THE CHESTERTOWN TRANSCRIPT

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FRIDAY, OCTOBER 22, 1943

CONSUMER CAN SUE RETAILER FOR OVERCHARGE

(The California Supreme Court rules that a consumer can sue retailer for overcharge. The following is taken from the Daily Record of Baltimore.)

San Francisco, Oct. 16 (CCNS)—In the first decision by a state court of last resort on the triple damage provision of the Emergency Price Control Act, the California Supreme Court in a 47-page opinion held that a plaintiff could recover $50 and attorney's fee for a 25-cent overcharge and that state courts must entertain jurisdiction in such cases.

A Los Angeles Municipal Court had thrown out the case on jurisdictional grounds, contending that a state court could not enforce a penalty provided by the law of another sovereignty.

Said the Supreme Court:

"It must be conceded by everyone that during the present national emergency citizens are entitled to freedom from undue economic pressure. Certainly a remedy given by Congress to a consumer injured by virtue ofthe violation of price ceilings fixed by the price administrator does not constitute a penalty. It is simply a civil liability fixed by a statue in lieu of damages for the violation of a civil right established by a Federal statute."

"That Section 205 (e) is civil and remedial in nature rather than penal is further emphasized when it is remembered that Section 205 (b) of said Act provides for a criminal prosecution of willful violators.

"Obviously a person who had suffered a judgement as a result of a consumers treble damage action could not plead such judgement as a bar to a criminal prosecution upon the theory that a consumer's treble damage action was 'penal' in nature and that, therefore, any criminal prosecution would involve double jeopardy."

The majority opinion also held that the Emergency Price Control Act did not constitute an unconstitutional delegation of legislative power.

The California high Bench flatly disagreed with several other courts of varied jurisdictions throughout the nation which have allowed fractional recoveries in consumer treble damage actions. There have been instances where the courts allowed a few cents recovery for an overcharge (the exact amount), but the California Supreme Court ruled that the full $50 must be allowed in these damage actions or triple the amount of the overcharge, whichever is greater. Regarding this the majority opinion states:

"And the requirement that the recovery sought in the consumer action must be either $50 or triple the amount of the overcharge, whichever is greater, also indicates that Congress intended the minimum recovery of $50 to serve both as a deterrent (for) initial violations and as an inducement to the consumer to help enforce the Act. For, as pointed out by the respondent, until the overcharge exceeds, $16.67 it has no relation to the amount for which recovery is authorized." (Editor's note: $16.67 would constitute one-third of fifty dollars).

"The ratio of the overcharge to the minimum recovery of $50 does vary substantially from case to case." the majority opinion added.

—V—

The number of livestock in Kent and Queen Anne's Counties is at an all time high. This is logical because of the large demand for livestock products. We must keep our men at the front, our men in training and our armies supplied with milk, butter, cheese, meat and other products and at the same time provide sufficient food so that we ourselves can do our best in helping win the war.

The drought has greatly reduced the local grain, silage, hay and pasture supplies. In some cases, the pasture shortages are the result of expanded acreages of corn, small grain and soybeans. Legume and grass seed is scrace.

Faced with these feed and seed shortages, our farmers have a real problem of obtaining sufficient feed for the increased number of livestock. Pasturing fall grains will help to relieve the feed shortage. More thought should be given to utilizing these seedlings for fall and winter grazing. Fall grains can be grazed during the fall and winter in both Kent and Queen Anne's Counties without reducing the grain yield provided they are weeks to two months grazing can be not over grazed. Quite frequently six obtained in the fall and early winter and with ideal conditions, considerable grazing can be obtained throughout the winter months. Spring grazing of small grain is not recommended. This practice usually results in a seriously reduced grain yield. A large number of farmers in these two counties practice fall and winter grazing of small grain and realize its value as a source of feed.

WEATHER REPORT FOR THIS WEEK BY J. R. WEEKS

There were 3 mild and 4 cool days this week; the resultant mean temperature was slightly cooler than normal. Rain on 2 or 3 days yielded light to moderate amounts, except moderate to heavy amounts in western Maryland. At Joppa the fall was 0.40 inch; at Baltimore, 0.58; at Grantsville, 1.00; at Keedysville, 1.30 inches; at Chewsville, 1.40 inches.

The weather of the week was favorable for outdoor operations, including general sowing of grains; forced previously sown grains to come up; and improved grains already up.

Pastures continue poor or very poor, except are fair at Cheltenham, Delmar, Hurlock and fair to good at Highland. They will green slightly. Feed and hay are being fed to livestock, owing to lack of pasturage.

Late potatoes are poor or very poor except fair to good at La Plata and in Garrett County. They are developing and are maturing in the southern and central counties, while digging continue in the northern counties. It is likely none will be dug at Uniontown; they are very small at Queen Anne.

Cutting corn is ended, except at Joppa and Pisgah. The crop is poor to very poor generally, except poor to fair at Hurlock and Joppa, fair at Northeast, fairly good at Highland, and fair to good in the La Plata district and Garret County. The yield is not as much as one-half of normal at Uniontown, but is better than was expected at Chewsville.

Latest patches of tomatoes at Delmar are being gathered.

Digging sweet potatoes ended in the western and central divisions, but continues on the Eastern Shore. Yields are poor and short, except poor to fair at Hurlock and fair at Northeast. Three-fourths of the crop is dug at Delmar.

Late tobacco in Charles County is cut and housed and is curing nicely. The tobacco crop is short.

Tree fruits are scarce. Picking late apples and Kieffer pears ended. Grounded apples at Chewsville are yet to be gathered. Apples are in demand; they are selling for $3.00 to $4.00 per bushel at Joppa.

