

STAGE

Week between Christmas and New Year's quiet in studios. Everybody happy somewhere else, as screen stars forget and go home or abroad to play.

Will Rogers knocked off work for the week and returned to Beverly Hills ranch, to wait return of daughter from Europe, where she has been attending school.

James Dunn and Sally Eilers didn't break team for holidays, as they, like Mrs. Root Gibson, had her husband invited Jimmie to their ranch for Christmas parties.

Warner Baxter boarded plane version of "The Passing of the Third Floor Back," by James K. Hynes. Mr. Mervale is known for his work in "The Swan" and "Hello, Hello," and "Cynara."

On His Way (Philip Mervale, noted English actor, is his way to Hollywood to make debut in talkers in screen version of "The Passing of the Third Floor Back," by James K. Hynes. Mr. Mervale is known for his work in "The Swan" and "Hello, Hello," and "Cynara."

Shorts (John Sidney, has no use for end caps, but will act as backroom book for hours. "Wyne Gibson, has 214 wooden chairs, metal doors, all with names beginning with "P." Richard Arlen, while looking for work in Hollywood. "Sally Balle will play opposite Marie Prevost in "Hello, Hello," starring Kate Smith.

Screwball ("Calvalade," Noel Coward's London stage success, will soon be seen on screen, featuring Clive Brook, Ilana Wyzaroff, Ursula Jeans and several British players.

Revue ("Murray Hill," Raymond Hackett, handsome leading man of stage and screen, will be in "Murray Hill," which will open week's run at the Metropolitan. "Murray Hill" will be supported by Joan Madison. A second New Year's Eve performance will begin at 11:30 p. m.

Center (There is to remain district radio office, according to recent act of Congress.)

CHARTER OF CITY OF BIRMINGHAM

(Continued from Page 3, this section.)

may also provide for the mailing of notices to the registered electors of the city, but in no case shall a notice by mail or receive any notice not in accordance with the charter.

Section 11. Election ballots shall be printed without any party name, emblem, or description whatever, on plain white substantial paper, and the same shall be printed, numbered, and otherwise prepared, in accordance with the provisions of the general laws of the state regulating the same at elections in this state.

Section 12. The ballot for officers shall be in substantially the following form:

Official Ballot
Candidate for election to the city offices of (naming office to be filled) of the City of Birmingham, Michigan, at the election held on the _____ day of _____, 19____, in the square opposite the names of the persons for whom you desire to vote.

FOR COMMISSIONERS
Vote for (Number to be elected) _____ candidates by marking with a square at the left of each name. Also insert as many blank lines with a square at the left of each line.

FOR JUSTICES OF THE PEACE
Vote for One _____ candidate by marking with a square at the left of each name. Also insert one blank line with a square at the left of each name.

FOR ASSOCIATE JUSTICE OF THE PEACE
Vote for One _____ candidate by marking with a square at the left of each name. Also insert one blank line with a square at the left of each name.

FOR CONSTABLE
Vote for One _____ candidate by marking with a square at the left of each name. Also insert one blank line with a square at the left of each name.

Section 13. The city clerk under the direction of the election commission shall cause all ballots to be printed and on file in his office at least ten days before the election. The clerk shall cause to be delivered at each precinct a number of copies of the election commission's primary ballots equal to the number of registered voters in such voting precinct, in no case less than the number who voted at the last regular municipal election, plus twenty-five per cent (25%), and also, all supplies, stationery, books, blanks and accessories necessary for the conduct of the election.

Section 14. Immediately upon the closing of the polls the board of election inspectors in each precinct shall count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and shall make a return thereof to the city clerk upon blanks to be furnished by the city clerk.

Section 15. A recount of the votes cast at any city election for any office upon any proposition, may be had in accordance with the general election laws of the state.

Section 16. The city commission shall convene at eight o'clock P. M. on the third day, other than a Sunday or holiday, succeeding any regular special election and shall cause the results of such election, and all determine the vote upon all questions and propositions and decide whether the same have been adopted or rejected and what persons have been elected at such election to the several offices respectively. The person receiving the highest number of votes for any office shall be deemed to have been elected to that office, if more than one person is to be elected to any office, then the persons, equal in number to the number to be elected to that office, receiving the highest number of votes for that office, shall be deemed to have been elected to that office.

Section 17. If any person shall make a false oath or affidavit in violation with any matter required by this chapter or shall violate any provision of this chapter or shall knowingly neglect or refuse to perform any duty herein prescribed, such person shall be guilty of a misdemeanor.

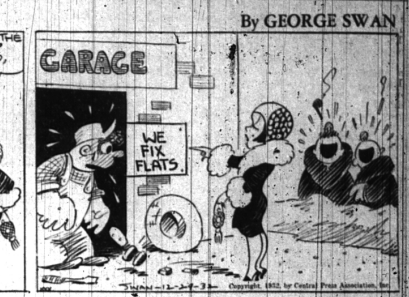
Section 18. The polls for all municipal elections shall be open at each o'clock A. M. of election day and remain open until eight o'clock P. M. of said day unless otherwise provided by the commission.

