the duty of the Sealer of Weights and Measures to have and to keep a general supervision over all sales of commodities of whatever description sold in the city, including ice, and to enforce the laws of the State and the ordinances of the Village of Birmingham that fraud may be eliminated, insofar as this is possible.

Section 6. All measures that are tested by the Sealer of Weights and Measures and found to conform to the legal standards shall be marked with the letter "B" and the last two figures of the year, or in such other legal manner as he may deem advisable. The Sealer shall, in addition, upon request, give to each person, firm or corporation for whom any measures have been tested, a certificate, properly dated, showing in detail for what the same is given and the result of his test, and a duplicate thereof shall be kept on file at his office. No fee shall be collected for inspecting measures and no person shall so mark or issue such a certificate for any measure unless previously authorized by said Sealer of Weights and Measures to do so.

Section 7. The Sealer of Weights and Measures is hereby empowered to seize and destroy any measure or measures other than provided herein or which are designed to defraud any person, or to condemn the same and order the same to be repaired within ten days, if in his best judgment repair is possible. The owner may not use the measure or measures of which such disposition is made until it has been actually repaired or permit to be removed, any tag placed thereon by the inspector, and he may order disposal of the measures in any way but must hold the same at the disposal of the owner.

Section 8. It shall be unlawful for the said Sealer or his assistants to act as agent for or sell any measure or measures or to have any pecuniary interest in connection with selling, or to charge or receive any specified value for repairing any measure or measures.

Section 9. When fruit, vegetables, berries, or produce of like character are sold, offered, or exposed for sale anywhere in the Village of Birmingham in baskets, boxes, crates, barrels or other receptacles, they shall be sold, offered, or exposed for sale in uniform sized baskets, boxes, crates, barrels or other receptacles containing one-half pint, one pint, one quarts, two quarts, three quarts, four quarts, eight quarts, twelve quarts, one-half peck, one peck, one-half bushel, three-quarts, one and one-half bushel, two bushels, or in standard sized barrels and subdivision thereof established by the Congress of the United States and said receptacles shall be evenly and uniformly filled throughout. Provided, that the standard for so-called Climax Baskets used in the sale and delivery of Grapes and other Fruits and Vegetables shall be two quarts, four quarts, twelve quarts, and no others, as established by the United States Standard Container Act, approved August 31, 1916.

Section 10. No person shall sell, or attempt to sell within the limits of the Village of Birmingham any goods, wares, merchandise, commodity, or produce of any kind whatsoever, including ice, without first having correctly weighed or measured the same or determined by numerical count the net weight or measure or amount of commodity ordered or purchased, and only such commodities may be sold by numerical count as cannot well be sold by weight or measure.

Provided, that this section shall not apply to commodities sold, offered, or exposed for sale in compliance with Section 9 of this act, or to commodities in packages prepared and put up for sale and so marked as to plainly indicate the true net weight or measure or their contents.

Provided further, that whenever any fruits, vegetables, berries or produce of like character or any goods, wares, merchandise, commodity or produce of any kind whatsoever, which are commonly sold by weight or measure, are sold at retail in any other manner than that prescribed in Section 9 of this ordinance, the same shall be sold by avoirdupois net weight or liquid measure.

Section 11. No person shall have in his possession any measure declared to defraud any person, or condemned measure or measures, or any weighing machine which does not bear the stamp or any measure or measures which have not been sealed, or sell or offer or expose for sale any measure or measures which have not been approved by the Sealer of Weights and Measures, or give any false or insufficient weight or measure of commodities, or sell or exchange any commodity including ice, of less weight or measure than it is represented to be by the seller or of less weight or measure than ordered by the purchaser, unless the latter is informed of such shortage before sale or, otherwise, or measure of commodities when in the custody of made the buyer or his agent does the weighing or measuring, or sell any commodity in a manner contrary to law. Provided, that fruit containing more than ten per cent in weight of moisture, shall be deemed to be short weight to the amount of such excess moisture above ten per cent.

