

Judges Rule Out Apple Tax Law

Declaring that the Michigan State Apple Commission's law is an invasion of the private rights of farmers and apple growers, the Oakland County Circuit Court this week pronounced it unconstitutional.

Three judges, Judge Frank L. Doty, Judge H. Russell Holland, and Judge George B. Hartwick, joined in signing an opinion that Act 87 of the Public Acts of 1939 is unfair to the private grower and as such is unconstitutional. The suit was brought before the Oakland county by more than 30 growers from Oakland, Wayne, Macomb, Livingston, Lapeer, and Monroe counties. A number of these were orchard owners and farmers from the Farmington area.

The act levies a tax of one cent a bushel or five cents per hundred weight on all apples offered for sale that are produced in the State. The object of the act was to create a commission to advertise Michigan apples the same as citrus fruits, apples and potatoes are advertised in other States.

It was brought to the attention of the court that Michigan apples have shown a steady decline in recent years, while citrus fruit sales have increased. The plaintiffs argued the act is an unreasonable discrimination to single out apple farmers from the general classes of other farmers to make them the object of a special tax; and that it was unconstitutional because the advertising of apples is not a public purpose of the State but is a private purpose and benefits a private industry; because the title of the act does not cover the purpose of the act; and because the law denies the farmer due process of law and equal protection of the law.

The three judges held that while they do not believe the title is broad enough to cover the purpose of the Act they do not feel that is the important point in the case.

While the Michigan Legislature may have attempted to follow the Florida or the Idaho Acts, the opinion states, "it made a miserable job of doing so and Act 87 cannot be held constitutional. The basis that the Florida and Idaho acts were held constitutional. There are too many distinctions in the titles and bodies of the acts. The Michigan act is predicated upon an avowed acknowledgment of the fact that the farmer is the major industry, the prosperity of which is a vital factor upon the economic well-being of the State. The apple industry of Michigan is only one of a numerous class, the like of which might be subject to other legislative invasions. The Florida and Idaho acts carry legislative provisions for the designated vital industries, while the Michigan act carries only a tax imposition. The tax is not imposed as a State revenue measure for public interest.

"Under such circumstances, what is the remedy of an individual farmer or group of farmers? Sue, that is true, but how is he to collect any judgment received? Let the farmer entitled to the equal protection of the laws? The courts have always held so but the apple act does not give it to him. What is there to prevent the next Legislature from increasing the tax of one cent per bushel to two or three? If said commission finds out that the money received is not sufficient to pay the salaries of the commission and what it determines an adequate amount for advertising? How is the farmer to be protected in this respect?

"If Act 87 is constitutional, we are running into a dangerous element of government. It is clearly interference by the State in private business and such legislation is not sound. The defendants argue Act 87 will add the farmer by advertising his apples, but the chief trouble with the farmer today is too much interference, too many lawsuits, too many denunciations. Let him alone and he will work out his own problems.

"We can imagine, if this act is held constitutional, the next or future Legislatures of the State might form a commission on wheat, rye, corn, oats, or any other form of grain, fruit or vegetables, or even stock he might produce. All of this, of course, is predicated on the theory that the farmer receives enough produce and stock to pay the salaries of the various commissions and advertising fees. If this isn't depriving the farmer of property without due process of law,

To Lecture Here



Dr. William Axling, widely known Baptist missionary, will speak here at the Baptist church Sunday at noon services. Dr. Axling, working under the Northern Baptist Convention, has spent many years in Tokyo, Japan, where he supervised the building of the Saito Tabernacle, a great religious organization.

He is the author of several books, the best known of which is "Kawaga." The regular Sunday School classes will be dismissed in order to allow Dr. Axling's talk to be heard at noon. The public is cordially invited to attend.

MACCABEES TO TAKE PART IN INSTALLATION

Hives and Tent Hives of the Southern Oakland County Maccabees will have their public installation of officers Friday, January 19, at the American Legion Hall in Royal Oak. Major Fletcher J. Benton of Royal Oak will open the gates promptly at eight o'clock. The Great Commander of Michigan Maccabees, Mr. J. B. Baker will give a short address, and will introduce Congressman George A. Jones of Royal Oak who will give a talk on the Maccabees. A musical by Betty and Her Pal of Clarensville will follow.

LEGION AUXILIARY PLANS FIRST PARTY OF 1940

The American Legion Auxiliary is giving their first card party of the year Saturday evening, January 13, at the Legion house, at eight o'clock. Everyone is invited.

Merchants Open Season With Parade of Bargains

Opening the 1940 season with a bang, the Consumers Power Co. has a grand sale of gas ranges, refrigerators and other home appliances. There are bargains to be had which shoppers can't afford to miss. Prices have been drastically reduced on much of their stock.

