

TWO FACTORS PREPARE FOR SHAIN RECALL FIGHT

(Continued from Page 1, Part 1) ... President Shain did not offer proof in support of the charges. The recall proceeding under the charter and the state law does not require proof. Neither is it possible to give a full explanation because the charter specifically states, "the statement contained in the affidavit shall be limited to 200 words. All Mr. Callum had to do was to make affidavit that he believed his charges to be true—a matter of purely personal opinion."

RECALL METHOD EXPLAINED

(Continued from Page 1, Part 1) ... 3—Next came the circulation of the petitions. Upon their being signed by electors to a number equal to 20 per cent of the entire vote cast for the office of village president the last preceding regular municipal election they had to be accepted and certified by the village clerk.

4—Under section 11 of the charter obligatory for the village commission to call a special election when Mr. Shain did not resign from his office within five days after the petitions were certified. This "removal election" as it is called, must be held within not less than 35 days and not more than 45 days from the date of the certification of the petitions by the village clerk.

5—At this point appears the haste and vagueness in the village charter. Section nine states that the officer must be a candidate to succeed himself unless he requests otherwise in writing while other candidates may be named by petitions as required by the general election provision of the charter. The vagueness in the charter consists in that it does not specifically differentiate between the "recall" and "necessary" things required by law—first a vote upon whether the officer shall be recalled, and second, a vote to fill the vacancy in case the recall is approved.

6—The village charter is not clear on this point it then becomes necessary to fall back upon the laws of the state that legalize a recall. There are, of course, no elections to fill a vacancy until a vacancy is made, and whether there is to be a vacancy cannot be determined until after it becomes known whether the voters approve the recall.

7—It, therefore follows that the first special election must be upon the recall itself. This election has been set for Dec. 9 and the ballot will read as follows: Shall Charles J. Shain be called from the office of president of the village of Birmingham? 8—If the section fails to obtain a majority of the votes cast that ends the whole matter and Mr. Shain continues his unexpired term. If, however, recall is supported by a majority then it will become necessary for the commission at which time Mr. Shain would automatically become a candidate to succeed himself by letter, he withdrew his name. Other candidates, if any, would appear upon the ballot by virtue of being nominated by petition. The successful candidate would fill the office for the unexpired term not for a full new term.

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VILLAGE OBSERVES ARMISTICE DAY IN SOLEMN CEREMONY (Continued from Page 1, Part 1) day. Prayer and hymns will occupy the principal part of the program. Traffic will halt in the village for the two minutes between noon and 12:32 and citizens will face the east in meditation upon those who suffered and died for their country.

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