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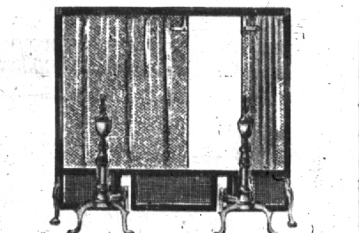
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City Commissioners Not Liable-Hascall

City Attorney Forbes S. Hascall believes members of the city commission are not liable for damages arising from performance of legislative functions.

This opinion resulted from a request by Commissioner Lynn Miller, who asked what was the personal liability of commissioners, based upon alleged injuries arising out of legislative actions of the commission.

City commissioners withheld discussion of Hascall's opinion because Commissioner Minor was absent from Monday's session. The matter will be brought up when Minor returns.

HASCALL CITED several legal cases backing his opinion. He stated, "Municipal legislative officers, while acting in their official capacity, are acting on behalf of the public. Their acts represent the public will and their duty is solely to the public. Even where acts of a legislative body are void, there has been held to be no liability, because of the fact the act being void the person authorizing the injury was not bound to comply with the same."

"He concluded, 'It must be understood that the foregoing applies only to legislative functions of the commission. In those cases where a commissioner is acting in a ministerial capacity, such as in the case of the Mayor, when engaged in certain functions authorized under the Charter, a different rule of liability applies.'"

HASCALL ALSO gave his opinion of the recent decision made by the Pennsylvania Supreme court in which it ruled that superimposing a park upon a city plan within three years of the passage of the ordinance, is unconstitutional for the reason that the same would be a "cloud" on the land owner's title for three years."

The city attorney secured a referendum of the court decision from the offices of the National Institute of Municipal Law Offices in Washington.

"Section one of Article 13 of the Michigan constitution provides, 'Private property shall not be taken for the public nor any corporation for public use, without the necessity therefor or being first determined and just compensation therefor being first made or secured in such manner as shall be prescribed by law.'"

HASCALL ADDED, "In Pennsylvania, property can't be taken or applied while in Michigan it merely cannot be taken."

He concluded, "In view of present knowledge this condition doesn't exist in Michigan, but I feel that were we to have the same statutory provision, the same result might be reached by the Michigan courts."

"If the Beaver Falls case were a definite statutory provision providing for a three year freeze of the property. To my knowledge this condition doesn't exist in Michigan, but I feel that were we to have the same statutory provision, the same result might be reached by the Michigan courts."

"The Pennsylvania Supreme Court decision on the Miller vs. Beaver Falls case was previously reported in this city by Pontiac Attorney George Clark."

BOWLING SCORES

Team	High	Avg.
Coca Cola Co.	12	4
Pepsi Cola Co.	12	4
Lions 22	11	8
Shoppers Market	11	8
Community Market	11	8
Shoppers Market	11	8
Lions 21	11	8
Howard Johnson	11	8
Howard Johnson	11	8
Ind. High 131	10	246
Ind. High 132	10	247
Ind. High 133	10	248
Ind. High 134	10	249
Ind. High 135	10	250

OAKLAND COUNTY COMMUNITY

Team	Win	Loss
Gregg's Dairy Bar	19	8
Burke Shop	18	9
H. J. Labadie Heating	16	8
Shoppers Market	15	7
Hurtley Prescription	12	11
Dick's Air Conditioning	12	12
Precision Products 2	11	13
Hillwood Recreation	10	14
G. B. Dupont 1	10	14
G. B. Dupont 2	10	14
Mega-Major	9	15
Shops Co.	9	15
Precision Products 1	9	15
Shops Co.	9	15
Ind. High 131	8	244
Ind. High 132	8	245
Ind. High 133	8	246
Ind. High 134	8	247
Ind. High 135	8	248

WALNUT LAKE MEN

Team	Win	Loss
Barbara	16	4
Franklin Hardware	15	5
Walnut Lake Grocery	14	6
Kran-Cher Potato Chips	13	7
Mortimer's Men's Wear	12	8
Shops Co.	11	9
Team High 111	10	10
Team High 112	10	10
Team High 113	10	10

AMVETS (MEN)

Team	Win	Loss
Team No. 1	8	4
Team No. 2	8	4
Team No. 3	8	4
Team No. 4	8	4
Team No. 5	8	4
Team No. 6	8	4
Team No. 7	8	4
Team No. 8	8	4
Team No. 9	8	4
Team No. 10	8	4

AMVETS (LADIES)

Team	Win	Loss
Try Bulli Blocks	18	2
Try Bulli Blocks	18	2
Try Bulli Blocks	18	2
Try Bulli Blocks	18	2
Try Bulli Blocks	18	2

WALNUT LAKE MEN

Team	Win	Loss
Barbara	16	4
Franklin Hardware	15	5
Walnut Lake Grocery	14	6
Kran-Cher Potato Chips	13	7
Mortimer's Men's Wear	12	8
Shops Co.	11	9
Team High 111	10	10
Team High 112	10	10
Team High 113	10	10

BHAM JUNIOR HIGH

Team	Win	Loss
Check Inn	11	3
Lake Jewelers	10	4
Hiltner's Hardware	10	4
Craig's Sport Shop	9	5
Shoppers Bar	9	5
Hulford Const.	8	6
Day Drive	8	6
Turkey Oil Co.	7	7
Erson Tackle Co.	7	7
Harold Turner Inc.	6	8
Adams Bros.	6	8
Ind. High 111	5	9
Ind. High 112	5	9
Ind. High 113	5	9
Ind. High 114	5	9
Ind. High 115	5	9

