The Birmingham Eccentric

PART TWO

FIFTY-SIXTH YEAR—NO. 6 BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, THURSDAY, MAY 18, 1933 $2.00 PER YEAR—SINGLE COPIES 5c

"Should the Great Sleep o'ertake me before I am ready, I would hope that in the children's hearts there would linger at least the tiniest memory of those who honestly tried to bring good into their lives. To that extent, while I live with them, my life is there."

GREENWOOD CEMETERY ASSOCIATION TO MEET

The annual meeting of the Greenwood Cemetery Association will be held at 7:30 P. M. Friday at the home of Miss Mary E. Utter, 139 Townsend street.

The sensations of taste are four in number: salt, sweet, sour and bitter.

FOR SALE

Very attractive English brick home near Quarton School. Three nice bedrooms, tiled bath with stall shower and lavatory. Colonial boiler with oil burner. Electric Refrigerator. Built to sell at 10,500 or $10,500. A bargain today at $8,500 with only $500 down.

Charming small Colonial house in Quarton School district. Large living room and master bedroom. Two other pleasant bedrooms. Tiled bath with stall shower and tub. Steam heat. Electric refrigeration. Built 2 years ago. Only $6,500 with $500 down. You should see it. Call 2406 for appointment.

FOR RENT

Attractive brick English home, suitable for small family. Three bedrooms and two baths. Oil burner, steam heat. Water softener. Electric refrigerator. Floor gas stove. Very complete. $75 per month.

Harold Blake
2045 W. Maple Rd.
Bham 2496

CLAWSON VILLAGE PRESIDENT FINED

Schweiger Charged With Being Drunk After Double Crash; Friend Also Arrested

Alfred H. Schweiger, 38 years old, president of the Village of Clawson, was fined $10 for being drunk by Justice Forbes S. Hascall in Municipal Court Monday morning, following his arrest with a friend Sunday afternoon after a car in which they were riding had crashed into two automobiles at the corner of Woodward and Adams avenues.

The friend, Peter A. Marz, 40 years old, of 357 Spencer avenue, Ferndale, was also fined $10 for being drunk. The car in which they were riding, owned by Schweiger, was driven by Annabel Marz, 34 years old, of 415 Fifth street, Royal Oak.

Police said she was driving south on Woodward when she struck a car travelling in the same direction, driven by G. R. Rogge of 50709 Iroquois street, Detroit. Her car then swerved to the right and struck a third machine standing in Adams avenue waiting to turn onto Woodward. The third car was driven by J. J. Hogan, 880 Wimbleton drive, Birmingham.

Schweiger and Marz were held in the lockup here for a short time Sunday night, and then released on their personal recognizances to appear in court the next morning. They both pleaded guilty to the charge.

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808 Ann Street Will accept $5,000.00 in claims against this bank. Purchaser to assume First Mortgage with Insurance Company of $5,120.00 due in 1942 in addition to paying us $500.00 in cash.

312 S. Adams Will accept $1,500.00 in claims against this bank. Purchaser to assume First Mortgage with Insurance Company of $5,984.00, due in 1939, and assume the 1931 and 1932 taxes in addition to paying us $600.00 in cash.

392 W. Lincoln Will accept $8,000.00 in claims against this bank and $300.00 in cash.

20 acres Big Beaver Rd. Will accept $7,000.00 in claims against this bank and $350.00 in cash. Purchaser to assume the 1929, 1931, and 1932 taxes in addition.

1168 Cedar Dr. Will accept $6,000.00 in claims against this bank and $350.00 in cash. Purchaser to assume the 1928, 1929, 1930, 1931, and 1932 taxes in addition.

FOR RENT

356 W. Lincoln $25.00 per month. Completely redecorated, 3 bedroom home.

883 Chester St. $35.00 per month. Being redecorated. 3 large bedrooms; tile bathroom; breakfast nook and sleeping porch.

Other Properties For Exchange of Claims, and For Sale or Rent

CHARLES W. LEE, Receiver
FIRST STATE SAVINGS BANK
Birmingham, Michigan

Is Birmingham Free From 15-Mill Tax Limitation?