Section 19. When a city election is held on the same day as national, state or county election or primary, the same election officials shall act in accordance with the provisions of this chapter.

Section 20. The general election laws of the state, so far as they are applicable, shall govern all regular and special city elections, in relation to election precincts, polling places and their equipment, inspectors of polls and their appointment, powers and duties, the powers and duties of all city officers, the conduct of elections and the manner of preparing ballots, absent voters, election returns, canvass by precinct inspectors or precinct counting boards, inspectors, returns and correction of errors and errors, returns and canvass by precinct inspectors, when the same are not herein enumerated or not provided; however, that when there is a conflict between such general laws and this chapter as to any matter which may be lawfully regulated by charter, then the provisions of this charter shall control.

Section 21. The city shall constitute the election commission for the city and shall perform all of the duties required of the election commission by the general laws of the state. It shall appoint the members of election and fix their compensation.

Section 22. If at any municipal election there shall be no choice between candidates by reason of two or more candidates having



received an equal number of votes, then the commission shall appoint a date for the appearance of such persons as have received tie votes, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested, if such persons can be found. The method of determining by lot shall be the same as provided by the general laws of the state for such determination in case of a tie vote for a township office. In no case, however, shall the election of any person be determined by lot without a record of the votes cast at such election. If one of the persons receiving such tie vote shall demand such record, the election shall be held in accordance with the requirements of this charter and the laws of the state applicable thereto.

CHAPTER VII ORDINANCES

Section 1. The enacting clause of all ordinances shall read: "The City of Birmingham ordains," but such caption may be omitted when said ordinances are published in book form by authority of the commission.

Section 2. Every ordinance shall take effect immediately upon publication unless otherwise provided in this charter or in the ordinance itself.

Section 3. It shall be the duty of the clerk to cause every ordinance to be published in printing, the same as is provided in this charter by the city. The clerk shall immediately after such publication enter in the "Ordinance Book," under the record of the ordinance, a certificate under his hand stating the time and fact of such publication. Such certificate shall be prima facie evidence of the due publication of the ordinance.

Section 4. All ordinances shall be recorded in an indexed book marked "Ordinance Book," and the record of each ordinance shall be authenticated by the signature of the mayor and clerk. Such record and authentication shall be done within one week after the final passage of any ordinance, but failure so to record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 5. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section of the ordinance is amended, the whole ordinance shall be re-enacted.

Section 6. The commission shall have authority to provide in any ordinance for the punishment of those who violate the same, by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days; or both, in the discretion of the court. Such ordinance may further provide that in case any person shall fail to pay any fine so imposed, he may be imprisoned until such fine shall be paid, provided that no person shall be imprisoned for a longer period of any ordinance for a longer period than ninety days. Such punishment may be in the city prison, if any, in the county jail of Oakland County, or in any penal institution in the state authorized by law to receive prisoners from the city.

Section 7. Prosecution for violation of any ordinance of the city shall be commenced within two years after the commission of the offense; provided that the limitations herein imposed shall only apply to violations penal in their nature, and shall not be construed as a limitation of the city's right to enforce any franchise, or any license, or any other ordinance, or any ordinance which shall be enacted in violation of the terms and conditions thereof, after said two-year period.

Section 8. Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty shall be recovered in an action at law. And when a corporation shall incur a penalty for the violation of any ordinance, the same shall be paid for by the corporation in an action at law. In either of the cases above mentioned if the court shall find the defendant guilty, he shall render judgment for all or such part of the maximum fine specified in the ordinance as shall be imposed in a similar case commenced by warrant. Prosecutions for violations of the ordinances of the city may, in all cases except as above provided, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and shall substantially in the form and be issued upon complaint made, as provided by law in criminal cases created by justice of the peace. And the proceedings relating to the arrest and custody of the accused shall be in conformity with the provisions of law relating to the trial of the case and in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof, shall, except as otherwise provided by this charter, be governed by and conform as nearly as may be to the provisions of law relating to proceedings in criminal cases cognizable by justices of the peace.

Section 9. In all judicial proceedings it shall be sufficient to plead any ordinance by title and number of the section of sections, and it shall not be necessary to plead the entire ordinance or its title.

Section 10. Judicial notice shall be taken of the enactment, existence, provisions and continuing force of all ordinances of the city.

Section 11. Whenever it shall be necessary to prove any ordinance or resolution of the commission, in any judicial proceeding, the same may be proved by the record thereof kept by the clerk, by a copy thereof duly certified as a true copy by the clerk under the seal of the city, or by any volume purporting to have been published, printed and compiled by authority of the commission.

CHAPTER VI CONTRACTS

Section 1. No contract shall be entered into by the city for the making of any public improvement or for the purchase of any materials, tools, apparatus or any other thing or things, the commission or one of its members shall receive Five Hundred Dollars (\$500.00) until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of five-sevenths of the members of the commission, such contract, the commission may be made without advertisement. The city shall have the right to reject any or all such proposals.