Section 12. No person shall in any manner hinder or impersonate, or, in any way, the Sealer of Weights and Measures or his assistants in the performance of their official duties.

ARTICLE II.

Regulation for the Sale of Coal and Coke.

Section 1. No person shall sell or deliver any coal or coke within the limits of the Village of Birmingham unless there shall be delivered to the person in charge of the wagon or conveyance used in delivering such coal or coke a certificate duly signed by the person selling the same, and showing the weight of the coal or coke purporting to be contained in the wagon or conveyance used in such delivery, the total weight of the coal or coke and conveyance, and the name of the purchaser.

Section 2. No person in charge of the wagon or conveyance used in delivering coal or coke, to whom the certificate mentioned in Section 1 has been delivered, shall neglect or refuse upon demand to deliver such certificate to the Sealer of Weights and Measures of the Village, or his assistants, or to any person designated by them, or to the purchaser of the coke or coal being delivered; and when said officers, persons so designated, or such purchaser shall demand that the weight shown by such certificate be verified, it shall be the duty of the person delivering such coal or coke to convey the same forthwith to some public scale of the Village or to any private scale in the Village where the owner thereof shall consent to such use, and to permit the verifying of the weight shown, and shall, after delivery of such coal or coke, return forthwith the wagon or conveyance used to the same scale and verify the weight of such wagon or conveyance.

ARTICLE III.

Regulation for the Sale of Wood.

Section 1. Cord wood exposed for sale, sold or delivered within the Village of Birmingham shall be either four, three, or two feet; sixteen, fourteen or twelve inches long, and the cord of wood being closely laid together, shall measure a quantity equal to a pile of eight feet in length, four feet in width, and four feet in height.

Section 2. No person, firm or corporation shall sell or deliver any wood as mentioned in Section 1 of this ordinance unless there shall be delivered to the person in charge of the conveyance used in delivering such wood a certificate showing the amount of wood purporting to be delivered, the name and address of the person selling the same, and the name of the purchaser.

Section 3. No person in charge of a conveyance used in delivering wood to whom the certificate mentioned in Section 2 has been delivered shall neglect or refuse upon demand to deliver such certificate to the Sealer of Weights and Measures of said city or to his assistants, or to any person designated by him, or to the purchaser of the wood being delivered.

ARTICLE IV.

Manufacturers of Bread.

Section 1. All bread of every description offered for sale in the Village of Birmingham shall be made of good and wholesome flour or meal, free from lumps of One Pound, One and a Half Pounds, Two Pounds, Three Pounds, Five Pounds, Eight Pounds, Avoirdupois net weight and in no other manner. Provided, however, that nothing here contained shall be construed to prohibit any baker or any dealer in bread from cutting any standard loaf and selling any part of the same by actual net weight, and no person, firm or corporation shall make for sale, sell or expose for sale any bread that shall be deficient in weight; Provided, always, that such deficiency in the weight of such bread shall be determined by the Sealer of Weights and Measures or his assistants, by weighing or causing to be weighed in their presence within eight hours after the same shall have been baked, sold or exposed for sale, twenty-five loaves, if available, and the average net weight of the loaves so weighed shall not be less than the stated weight for the size under investigation; and provided further, that when any allowance in the weight shall be claimed on account of any bread having been baked, sold or exposed for sale more than eight hours as aforesaid, such allowance in respect to the time when the same shall have been baked, sold, or exposed for sale shall devolve upon the defendant or baker of such bread.

ARTICLE V.

Regulating the Use of Bottles and Jars in the Sale and Delivery of Milk and Cream

Section 1. Every person, firm or corporation using bottles or jars for the sale and delivery of milk and cream within the limits of the Village of Birmingham, except as hereinafter provided, shall use only such bottles and jars as shall have clearly blown or otherwise plainly marked on the side the true capacity of the same and on the side or bottom of any such bottle or jar the name, initials or trademark of the manufacturer thereof.

Section 2. This ordinance shall not be construed as in any way prohibiting the use of any bottle or jar which has been duly tested and approved by the Sealer of Weights and Measures as to capacity.