The cold spell seems to be with us for a while so home-owners had better look to their coal bins. If they show signs of getting low, call the Farmington Lumber and Service Station and let them quote you prices on a complete set.

Housewives who become vexed as to the problem of what to have for meals should drop in to Home Food Store and look over some of the food values there. Need problems can be easily solved by taking advantage of the assortment of foods at Hamlett's.

Don't Take Chances. Motorists, you can't afford to take chances with your tires when the streets are slippery with ice and snow. If your tires are wearing smooth, replace them with Good years. Drive in the snow. Service Station and let them quote you prices on a complete set.

"Speaking of ice and snow, are you protected against them where then the due process of law clauses in our federal and State Constitutions are not what our forefathers intended them to be, and what our courts have said they are. The court's decision will make no difference in the State apple commission's plans to appeal a previous Berrien County ruling to the Supreme Court.

Recreation Programs for Adults To Be Provided

An adult program for Farmington men and boys who have no other means of enjoying games of various kinds, will be started Wednesday night at the new high school gymnasium-auditorium. According to Superintendent O. E. Dunkel, and Paul Shoemaker, high school coach, there have been quite a number of requests for such an opportunity for recreation and arrangements have been made to occupy the new gymnasium on Wednesday of each week.

Mr. Dunkel has announced that certain equipment from the school will be available to those who wish to use it. Games which may be played include basketball, volleyball, badminton, ping pong, indoor baseball, and shuffleboard. There are no restrictions as to who may take advantage of these recreational programs. They will be held, however, for the particular benefit of older men who desire some form of exercise, and for older boys, out of high school, who are seeking recreation.

Two Periods. There will be two separate periods each night, one for young men, who may desire more strenuous games, such as basketball or indoor baseball, and the other for older men who like their exercise a bit more mild. Shoemaker, who will be in charge of the programs, asks that all who wish to come, observe this ruling. It would be impossible, for example, to have a basketball game, and a volleyball game going on at the same time, since the floor is not large enough, Shoemaker said.

The first period, for those playing more strenuous games, will begin at 6:30, and the second at 8 p. m. It is hoped that by providing a place for such recreation, and the equipment, etc., a number of men who otherwise would have no chance to get a little needed exercise may do so.

Boy, 4, Dies in Traffic Accident

Funeral services will be held Friday morning at 9:30 for David F. Burke, four-year-old son of Mr. and Mrs. David Burke, 22905 Lakewood, who died early Wednesday morning in Pontiac General Hospital as a result of injuries obtained in a traffic accident Tuesday afternoon.

The boy broke away from his mother while crossing Grand River avenue near Our Lady of Sorrows school and ran into the path of an automobile. Death was due to a fractured skull, doctors say. The car was driven by Harold Johnson, 19, of 15353 Ilene, Detroit. Johnson was released Tuesday night after making a statement to Chief Assistant Prosecutor Donald C. Stogdole.

Authorities said the boy, his mother, and six-year-old brother, Norman, were standing in the center of the highway waiting for traffic to pass when the child made a break for the curb. He ran into a fence of a neighboring property.

The father is employed as a farmer on the Sorenson farms west of Farmington. There are three other children, Norman, Beatrice, and Elizabeth.

It was the first traffic fatality in Oakland County this year.

Services will be held at Our Lady of Sorrows church, under the direction of the Pontiac Funeral Home. Burial is to be in Holy Sepulchre cemetery.

Parents Asked to Attend Cub Training Meetings

A series of training meetings for parents and friends of prospective Cub scouts will be held at the Farmington High School, as a result of discussions by the Cub Pack Committee.

These meetings are arranged to inform the parents of prospective Cub Scouts of the duties of a "den" mother and father; and what the purposes of Cubbing are. All parents who have boys 5, 10 and 11 years of age, and who desire to have their boys become Cub Scouts, are urged to attend these meetings. There will be three meetings, to be held at the Farmington High School, on Wednesday nights, January 17, 24 and 31, at 7:45 p. m. The assembly will be addressed by a National organizer from the Clinton Valley Council at Pontiac. "Don't forget" to attend these meetings if you wish your boy to become a Cub.

Opens New Station. Nolan Campbell, who has been operating a service station on Farmington Road just south of Grand River, announces that he has opened a new station at the corner of Grand River avenue and Orchard Lake Road, commonly known as the "junction."

Don't Take Chances. Motorists, you can't afford to take chances with your tires when the streets are slippery with ice and snow. If your tires are wearing smooth, replace them with Good years. Drive in the snow. Service Station and let them quote you prices on a complete set.