Most Opinions Say It Is, But Only A Law Suit Will Give Final Answer

Is the City of Birmingham exempt from the 15 mill tax limitation?

Can it spread a tax rate this summer of around 12 mills for operating expenses without fear of being made defendant in a taxpayers' suit which might not only interfere seriously with its own governmental operations, but jeopardize those of the school district as well; or does the wording of its new city charter fail to bring it within that class of home-rule cities and villages which may declare a tax rate of as high as 20 mills, of which only one-tenth of one mill is allocated from the 15 mills provided by the limitation amendment?

Answer In Tax Suit

With both the city and Board of Education now in the act of preparing their 1933-34 budgets, these and related questions are causing some concern among both municipal officials and taxpayers. The only definite answer appears to be that the question of Birmingham's exemption from the tax limitation amendment will probably never be finally settled except by court decree, but that nevertheless, city officials are justified in proceeding under the assumption that the limitation, in the light of a recent Supreme Court decision and an act of the Legislature, is not effective here.

As nearly every taxpayer knows, the wording of the amendment itself was notoriously ambiguous, and found its way into the Supreme Court for interpretation shortly after its adoption.

This was in the now famous case of the Pontiac School Board versus the City of Pontiac, in which the School Board sought to restrain the City from adopting a budget which would have called for a tax levy so large as to leave insufficient funds for school operations within the 15 mill limitation.

Court Upholds City

The Supreme Court upheld the City of Pontiac's contention in this case that the city was exempt from the limitation because its home-rule charter provided that it might levy a tax up to 20 per cent of the assessed valuation, or 20 mills.

"Surely," the Court said, "it would be a strange governmental operation, wholly inconsistent with the ordinary methods of accomplishing that result (if not entirely without precedent) that the charters of the various cities of this State should be summarily amended by a constitutional provision which in spirit, if not in letter, was diametrically opposed to the recently developed policy of home-rule government in this State."

The opinion further declares, however, that the amendment "applies the general limitation of 1½ per cent (of the assessed valuation) to all taxing districts except those wherein by local action a higher percentage of taxation for local needs IS EXPRESSLY AUTHORIZED."

It is this phrase in the opinion—"expressly authorized"—which some persons use as a basis for maintaining still that Birmingham does come within the tax limitation amendment. For Birmingham's new city charter does not "expressly authorize" any "higher percentage" except by reference to state laws.

Charter Quoted

"The Commission shall have authority within the limitation of the state law," the charter states, "to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this charter granted."

In the minds of members of the City Commission and others, this reference is sufficient to place the city outside the tax limitation amendment, despite the phrase "expressly authorize" in the Supreme Court's decision.

"It is true," says Mayor Harry Allen, who also served as chairman of the charter commission, "that the people who voted for the amendment were of the opinion that it did apply to cities. But I have assurance, indirectly, from a member of the Supreme Court, that that body does not intend that it ever should apply to home-rule cities or villages, whether a higher limitation is specified in their charters or not.

"Tax cases are practically always decided on the basis of necessity and nothing else, and anyone knows that a city cannot divide a large portion of a 15 mill tax levy with a school district, the county and the state, and still have enough left for its own operations.

Suit Not Probable

"I presume it is true that the only method by which this question could be finally settled would be through a law suit. It is possible that such a suit might be filed, but it is very probable, and I have no doubt as to what the outcome would be—it would be decided in favor of the city's right to levy up to 20 mills, regardless of the tax limitation amendment."

Charles W. Crandell, superintendent of schools; John S. Black, chairman of the Property Owners' Association of the Birmingham Area; Albert W. Noonan, city assessor, Lee A. White, a member of the charter commission, and others were those of Mr. Allen's opinion that a tax suit could give the only final answer, but that the probability of such a suit is slight.

Charles J. Shain, also a member of the charter commission, believes however that the city does fall within the limitation.

"I believed that when the amendment was adopted and I still believe it," he said. "And I feel that the city should either be making some move toward securing more definite assurance that it is not within the limitation, or prepare to go before the Oakland County Tax Commission and ask for its share of the 15 mills."

