

# A Vanishing Breed

## An Old-Time Justice Of The Peace

### Thinks Michigan Won't Like Reform

### And Says 'Don't Count Me Out'

By PATRICK HINDERT

Because of a recent change in the state constitution, one of Michigan's legal rarities—a justice of the peace without formal legal training—will vanish into oblivion next Jan. 1.

As of that date, all Michigan judges must have law degrees.

Martin M. Schomberger, longtime Plymouth township JP, is a proud member of this rapidly diminishing group of judges. He will officially close his court and law books on Jan. 1 when the recently-passed district court reform bill takes effect.

Schomberger's present post will be replaced by the office of district court judge. Because he has never earned a law degree, Schomberger will be ineligible for the job.

This, it seems, will end the distinguished 16-year public career of one of Plymouth's most respected citizens. But don't bet on it.

"I'M NOT READY to be buried," Schomberger declares with a huff of indignation. "Next year I will start a new life."

Schomberger's "first life" began in Detroit in 1910. He moved to Plymouth at the age of eight and has been a resident

of the community since.

Schomberger dove into politics in 1953, when, on his own initiative, he decided to seek election as justice of the peace. "The office was open and no one was running," he recalls. "I had no intention of becoming active in judicial matters. I just liked the idea of being addressed as 'Judge.'"

Prior to the election, Schomberger was dividing his time between work as a die welder and participation with the volunteer fire department.

"I AM THE ONLY volunteer fireman from Plymouth's original crew in 1948," he adds

nostalgically. "But I only go to the big fires now—where there is some work to be done. My son takes care of the rest."

Schomberger's son, Louis, has just been named "fireman of the year" in South Lyon.

SCHOMBERGER'S attitude toward his new office changed quickly, thanks to persuasion from the late Clifford Mawaring, a longtime Plymouth attorney.

"Manward convinced me to become an active JP," says Schomberger. "Upon his urging, I began handling civil cases. Later, I picked up anything the sheriff and state police would bring to me."

IN RECENT YEARS, the office of justice of the peace has been under constant attack. Critics claim that few justices are learned in the law and that methods of collecting fines lead to corruption and biased judgment.

"People don't understand the nature of our work," Schomberger begins. "They think of justices as money collectors."

"In the past certain unscrupulous JP's earned a black-eye for everyone by working with collector agencies. I have never run a collection agency. I am paid a standard fee for writing complaints and warrants. That fee is not related to the amount of the fine or the outcome of the trial."

SCHOMBERGER makes no secret about his formal education, which ended after completion of 10th grade. He does not claim to possess the legal knowledge of a Harvard Law School graduate.

"Whatever knowledge of law I have came the hard way—by experience," he attests.

"I THINK the politicians are making the judicial process too damn complicated," he asserts frankly.

The original purpose of the justice of the peace, according to Schomberger, was "to settle disputes between two neighbors." He believes this approach to legal problems should be maintained.

"This new court reform law will take the responsibility of running the community away from the people and give it to a district judge," Schomberger claims. "The people of Michigan will be sorry in the long run."

"Besides," he adds, "legal knowledge is not that complicated. Everything I need to know is located in one of those books."

Schomberger points across the room to a blue set of volumes entitled "Compiled Laws of Michigan."

"When a difficult case comes up, I call a recess and study the sections that apply," he says. "The compiled laws even dictate the punishment."

"As for traffic laws," he continues, "they are all written in a simple book—'The Michigan Vehicle Code.' The police officer indicates the code

on the ticket and the code sets the maximum penalty. It is my duty to decide if the man is guilty and to set the penalty."

HIS MOST UNUSUAL case began as a typical assault and battery charge. A man had beaten his wife, and she had him arrested. The police brought the man to Schomberger upon recommendation of the county prosecutor.

"At first the man pleaded 'not guilty,'" Schomberger recalls. "I was ready to set him free on \$100 bond, when he told me he had no money. So I ordered him to spend two months in the Wayne County Jail awaiting trial."

"That is when things became a little strange," Schomberger adds with a smile. "Upon hearing my decision, the man changed his plea to guilty. So I assigned him to the Detroit House of Correction."

"Suddenly the man's wife, who had remained silent until then, burst out, you can't do that to my husband. He will lose his unemployment check."

"OK," I said, "\$60 dollars or 60 days." When neither of them could come up with the money, I had no choice but to send the man to jail," says Schomberger.

"A few hours later the wife returned to bail her husband out of jail. She handed me 60 one-dollar bills, and I bet she collected every bit of it from her neighbors. That case really



AS JUSTICE OF THE peace, Martin Schomberger presides coolly in his paneled office with all the law books he needs close at hand.



THE SCHOMBERGERS are proud of the 16 grandchildren, sons and daughters of their five children.



HIS DAYTIME JOB is maintenance supervisor in Plymouth High School.

# State Body Ponders River Standards

Southeastern Michigan received the first of five public hearings to determine water uses which will be protected by the water quality standards adopted by Michigan on Jan. 4.

Previously cases concerning public, municipal or industrial use of water were handled individually because there were no state-wide water quality standards.

The hearings are required by law and are conducted by the Michigan Water Resources Commission. The WRC's factfinders present their recommendations concerning water usage for all lakes and streams and then any private individual or organization, municipality or industry may make a statement. A second hearing was held in May, and three more will be held in August, October and December.

"THE FACT-FINDERS of the commission range in professional all the way from biologists to sanitary engineers," Bill Bradford, a water resource planner for the Commission, said.

The commission, according to Bradford, will consider reports by these men as well as studies done previously in making their decision.

The adopted standards include 11 areas of water quality

including such things as dissolved oxygen content; residues—debris and material of unnatural origin and oils; nutrients, and temperature variance.

These standards, varying in some cases, cover the seven different types of water use which the Commission has determined exist in Michigan waters.

These uses are (1) domestic—drinking, etc.; (2) industrial; (3) total body contact—swimming, water skiing, etc.; (4) partial body contact—fishing, boating, etc.; (5) fish, wildlife and other aquatic life; (6) agricultural, and commercial; and (7) other—hydroelectric and steam generated electric power.

THE FINAL decision concerning these uses will come some time next year after all of the hearings have been held and the facts have been considered.

This decision will come from the actual seven-man Water Resources Commission, an autonomous body created by Michigan Law.

Federal law of some two years ago required that all states draw up standards for all interstate waterways and have them submitted by July 1,

1967. Michigan met this requirement and has since moved on to intrastate standards.

Both the Rouge and Huron Rivers were included in the recommendation of the factfinders to the commission.

FOUR OF THE members of the seven-man commission represent the directors of the Department of Agriculture, Conservation Department, Department of Public Health, and the State Highway Commission.

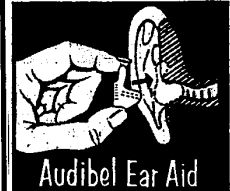
The other three members are appointed by the governor and represent organized conservancy, industrial and municipal interests.

The Water Resources staff recommended to the commission that the Huron River be protected under the new standard for the commercial and other water use from its mouth to the Michigan Avenue Bridge.

They also recommended that the Huron River be protected for the intolerant fish, coldwater species—trout, whitefish, cisco—under the new standards.

All waters, except those protected for commercial and other, are to be protected for partial body contact and agricultural uses under the recommendations of the commission staff.

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