Speaking of ice and snow, are you protected against them where then the due process of law clauses in our federal and State Constitutions are not what our forefathers intended them to be, and what our courts have said they are. The court's decision will make no difference in the State apple commission's plans to appeal a previous Berrien County ruling to the Supreme Court.

Boy Saves 4 Children From Fire

Presence of mind of twelve-year-old Erwin Gosnel was credited with saving the lives of his three sisters and brother when their home at 28345 Inkster Road caught fire and burned to the ground Saturday night.

The Farmington fire department responded to the alarm at about 11 p. m. but the flames spread so rapidly that it was impossible to save the house.

Erwin said he was awakened by the smell of smoke. He aroused Althea, 11, and picked up his other two sisters, Audrene, 5, and Rose, 8. Althea, carrying Jimmy, 2, followed Erwin down the smoke-filled stairway and through a flaming front room to the safety of the yard.

"There was no light," Erwin said. "I smelled smoke and heard the fire coming up the side wall. I woke Althea and I held my breath and rubbed along the wall and got downstairs.

"The floor and stairs were so hot that it felt good on my bare feet to get laid the snow. We were in our nightgowns because there wasn't time to change clothes. All our clothes were burned in the fire."

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Parents See Flames. The parents, Mr. and Mrs. James Gosnel, were visiting Nathan Lites, of 27701 Twelve Mile Road, when home is about a quarter of a mile away from the Gosnel home, arriving just as the children emerged from the house.

Gosnel, believing his children were trapped in the burning house, tried to go in the front way. When he was driven back by the flames, he climbed a back porch of the house and broke an upstairs door. Mrs. Gosnel, hearing the children were safe, called her husband. He was cut about the face and received burns on the hands in his effort to enter the house.

The family lost all its clothing and other belongings in the fire, and was given shelter by neighbors. Hugh Hink, a Chevrolet Motor Car company executive, Sunday took the children to Royal Oak and provided complete new outfits for each of them.

Three Fires Sunday. The Farmington fire department responded to three other calls Sunday. A fire, parked in front of Our Lady of Sorrows Church during early mass, caught fire. A fire on the White farm at Eleven Mile and Middle Belt Roads, caused a slight damage. A pile of gloves at the Burnett Bros. service station on Grand River avenue, caught fire late in the evening, but little damage resulted.

Dr. C. C. Goodes Opens Dental Offices Here

Dr. C. C. Goodes announces the opening of his new dental offices in the Peoples' State Bank, 3330 Grand River avenue. Dr. Goodes formerly had his offices in the Stein building in Redford.

Dr. Goodes will have office hours from 9 a. m. to 5 p. m. daily and will give appointments in the evenings. He cordially invites the patronage of his new friends in Farmington.

Senior Dance is January 20

The Senior Class of Farmington High School is giving a dance Saturday evening, January 20, in the new gymnasium. As yet they have not decided on the band, but it is assured that a very good band will be secured to provide the music. Dancing will begin at eight and continue until twelve. The public is cordially invited to attend.

WALLED LAKE DANCE TO BE HELD JAN. 27

The Senior Class of Farmington High School is giving a dance Saturday evening, January 20, in the new gymnasium. As yet they have not decided on the band, but it is assured that a very good band will be secured to provide the music. Dancing will begin at eight and continue until twelve. The public is cordially invited to attend.

First Adult Discussion Meeting to be January 19

The first of a series of meetings of adult discussion groups will be held Friday evening, January 19, at eight o'clock at the High School. These meetings are sponsored by the school, in conjunction with the Works Progress Administration and Karl D. Bailey, County agricultural agent. This will be the initial effort in a number of such meetings which were discussed and planned some time ago.

All poultrymen of this area are invited to the Friday evening meeting, when problems regarding poultry will be discussed. William C. Bess, graduate of the American Poultry School of Kansas City, Missouri will speak, and will also be present at future meetings to assist in conducting the discussions.

Re-Elected Director



Howard C. Kalkreuth, cashier of the Farmington State Bank, was among the five directors of the bank who were unanimously re-elected at the stockholders' annual meeting, held Tuesday afternoon.

Plans Under Way For New Theater

The chances that Farmington will soon have a theater appeared bright this week as it was announced that preliminary papers were signed for the construction of a movie house here. According to Lloyd S. Gullen, Farmington real estate dealer, who has been instrumental in arousing the interest of theater owners, the plan call for the construction of the picture house on the location now occupied by a vacant store owned by Louis Rose, of Detroit. This building was formerly occupied by the A. and P. Food Store.