BIRMINGHAM MERCHANTS

Team	Win	Loss
Peck's Mens Wear	15	3
Peck's Mens Wear	15	3
Peck's Mens Wear	15	3
Peck's Mens Wear	15	3
Peck's Mens Wear	15	3

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WATCH IT! The boy who plays around construction sites and tries an imitation of Tarzan is asking for trouble. This lad is stepping onto the end of an unnailed board. The obvious will happen—a crashing tumble for the boy. Beyond the dangers of the fall are those of protruding nails. In this rough state, every building has a certain number of nails which extend beyond the wood, offering an excellent opportunity for severe lacerations which can result in permanent injury or death. Builders in Birmingham have, during this photo-series, tried to point out to parents the extreme hazards which their children face whenever they are allowed to play around partly constructed buildings.

CUB SCOUTS

PIERCE CUBS Den Mothers

Den mothers and assistants chosen for B-Cub Scouts. Pierce school are Mrs. Lawrence Brisley, Den I; Mrs. Edward Codner, II; Mrs. C. James Warren, Mrs. Mrs. Leo Renault, III; Mrs. Joseph Hengelmann and Mrs. W. Scott Purvis, IV; Mrs. A. V. Dennis and Mrs. F. S. Spring, V; Mrs. Clifford Brin, VI.

Jayces Offer To Help Equip New 'Y' Building

Harry O. Smart, president of the Birmingham Junior Chamber of Commerce, has announced acceptance of his organization to work toward equipping the new temporary 'Y' building at 400 East Lincoln.

The national program for junior chamber of commerce is youth service and this venture will fit in with the program.

Smart emphasized that his organization will be approaching other civic groups and service clubs for help in giving anything from a mail box to a television set for the building.

Promotion awards have been presented to James C. Lavin, Jr., W. Hnatro, Robert W. Budde and Michael W. Murphy, Den I; Fredrick Chamm, Gary Ludwig, Rodney Lyble, II; Edward D. Spicer, Jr., Robert Appel, Joseph H. Hendrick, III, Mrs. Carl C. Koebler, Mrs. G. H. Pitts, XII and Mrs. Charles L. Pollis, Mrs. Eric Jacobson, XIII.

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Lien Placed Against Lot For Removal of Debris

Birmingham commissioners voted a \$121,100 lien against the lot at the northwest corner of Cole and 19th, to pay for debris removed by the city.

The debris was left by the construction of residences on Cole, and several official requests for its removal were ignored. City Manager D. C. Fisher said it had been condemned as a hazard by the fire prevention bureau and the fire department.

Local Members Hear Talk by Y's Men Leader

Gordon McLary of Edmonton, Alberta, Can., international vice-president of Y's Men, and Neil Jensen of Alburg, Denmark, addressed a joint meeting of Royal Oak and Birmingham Y's Men before a capacity house last Monday.

McLary spoke on the "Service Aspects of Y's Men." He emphasized the work being done locally and overseas in providing opportunities for the character growth of youth.

Pierce PTA Names Safety Chairman

Mrs. Chris L. Sloan was named safety chairman at the Thursday meeting of Pierce PTA, and spoke briefly of the problem which now faces the school.

Mrs. Sloan said that the most critical point is the crossing at 14 Mile and Pierce, where children are held up by traffic and there are large groups at the crossing. "Just let one car skid or go out of control at these spots and dozens of children might be injured," she said.

Two petitions are being prepared, one to be sent to the City of Birmingham, the other to Southfield township. They will ask either a traffic light or police protection at the crossing.

During the evening's program, Paul D. Carter, curriculum coordinator, spoke on today's educational problems and methods.

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JENSEN SPOKE on the rehabilitation in Europe and the great advance of the continental countries. He paid tribute to the Marshall plan and the work of missionary groups in the devastated countries.

Y's Men is the service club of the YMCA with the motto "To Acknowledge the Duty that Accompanies Every Right." Men representing the Birmingham club which is seeking membership in order to apply for its charter, included Wayne Mortimer, Dick Kappel, Walter V. Allison, Walter Allison, Richard Hoffman, Bob Andrews, and Ed Kirbert.

The local club's next meeting is in service to youth can inquire at the Y's offices, 114 West Maple, for complete information.

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EXTRAORDINARY SAVINGS

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Visitor Here Dies From Heart Attack

A native of Southfield township and president of Carroll college in Waukesha, Wis., Dr. Nelson Vance Russell died Friday evening in Ford Hospital, Detroit, following a heart attack. He and Mrs. Russell had been visiting Dr. and Mrs. W. Lloyd Kemp, 1055 Yarmouth.

Dr. Russell was graduated from Baldwin high school in 1917 and attended the University of Michigan and Wooster college in Wooster, Ohio. He received his masters and doctor of philosophy degrees from the University of Michigan and an honorary doctorate from Wooster.

He served as professor of history at Carleton college in Northfield, Minn., and eight years ago became associated with Carroll college.

A well known author, lecturer and instructor throughout the mid-west, Dr. Russell served in the western states historical division during both World Wars.

He was a member of the Presbyterian church in Waukesha.

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