

The Farmington Enterprise

W. E. Lord, Editor

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Devoted to the upbuilding of Farmington and Oakland County

Friday, October 27, 1916.

A lot of American history will be made November 7 but if you do not register you will have no share in the proceedings.

If human beings 3000 years ago had possessed the mechanical knowledge that man has to day would there be anybody left on the planet?

There were 3544 deaths in Michigan during September, and 6788 births. This is an increase in the number of deaths and a decrease in births over the preceding month.

The county poor commission has asked the board of supervisors for \$36,000 this year, for the care of the county's dependents. This is \$2000 more than was required last year.

The "homeliest girl in New York" was being sought some days ago through the agency of the advertising columns. Advertising is a wonderfully efficacious thing, but it can't do the impossible.

In this issue of the Enterprise appears advertising matter for both wet and dry issues. This matter is furnished by the campaign bureau on both sides, is paid for at the regular advertising rates maintained by the Enterprise and this paper does not assume responsibility for any of the statements appearing therein. The Enterprise is neutral in this campaign, according both sides access to the paper and the regular advertising rates are charged each side.

Withal the high prosperity and ceaseless dynamic spirit of Detroit, the wonder city, there are housed within its corporate limits approximately one half million persons who feel a keen interest in the Allies bazaar, a grand exposition to be given November 15 to 25th for the purpose of raising funds to clothe and feed the hundreds of thousands of destitute widows and orphans of Europe. The stupendous event, entailing six months preparations, will be conducted in the new tabernacle on Grindley Field. The structure erected for Evangelist "Billy" Sunday, and which is the largest edifice ever built in Detroit.

Four boys, the youngest being 14 years old, were arrested at Highland Park last week, on suspicion of being implicated in a hold-up. The victim was Victor Daly, aged 19 and a section hand. It is said the four boys had taken a hand car and started down the track with it. Upon meeting a train they removed it from the track but could not get it back again and asked Daly to help them. He refused and then, it is claimed, the boys leaped on him, beat him up and took \$9.10 out of his pockets. Daly was badly bruised about the face and head from blows he received, but was able to go back to work.

The 46th annual meeting of the Michigan State Horticultural society will be held in Grand Rapids, December 5, 6 and 7. The meetings will convene in the audience room of the Coliseum, and the large exhibition hall in the annex will be used for the spray machinery, spray material and articles used in fruit growing. A fine display of fruit will be exhibited, and all fruit growers are urged to save some choice specimens. Prizes will be offered for collections and single plates. A splendid program is being prepared with speakers of national and state reputation. Program books will be ready for distribution in November. Send your name and address if you wish a copy to Robert A. Smythe, Secretary, Benton Harbor.

The Enterprise, three months for 25 cents. Try it.

Political Advertisement

FOR SHERIFF



So many people wish to hear from me as to whether I am "WET" or "DRY"

To all, I wish to say: "I am absolutely 'DRY' and will vote for 'STATE WIDE PROHIBITION' and against 'HOME RULE'."

ELLSWORTH ORTON

Candidate for Sheriff,
Democratic Ticket.

Political Advertisement



Robert D. Heitsch

Democratic Candidate

for

Prosecuting Attorney

stands for devotion of public office to the public interest, and elected promises to the people of Oakland County an administration of the office that is impartial and honest and effective to the best of his ability.

Political Advertisement

Arthur M.
Young



CANDIDATE FOR
County Treasurer

Second Term

Republican Ticket

Political Advertisement

For Sheriff



O. H. P. GREEN
Republican Ticket

Respectfully solicits your support at the coming election.

The Rochester Clarion says: "Under Sheriff O. H. P. Green is making an enviable record in public office and his work has been the source of much favorable comment in official circles. People on all sides concede that he has done his work well and that he has given every problem the sober thought and thorough investigation required. He has had some difficult cases and has carried away the honors."

Political Advertisement

To the VOTERS of OAKLAND CO.

My attention has just been called to a printed circular signed, "E. Foster," with a printed comment thereon by Robert D. Heitsch, Democratic Candidate for Prosecuting Attorney, apparently intended to impugn the motives of Mr. Gillespie, Republican Candidate for Prosecuting Attorney and myself, as Judge of Probate, in the administration of the estate of Eleneth Baldwin, deceased.

Ordinarily circulars of this kind circulated during campaign for political effect, however vile their character or malicious their author I would not dignify with a reply, but in view of its purporting to give certain data, with a willful intent to mislead, inspired by the malice of its author, prompts me to reply by giving a brief resume of the facts referred to in the circular that the people may judge of its truthfulness and the motive that prompts it.

The estate of Eleneth Baldwin, like thousands of others, was probated in the Probate Court before myself with Edmund Foster as its administrator, who received his appointment December 16th, 1911, and concluded the administration May 3rd, 1915.