Commission Allocates Tax

The Tax Commission is a body of five men formed to allocate the 15 mills to the various tax levying bodies in the county. The tax allocation law specifically appropriates one-tenth of one mill to cities, eight-tenths of a mill to the state for the support of educational institutions, a minimum of four mills to school districts, and three mills to the county.

Cities of the county, including Birmingham, have been asked to submit their budgets only so that the Commission may get a more complete picture of the entire tax situation in the county," he said. "The Commission has no intention of including in the allocation of the ten-tenths of the 15 mills."

He admitted, however, that "he didn't know there were any municipalities whose charters did not specifically provide for higher limitations" and expressed wonderment that Birmingham's charter should have omitted this provision except by reference to the general laws of the state.

School Want 9 Mills

Meantime, the Board of Education has submitted a cost estimate to the Tax Commission which indicates the district will require a tax levy of at least nine mills for operating expenses. Added to the three mills to which the county is entitled by the tax allocation law, this would leave only three mills for the city.

The city budget, now being prepared, is expected to call for a tax levy for operating purposes over the 12 months from Jan. 1, 1933, to July 1, 1934, of about 12 mills.

If, by any chance, it should be found that Birmingham does come within the 15 mill limitation, the total contemplated tax rate of the three units—county, school district and city—would have to be reduced by nine mills. Would such a reduction be possible without seriously crippling the operations of the school district and city?

Minstrels Listed On Free Program

A minstrel show and miscellaneous program of vocal and instrumental music and dance numbers are scheduled for the next in the series of free entertainments being sponsored by the Birmingham Fellowship Club. The program will be given tonight in Baldwin High School Auditorium, beginning at 8 o'clock.

The minstrel show will be staged by the Fellowship Club band, with 25 men in the cast. The production, entitled the "Honey Due Minstrels," will be directed by Arthur J. Kane.

End men will be Loren Elliott, Bill Spencer, Harry Tashner and Irving Jones. Joe Purves, Harley Davidson, William Schwallie, Harry Tashner and Ed King will be heard in solos and specialty numbers.

The remainder of the program will be furnished by a group of entertainers from Detroit and Birmingham, some of whom have been heard over radio station WMBC. They include the Green instrumental trio, Jo Lucille Tirey, violinist and contralto; Lillian Kohler, soprano; Norman Perkins, pianist; Cecil Brown, accordion player; Charles Gilman, saxophonist; Maurice Smith, banjo and mouth organ player; Eddie and Lorraine, the "Two Black Dots" who will appear in a specialty number and Baby Georgine Verfaille, who will give a song and tap dance.

BIRMINGHAM ATHLETE RECEIVES "M" BLANKET

Roderic Cox, former star athlete at Baldwin High School, was one of 32 men at the University of Michigan to receive "M" blankets in Ann Arbor Friday night in a ceremony which made up part of the university's cap night program.

"M" blankets are awarded annually to men who have earned two or more letters in sports at Michigan. Cox with five letters in football and track, was tied for second place in the number of letters won with Ivy Williamson, captain of last season's Wolverine football team. Charles DeBaker, track captain, topped the list with six letters.

Cox is the son of Mr. and Mrs. Howard J. Cox, 1040 East Maple avenue.

Fencing Expert

Katherine McCutcheon

SPORTS CARD TO AID SCOUTS

Girls' College Fencing Team Will Perform At Carnival

A group of boxers, wrestlers, weight lifters and jiu jitsu performers, a women's college fencing team, and a trio of trained police dogs are scheduled to give a demonstration of their strength and skill at a sports carnival to be held in Baldwin High School Auditorium at 7:30 P. M. Friday.

The exhibition is being sponsored by the Birmingham Boy Scouts and the proceeds will be used to equip and maintain a summer camp for Boy Scouts this season at Camp George.

The women's fencing team will be from Michigan State College, and will include as one of its members Miss Katherine McCutcheon, of Birmingham. She and three other girls, accompanied by their coach, George Bauer, will appear in an exhibition with foils and sabres.

There will be three boxing bouts and one of two wrestling matches, featuring amateur state champions and Golden Gloves tournament stars. This part of the program, together with the weight lifting and jiu jitsu demonstrations, will be sponsored by the Detroit Police Department, with Sergeant F. W. Snowden in charge of arrangements.