According to plans, the store will be torn down and a complete new building constructed. In addition there is to be 22 extra feet added to the rear of the building. The building will have a 40 foot frontage on Grand River avenue and will include a small store on one side of the lobby.

Associate Theaters, Inc., who will control the theater, are the owners of a string of movie houses throughout Michigan, several of them in Detroit. The theater is to be completely modern throughout, said Gullen. It will be air-conditioned for both winter and summer. The front will be constructed of macoto tile and will boast a well-lighted marquee and a large sign placed vertically above the marquee. There has been no announcement in the name of the proposed theater.

Plans call for a seating capacity of between 450 and 600 persons. The seats will be arranged so as to provide a maximum of roominess for patrons. There will be approximately 18 inches from the back of each row of seats to the back of the next row.

According to an announcement the theater will show pictures seven nights a week, with matinees on Saturdays and Sundays.

Any local contractors who wish to place bids for construction work are invited to get in touch with Alex Schreiber, or Harold Smiley, Cadillac 7785.

Director Retires



Bruce Dickie, a director of the Farmington State Bank since it opened in 1934, this year retired from the board. He announced his intention to retire at the annual stockholders' meeting held Tuesday afternoon.

Bank's Most Successful Year Ends

The most successful year in its history has just been concluded by Farmington State Bank. It is disclosed by figures made public at the annual meeting Tuesday afternoon of stockholders of the bank.

The year 1939 provided the largest gain in number of new accounts since the institution's opening year, 1934. It was revealed by Howard C. Kalkreuth, cashier. Accounts on December 31 last stood at 2,465, the highest number in the bank's history and a figure almost double the number of people residing in the City of Farmington. Accounts continue to come in from all parts of the surrounding area. The figure of 2,465 represents a gain of 332 over the number on the books at the end of 1938. The previous year saw a gain of 226 accounts, so that the increase during 1939 was almost 50 per cent more than the previous year.

Even more striking is the report on the value of the bank stock. Although there were many who scoffed at the plans for starting the institution early in 1934, the second year by Mr. Kalkreuth Tuesday showed that the stockholders' equity in common stock of the bank is now at almost double the original investment, and that every share for which \$15 was paid in 1934 is now worth \$27.57672, as against the \$37,600 they invested, which means there has been an increase in book value of the stock amounting to \$35,072.72. Meanwhile, cash dividends amounting to \$4,275 have been paid, so that the actual increase in book value totals \$39,457.72, or about \$2,000 more than the original investment. This means that the stock has represented a gain in value to each investor of 100 per cent.

A Busy Place

That the institution is one of the busiest places in this area is shown by the record of transactions revealed by Mr. Kalkreuth. In one day, Dec. 16, 1939, the bank waited on 754 customers, making an average of 125 an hour, or more than two a minute.

Another indication of how the bank has been so busy is shown in the fact that it has paid off \$9,500 of the \$22,000 advanced by the Reconstruction Finance Corporation for preferred stock at the inception of the institution. Another \$2,000 has been set aside for this purpose.

All directors of the bank were re-elected by unanimous vote, with the exception of Bruce Dickie, who requested that he not be re-elected. The four re-elected were Howard M. Warner, President, Emory O. Hatton, Floyd H. Nichols, Z. R. Aschenbrenner, M. D., and Mr. Kalkreuth.

Mrs. Hulett to Head Garden Association

The Farmington Branch of the Women's National Farm and Garden Association held their annual dinner and election of officers at the Salem Evangelical church Tuesday, with Mrs. C. H. Woodgrist and Mrs. E. K. Tamm acting as hostesses.

The officers elected for the coming year are Mrs. Max Hulett, president; Mrs. F. J. Nash, first vice-president; Mrs. H. L. Rich and second vice-president; Mrs. Leo Gachman, recording secretary; Mrs. George M. Newlin, corresponding secretary; Mrs. J. A. Kripko, treasurer. Chairmen of standing committees have been named as follows: Program, Mrs. Karl Hulett; Publicity, Mrs. Thomas J. Brennan; Conservation, Mrs. Warren Joy; Librarian, Mrs. F. N. Steele and Courtesy, Mrs. F. C. Zebornick.

SPECIAL MEETING OF TRINITY SHRINE

Trinity Shrine No. 41 is holding a special meeting Thursday evening, January 13. Supper will be served at 6:30 and the ceremony will begin at eight. Anyone desiring reservations is asked to call Farmington 125.

NOTICE

The regular meeting of the City Commission has been adjourned from Thursday evening, January 11, and will now meet on Monday evening, January 13, at eight o'clock at the Farmington State Bank.