During the administration considerable time was occupied by the administrator in disposing of the lands of the estate which he represented, a considerable portion was swampy and of little value. Nearly all of the many heirs were represented by counsel and Mr. Foster was represented by Messrs. Perry & Lynch. The files disclose that a number of licenses to sell the real estate belonging to the estate were procured by the administrator in the Probate Court, the values of all of which were based upon the sworn testimony of the administrator and the witnesses produced by him in open court. During 1913 after considerable effort was claimed to have been made by the administrator he succeeded in selling a number of tracts of the land, a Mr. Losch purchasing certain tracts and a Mr. Barrows purchasing other tracts. These men are said to be living in the locality where the lands were situated although strangers to me. One forty acres was sold for six hundred (\$600) dollars; one eighty acres for six hundred and sixty (\$660) dollars, and one forty acres for two hundred and thirty-five (\$235) dollars. Later, November 23, 1914, the administrator secured a license from Circuit Judge Smith, who was acting in my stead while I was on a vacation, to sell the lands mentioned in the printed circular and sold to one E. Chamberlain, a client of Mr. Gillespie. The license price fixed by Judge Smith to cover the sale of the lands was for the sum of three thousand five hundred (\$3,500) dollars, which was based upon the testimony of Mr. Foster and the witnesses he produced in open court. A sworn report of the sale of these lands was filed by the administrator on December 5th, 1914, to E. Chamberlain "for the sum of thirty-six hundred (\$3,600) dollars, that being the highest price obtainable."

This report of sale was confirmed December 14th, 1914. The method and manner of selling any of the property whether in one parcel or more was left wholly with the administrator and I never advised him otherwise, except that he must obtain all he could for the same and at least the license price fixed by the court. I doubt if his own attorneys advised him otherwise. Who may have subsequently purchased any of these properties or how many times they may have since been sold or mortgaged I do not know as I was not personally interested in any of them in any way, and am not now interested in them in any way, and never expect to be interested in them in any way in the future.

That these properties may have very materially increased in value I do not doubt. They have not been like most other Oakland County properties unless they have increased in value. Countless examples could be given if necessary where properties have increased and multiplied in value, in some instances from five to ten times their original value during the last two or three years. An illustration of this kind is in the estate of Ann Gordon, incompetent, where the license to sell was granted and the sale made through the Circuit Court before Judge Smith, sometime like three years ago for seventy-five hundred (\$7,500) dollars and now reputed to be worth upwards of forty thousand (\$40,000) dollars. While many of these properties which are sold either through the Probate or Circuit Court have materially increased in value, nevertheless, I cannot understand why any just criticism or credit could attach to myself or the Circuit Judge where sales of this kind have to be made.

That Mr. Foster's maliciousness is prompted by malice, the base of which lies in his method of handling certain matters of trust through the Probate Court wherein I was compelled to ask him to resign his trust and account for certain funds unaccounted for or I should be compelled to dismiss him, is apparent to all when the contents of certain files in the Probate office, a portion of which is of his own making, are made public. Particular reference is made to the estate of Mary E. Hamond, a mentally incompetent person, (file No. 7711), of which he had been acting as guardian and to which I shall later allude.

Prior to the close of the same Eleneth Baldwin estate, Mr. Foster filed a petition in the Probate Court, by his counsel, June 22nd, 1914, asking that he be relieved from accounting to the estate for one thousand five hundred thirty-two and 52/100 dollars (\$1,532.52), claiming that it was lost through the failure of the Clarkson Bank and alleging "that most of said monies had been so deposited in said bank only a few days when it failed." And this administrator alleges that he is entitled to be credited in his account with said estate for the total amount of said loss." This request I was obliged to deny him on the showing made and on the ground that he was one of the officers of the bank up to the hour it "failed." My order he contended was not right although no appeal was taken by him. A portion of this alleged loss, however, was later allowed him by stipulation of counsel for the heirs that the estate might be closed without further delay.

On March 30th, 1899, Mr. Foster was appointed guardian of Mary E. Hamond, a mentally incompetent person, and the files disclose that upwards of seven thousand five hundred (\$7,500) dollars in cash came into his hands as guardian, and his account filed by him December 8th, 1900, showed a balance on hand of seven thousand and one hundred ninety and 43/100 (\$7,190.83) dollars in cash. Sworn accounts were filed by him at irregular intervals, many years of which no accounting by him whatsoever was made. I caused notices to be given him to file his accounts annually. A sworn an-

nual account filed by him in his own hand writing August 27, 1912, discloses balance on hand one thousand eight hundred fifty-five and 52/100 (\$1,855.52) dollars and next sworn account filed by him July 14th, 1914, shows a balance of one thousand five hundred fifty-four and 82/100 (\$1,554.82) dollars.