Three police dogs, all trained champions from the Ponchartrain Farms, Royal Oak, will give an exhibition in jumping over walls, tracking and transporting, guarding and other tactics taught them for law enforcement work.

They Have

Men of 50 are the steadiest drivers, a survey shows. By that time, you understand, they have found that it is safer to keep only one head on their shoulders at a time.—Boston Herald.

LIBRARY ASKS TAX STIMULUS

Manager, Commission Urged To Take Measures To Prevent Closing

Baldwin Public Library will be forced to close unless some method is found of stimulating the payment of city taxes, it was intimated in a letter addressed to City Manager James W. Parry by J. B. Howarth, secretary of the Library Board, and read to the Commission Monday night.

"At a meeting of the Board of Directors, Baldwin Public Library, held last evening," Mr. Howarth wrote, "I was instructed to address this letter to the City Commission through you urging that consideration be given to effective methods of increasing the collection of city taxes in order that closing the library and relinquishing other important services be prevented."

"The Library is in serious financial straits, and how long it will be able to continue under present conditions we are unable to tell," Mr. Howarth said in amplifying his letter after the meeting.

"The Library now has but three employes, whereas it formerly had six. Their total salary is $350 a month, of which they have received only 30 per cent the past month and 40 per cent the month before.

"We have been able to buy no new books this year, and only very few last year. In addition, hundreds of books have had to be withdrawn from the shelves because they are nearly worn out and we have no money with which to repair them."

His letter to the Commission was meant as a reminder of these circumstances and of the tax delinquency situation, Mr. Howarth explained. He added, however, that the Library Board did not advocate the seizure of personal property for payment of delinquent taxes.

Grand Trunk Train Dispatcher Expires

Services Held Tuesday For Jay W. McVean, Railroad Employe For 28 Years

Funeral services for Jay W. McVean, Grand Trunk train dispatcher here since Jan. 28, 1928, were held Tuesday afternoon from the S. O. Wylie Bell Home for Funerals.

Mr. McVean, who was 52 years old, died Friday afternoon in St. Joseph's Mercy Hospital, Pontiac, where he had been a patient for six days. He lived in Birmingham at 883 Madison avenue.

He had been employed by the Grand Trunk for 28 years, and before coming to Birmingham had served as dispatcher in Pontiac and Detroit. He was born in Clio, Mich.

Surviving are the widow, Harriett B. McVean; a daughter, Marilyne, nine years old; and a brother, Dan W. McVean of Pasadena, Cal.

Burial was in White Chapel Memorial Cemetery. Rev. Russell D. Hopkins, pastor of the First Methodist Episcopal Church, officiated.

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WEEK-END SPECIALS

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Leg O' Spring Lamb . . . . . lb. 22c
CHOICE
Pot Roast of Beef . . . . . lb. 14c
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Rib Roast . . . . . lb. 19c
MICH.
Cream Cheese . . . . . lb. 20c
MONARCH
Oat Meal . . . . . lg. pkg. 20c
MILK CHOCOLATE
Graham Wafers . . . . . lb. 22c
CHARMIN
Toilet Tissue . . . . . 3 rolls 19c
MONARCH
Coffee . . . . . 3 lbs. 89c
1 lb. can Mon. Baking Powder—FREE.
MONARCH
Olive Oil . . . . . Pt. size 49c
Sweet Pickles . . . . . Qt. size 23c
MONARCH
Cake Flour . . . . . pkg. 19c
MONARCH
Food of Wheat . . . . . 2 for 27c

Last Rites Held For J. A. Milotte

Largely attended funeral rites for John A. Milotte, Detroit attorney and Bloomfield Township justice of the peace, were held Saturday afternoon from his home, corner Woodward avenue and Square Lake road. Burial was in Evergreen Cemetery.

Mr. Milotte, who was 51 years old and a resident of Bloomfield Township for the past nine years, died of a heart attack while dining with his family Wednesday night of last week. He is survived by his widow, Mrs. Marvel Milotte, a daughter, Ellen W., 17 years old, and a son, John A. Jr., 15.

A successor to take Mr. Milotte's place on the Township Board has not yet been appointed, according to Supervisor Perry A. Vaughan.

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