ARTICLE VI.

Controlling the Sale and Delivery of Sand and Gravel

Section 1. Every person, firm or corporation engaged in the sale or delivery of sand and gravel within the limits of the Village of Birmingham shall deliver with each load, or certificate signed by the person, firm or corporation selling the same, showing the number of cubic measurements of material delivered, the name of the driver making such delivery and the time of such delivery; and no person in charge of any wagon or conveyance used in such delivery to whom has been delivered such certificate shall refuse or neglect on demand to deliver the same to the Sealer of Weights and Measures of said Village, or to his assistants, or to any person designated by him, or to the purchaser of said sand and gravel, his agent, or representative, and no such person, firm or corporation shall use or be used in any such wagon or conveyance for the delivery of any such material unless such wagon or conveyance is sufficiently and clearly marked with its true capacity.

ARTICLE VII.

Section 1. It is hereby made the duty of the Sealer of Weights and Measures to enforce and all of the provisions of this ordinance are faithfully observed and to institute proceedings in case of violations.

Section 2. Any person, firm or corporation who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined in a sum not exceeding $100.00 or by imprisonment in the Oakland County Jail for a period of not exceeding 30 days or by both such fine and imprisonment in the discretion of the Court.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall take effect immediately upon publication.

Yeas, 3; Nays, 0.

There being no further business the meeting adjourned.

HAZEL E. CLARK, Village Clerk.

POLICE NEWS

H. Stull, who lives in Birmingham and drives a truck for the Inter City Safety Service Bus Line, pleaded guilty to a charge of speeding with one of the company's busses, Wednesday morning in the local justice court. He paid a fine of $15.

For driving with an overloaded truck, Smitz & Burnstein, wholesale dealers of Detroit, paid a fine of $14 in justice court this week.

The Braun Lumber Co. of Highland Park, paid a fine of $15 for having an overloaded truck. Officer Dexter made the complaint.

The Crane Co. and the Wolverine Stove Co., both of Detroit, each paid a fine of $15 for having over-loaded trucks.

The ladies of the St. James Episcopal church will hold a card party in the near future for the purpose of raising funds.

"Tough" Schlaack, son of Frank schlaack, who left three weeks ago for Florida, returned home this week.

CHURCHES

First Methodist Episcopal

Morning worship, 10:30, theme "Called To Be Saints." Sunday school, 12 M. Epworth League, 6:30; a fine program in preparation. Evening service, 7:30; subject "An Honest Doubter."

Christian Science Society

Services at Church Building, Woodward avenue, south of the D. U. R. waiting room.

Sunday, 11 a.m.

Sunday school, same hour.

Wednesday evenings, 8 o'clock.

All are invited.

Free Reading Room, open Tuesday, Thursday and Saturday from 2:30 to 4:30 p.m. and Wed. from 7 to 8 p.m.

First Baptist

Corner of Bates and Willetts streets. Pastor, Thomas J. Edwards. Morning worship at 10:30 o'clock. The pastor will speak on "God's Lesson From a Rock." The Bible School meets at 12 o'clock. Good classes for persons of all ages. The pastor teaches the Baracas Class.

In the evening at 7:30, the subject of the sermon will be "Satan's Compromises." The young people's meeting at 6:30. If you do not have a church home, you will be cordially welcomed in this "homelike church."

First Presbyterian

Next Sunday morning at 10:30 those who come to this church are to have the privilege of hearing the Rev. Hugh W. Rankin of Colorado, speak. For thirty years Dr. Rankin has labored as a pioneer Sunday School missionary in the Rocky Mountain regions. He has a very interesting story to tell. No special missionary offering. He just comes to tell us about his work. In the evening at 7:30 the pastor will speak on "Ideals and Their Cost." Our evening services are helpful. Always a cordial invitation and welcome for strangers and those without a church home.