A petition was filed in September, 1914, by Mrs. Harriet B. Fifield, sister of the incompetent, praying "that he be removed from his said office as guardian if he had improvidently invested the funds of his ward without the authority of the court; that he be required forthwith to render an account of his administration of said trust." A hearing was had on this petition at which time he filed, October 14, 1914, what purported to be a complete, detailed account of upwards of seven thousand (\$7,000) dollars, charging the estate with certain real estate promissory notes, etc., without date, which the evidence disclosed at the hearing, a large portion of which was valueless and a portion entirely outlawed; the house and lot in question being in his individual name and not in the name of the estate. After the hearing in which he was ably defended by his counsel I gave him to understand that he would have to resign or I would be compelled to remove him. He expressed a desire to terminate his trust, but insisted that his successor should accept the assets listed by himself, which I refused to approve because I considered many of them valueless and termed them as valueless, and as they were termed at the time, "junk," also refused to accept any of his real estate. After a number of hearings I made an order on the 6th day of February, 1915, relieving him as guardian, appointing Mr. F. G. Fly as his successor and directing among other things as follows:

"IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the amount due from said guardian to the estate of Mary E. Hamond, at the date hereof, is determined and decreed to be the sum of eight thousand six hundred ninety-two and 64/100 (\$8,692.64) dollars, which amount is to be accounted for by said guardian in cash or loans secured by first mortgages on real estate, not less than fifty per cent of the value thereof as aforesaid, said mortgages to be approved by this court, and." His successor was unable to enforce this order until April 6th, 1915, and Mr. Foster was finally discharged as guardian and his bond cancelled May 8, 1915. Since the day of my making these orders the animosity that Mr. Foster has held towards me has been pretty generally known and his motive for the untruthful statement made in his circular established.

The above orders, decrees, petitions, annual reports and facts above stated are all a matter of public record in the Probate office and can be verified by anyone who desires to consult the files.

The affidavit contained in Mr. Foster's circular is not the first affidavit that he has ever made and if he is so desirous of the public reading his affidavits and wants something interesting, I suggest that he might invite them to the files in the Mary E. Hamond estate, and his sworn testimony as taken by the Court Stenographer, which is a matter of public record.

No publicity of these facts has ever been made by me outside of court and would not now be made save to show the facts as they are and the animosity of the author of the circular. It is true that Mr. Gillespie occupies law offices formerly occupied by me while I was in the active practice of law, nevertheless, he is not my law partner now and never has been. However, were Mr. Gillespie ever to be my law partner, I am satisfied I would have no apology to make for him to the public. Just why the printed circular did not call attention to the fact that the license to sell this particular property was granted by Judge Smith and not by myself is evident. I think it is likewise just as apparent why it did not call attention to the fact that the value of these lands in the sale price was fixed only by the administrator and his witnesses; and by no one else. Why he did not call attention to the fact that this property in question sold for more than the properties of the estate is just as apparent. Just why he did not call attention to the fact that I was not in any way interested in the property and had nothing to do with any enhancement in value that may have come to them is likewise just as apparent. In this, as in other cases where lands are authorized to be sold through the courts, the court, either Probate or Circuit, must necessarily be governed by the advice of the administrator and the testimony of such witnesses as he brings into court. The courts naturally trust and administrator who is sworn to look after the interest of the estate; they naturally trust that the administrator will produce reputable witnesses and of good judgment, who will testify in the interest of the estate. If the administrator fails or produces poor witnesses or those who do not give correct testimony, the courts are not to blame.

To my young friend, Heitsch, let me suggest that if the success of his campaign depends on mud slinging, he also might procure an affidavit from a certain gentleman in another part of the county, who has been assiduously busy in circulating these circulars. This gentleman's grievance lies in the fact that he filed a bill which was totally disallowed by myself, and still another person whom it became my duty to dismiss as guardian for mismanaging the entire fund of two children, who is now reporting that I charge too much for counsel in the Probate office, notwithstanding the fact that neither myself or anyone identified with the Probate office ever charge a cent for counsel. They might be willing to make an affidavit. At least I can recommend them as being eminently qualified for this kind of work.

For something like twenty years I have been in public life more or less and have made some enemies, have differed with some men in judgement; it may be they were right and it may be I was wrong; it may be I was right and it may be they were wrong. Nevertheless, so far as I know no one has ever heretofore attempted to question my honesty by innuendoes or otherwise.

This explanation I trust will be excused for its length.

In conclusion, I think it proper for me to state that I entertain no belief that the members of the Democratic County Committee or my opponent, gentlemen, whom I hold in the highest regard, have anything to do with this circular boomerang.

With this explanation I leave the matter in the hands of the voters regardless of party affiliation, asking that they deal with me only as they would want to be dealt with under similar circumstances.

Yours Respectfully,

KLEBER P. ROCKWELL,
Judge of Probate.

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pattern), Woman's World, and Farm Home, all for \$1.25. The Enterprise, The Housewife, Woman's World and Reliable Poultry Journal for \$1.35. McCall's Magazine (with pattern), Boys' Magazine, Woman's World and the Enterprise for \$1.45. The Enterprise,

Ladies' World, Today's Magazine, (with free pattern), Woman's World and Enterprise for \$1.55. The Enterprise, Modern Priscilla, Today's Magazine (with free pattern), and Woman's World for \$1.65. The Enterprise, Metropolitan Magazine, People's Home

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