Section 2. Subject to the provisions of this charter, the city may, upon the approval of the commission, contract with any person for the making of all kinds of or may let any work by contract. The city shall, however, undertake the performance of any construction work exceeding

an estimated cost of Five Hundred Dollars (\$500.00), until it has first advertised for sealed proposals therefor; provided, however, that by a vote of five-sevenths of the members of the commission, such contracts, the consideration for which shall not exceed One Thousand Dollars (\$1,000.00), may be made without advertisement.

Section 3. No public improvement, costing more than Five Hundred Dollars (\$500.00) shall be contracted for or commenced until drawings, plans and estimates for the same shall have been submitted to the commission and approved by it, and the same or a copy thereof shall thereafter remain on file in the office of the clerk subject to inspection of the public.

Section 4. No member of the commission shall vote for the authorization of any contract with or for the city, or for the expenditure of any money on the part of the city, if he shall be financially interested in the proceeds of such contract or in the money so expended.

CHAPTER VII - General Finance

Section 1. The fiscal year of the city shall begin on the first day of July of each year.

Section 2. The city treasurer shall be the general accountant of the city and shall keep a complete set of accounts showing the financial transactions of the city, which accounts shall conform to any uniform system required by law. The city treasurer shall receive and disburse all moneys belonging to the city and shall keep an accurate detailed account of all money received and disbursed by him and of the particular fund into which or from which the same is paid. He shall pay out no money except as in this charter provided; He shall at least once a month, and oftener if required, furnish the commission with a statement showing all cash on hand and in bank at the beginning of the preceding month, the receipts and disbursements for the preceding month, the cash and bank balances at the end of the preceding month and the condition of the covered funds of the city. He shall make such other reports as the commission may require.

Section 3. No money shall be drawn from the treasury except as authorized by the commission. All disbursements shall be by check supported by vouchers carrying full detail as to principal, disbursements, freight allowances, distribution, and funds. Such vouchers are to be in turn supported by original invoices except in the case of labor when the payroll shall suffice. All invoices, estimates of work performed and payrolls shall be approved and signed by the manager or receiver and the city treasurer.

Section 4. The treasurer shall be provided with an imprest cash fund in the sum of Fifty Dollars (\$50.00), which sum shall be used for emergency disbursements. Such fund shall be replenished only by approval of the commission and upon filing of receipts for money paid out and such receipts shall be made from one fund to another without express authority from the commission.

Section 5. All taxes, special assessments and other money accruing to the city shall be collected by the city treasurer. All money received by the city treasurer shall be deposited in the city treasury, and shall be deposited by the treasurer with such responsible banking institution or institutions as may be designated by the commission and furnishing such security as the commission may determine, and all interest on such deposits shall accrue to the benefit of the city. The commission shall provide for the prompt and regular payment and deposit of all city moneys as required by this section.

Section 6. All moneys received by any officer or employee in his official capacity shall belong to the city except as in this charter otherwise provided and except also where it is otherwise provided in the resolution or ordinance fixing the salary of any officer or employee.

Section 7. The revenues raised by general taxation upon all property in the city, and all moneys received by the city on such other taxes and so many funds as the commission may by ordinance or resolution determine.

Section 8. The commission shall provide that a periodical audit, which shall be at least annual, be made of the accounts of all the officers and departments of the city government, by certified public accountants who have no personal interest, direct or indirect, in the financial affairs of the city or any of its officers or employees.

Section 9. No officer shall be permitted to receive any salary or other compensation until the first day of September of each year. The treasurer shall make out statements showing the financial position of the corporation at the close of the preceding fiscal year. Such statements shall distinctly show the following: The amount of all taxes collected during the year, for all purposes, and the amount paid for each district; the amount levied by special assessment and the amount collected in each district; the amounts received from all other sources during the year, according to a logical classification thereof; the expenditures made

(Continued on Page Six, this section.)

Legal Notices

NOTICE TO STOCKHOLDERS
The Board of Directors of the City of Pontiac, Michigan, do hereby give notice to the stockholders of the City of Pontiac, Michigan, that a meeting of the Board of Directors will be held on the eighth day of January, 1933, at 10:00 o'clock A. M., at the City of Pontiac, Michigan, for the purpose of electing a new Board of Directors to succeed the Board of Directors now in office.

MORTGAGE SALE
Default having been made for more than thirty days in the payment of the principal and interest on a certain mortgage made and provided on Monday the 20th day of November, 1932, by Walter Peter and Cora M. Peter, husband and wife, of the County of Oakland and State of Michigan, in and to the City of Pontiac, Michigan, in favor of the City of Pontiac, Michigan, as mortgagee, and the same is now due and payable, and the same is being sold at public auction, to the highest bidder, on the 27th day of January, 1933, at 10:00 o'clock A. M., at the City of Pontiac, Michigan, in accordance with the provisions of the mortgage and the Statute in that behalf made.

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