St. James Church

Sunday, Jan. 14. Second Sunday after Epiphany. 8 a.m., Holy Communion; 10 a.m., morning prayer and sermon; 5 p.m., evening prayer. The Church School—Sunday 12 M., all grades; Monday, 4 p.m., St. Mary's Guild; Tuesday, 4 p.m., grade 7, boys; Tuesday, 7 p.m., O. S. G.; Wednesday 8 a.m., Prayer Book Class, boys; Thursday, 8 a.m., Prayer Book Class, girls; Thursday, 7:30 p.m., Rector's Bible class. Young people's hour, Sunday, 5 p.m., Rev. Fred Adams of Detroit, speaker.

St. James Chapter, O. S. G., is preparing to conduct a public service Sunday evening, Jan. 28. This will be of unusual interest, with a special speaker to be announced and some features of the nature of pageantry.

The date for the second trial of Mrs. Julia Adams' suit against the Village of Birmingham for recovery of alleged damages to her flowing well property of her farm on West Maple road, is set for Jan. 20, according to Village Attorney Gafill. If the case is not started then, Mr. Gafill said he thought it would be postponed to April.

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* WE HEARD IT SAID BY— *
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Rev. C. H. McCurdy of St. James' Episcopal Church: "The parents of Birmingham are to be congratulated upon the obedience and respect which their children show toward the wishes and property of others. I was interested in watching the children who are using the skating rink and community house on the church property at Bates and Merrill streets this winter. Nothing in the house was ever disturbed by those who used it to put on their skates, etc., until a certain boy from the Detroit came, out several weeks ago. This boy did disturb various things in the house, much to our dislike. But I have not found any local boy or girl so inclined. It is a good omen for the future development of our children—anyone, who being put on his or her honor, does not model the property of others, has a good foundation for character."

William Casmerek, of Pierce street: "Let 'em all talk about the wonders of Florida. I now know better. Outside of a dandy climate, a few orange trees and expensive hotels, they haven't got much to boast of. If you took a walk down the road, you'd find snakes of the moccasin variety on one side, rattlers and bullsnakes on the other, and at the end of the road you'd run into an alligator swamp; all you can do then is to run for the ocean and as soon as you reach the beach the sand-fleas begin to bite so that a fellow has to take a chance on the sharks by jumping into the sea."

R. C. Moulthrop, local businessman: "The outlook for building in and near Birmingham for 1923 is the brightest that ever confronted the town, I believe. Many fine houses will be built this year than were ever before constructed during a similar time in the history of Birmingham. The splendid residential comforts and conveniences offered to the homeseeker by Birmingham are far more enticing than any other suburb of Detroit."

Mrs. George R. Averill, Poppleton avenue: "I noticed several placards uptown which announced a 'Fox Trot Dancing Party.' From present methods of dancing staged everywhere it seems superfluous to put in the words 'Fox Trot', as most dances nowadays feature little else but such. The good old waltzes, schottiches, circle twosteps, etc., seem to be but a memory nowadays."

Rev. W. C. McKnight, pastor of Presbyterian church: "I am glad that Birmingham continues to observe the holiness of Sabbtah Day by not indulging in any public performances on Sunday. It shows that there is, after all, a good deal of reverance among its citizenry for the teachings of Jesus Christ."

The choir of the Baptist church enjoyed an oyster supper at the church last Friday.

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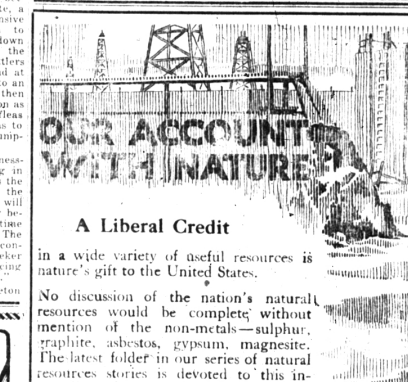

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No discussion of the nation's natural resources would be complete without mention of the non-metals—sulphur, graphite, asbestos, gypsum, magnesite. The latest folder in our series of natural resources stories is devoted to this interesting subject.

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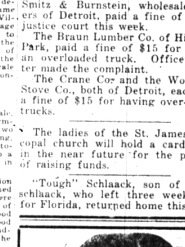

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