Winter wheat improved, late cabbage and roots are poor, and rains were beneficial to soils and effective against forest fires at Grantsville. Winter wood is being hauled at Keedysville. Barley is good at Northeast and Queen Anne and is one inch high at Joppa. Turnips and kale are fine at La Plata. The Charles County Fair exhibits revealed a better season than many claimed for the County. Spring sown clovers at Northeast are revived. The dehydrating plant for sweet potatoes at Hurlock is open for operation.

Undoubtedly a larger number of farmers will pasture their small grain this fall and winter than ever before.

WITH U. S. FORCES

Lt. (j. g.) Paul W. Pippin, who for the past year has been on sea duty in the European area, has been ordered to New Orleans to organize and head a school in Convoy Procedure.

Mr. Robert Pippin, for the past twenty years associated with Severn School, Severna Park, Md., has accepted an executive position in the Personnel Department of the Glenn Martin Airplane Plant at Middle River, Md.

James C. Mullikin, of the editorial staff of the "Baltimore News-Post", whose home is at 803 Kingston road, Stoneleigh, has been appointed a first lieutenant in the Provost Marshal General's Department. He is a graduate of Johns Hopkins University and attended the University of Maryland Law School. He was owner and editor of the Easton Journal, Easton, Md., before going with the News-Post. He is secretary of the Baltimore Press Club and the Stoneleigh Community Association.

Lieut. Mullikin is the husband of the former Miss Katherine Wright, daughter of Mr. and Mrs. Walter Wright, of Chestertown.

Charles Orville Hoelle, husband of Mrs. C. O. Hoelle, 202 Cannon St., Chestertown, Maryland, has begun his recruit training at this U. S. Naval Training Station, at Farragut, Idaho, the largest in the West.

For the next several weeks he will be busy learning military discipline, the fundamentals of seamanship, and undergoing itensive physical hardening. Upon graduation from recruit training, he will be given an opportunity to qualify for enrollment in one of the many Navy Service Schools for specialized training, or will report immediately for duty with the U. S. fleet for action against our enemies.

Aviation Cadet Theodore J. Walbert, Jr., 20, son of Mr. and Mrs. T. J. Walbert, Sudlersville, Md., has arrived at Perrin Field, Texas, Army Air Forces flying school for basic pilot training.

A graduate of primary training at Tulsa, Okla., Cadet Walbert has adplane. He also carries a heavy schevanced to flying a 450-horsepower dule of ground school classes and military drill.

—V—

3 Washington College Graduates To Teach

The office of Dean Frederick G. Livingood at Washington College has announced that three 1943 graduates have accepted teaching positions for this school year as follows': Miss Naomi Waters Russell, teacher of science at the Chestertown High School; Miss Mary Edith Bishop, English and Spanish at the Elkton High School; Miss Jane C. Lynn, Easton High School.

Graduates who have transferred during the year include Mrs. Miriam Sewell Joiner, from Chesapeake City to the Millington High School to succeed Miss Carrie Schreiber, who is now teaching at the Kensington, Md., High School, First Lieut. Charles J. Leiman, U. S. A. A. C. instructor in the Central Instruction School, Midland, Tex., Frederick G. Usilton, Jr., from the Denton High School to the priniepalship of the Ridgely High School.

Many other graduates are engaged in war work in defense plants or have entered the armed forces of the country.

War-Time

TELEPHONE TIPS

Now that telephone materials have gone to war, we must get along with the facilities we have until a happier day. You can help keep service good for everyone, including yourself, by following these simple rules:—

1. Be sure you have the right number before placing a call. Consult your directory.
2. Answer all calls as promptly as possible.
3. If you're on a party line, apply the Golden Rule to your use of the line.
4. Don't ask "Information" for numbers that are listed in the directory.
5. Hang up carefully after each call. Don't let a book, or other object, hold the receiver off the hook.
6. Take good care of the telephone instrument and cord in your home and office. They're made of scarce and critical materials.

Invest for Victory *Buy War Bonds*

The Chesapeake & Potomac Telephone Co. of Balto. City
(Bell System)

Washington Digest

Senators See Nazi Collapse 'Any Time'; War's End in '45



Cumulative Effect of Defeats on All Fronts, Plus Bombing of Cities, Expected to Hasten German Defeat.

By BAUKHAGE
News Analyst and Commentator.

WNU Service, Union Trust Building, Washington, D. C.

"It is my guess that the war will end by 1945," the senator said. "The collapse of Germany may come any time."

Pencils slid over copy paper. Mine, too. We sat around the long, green, committee-room table in the Senate Office building. Other press and radio men (and women) and a few visitors listened to the three senators who had made a 40,000-mile trip beginning in Maine, up through Nova Scotia, through Greenland, Iceland, Great Britain, Africa, the Near East, India, China, Australia, the Pacific islands, and back home.

I thought as I took down the notes for my broadcast that I wished many of the people who write to me, calling congress dumb, were there to listen to these men regaling us with first-hand information, facts, figures, impressions, which later they were to pass on to their colleagues in the form of long and detailed reports. Much of the material will never be printed.

The trip was spoofed by the papers, when it was proposed, as "another junket." But sitting there, listening to these men, there was no doubt in my mind that they had done a real job. They had slept in gaudy villas in Africa, they had camped in the fields with the troops, lain under thatched roofs, in bamboo shelters, taken their chances across wide sweeps of water in planes unaccompanied by any fighter protection. They had tried to find out the things you and I want to know—how the war is being fought.

Reasons Why

You have already read the gist of what those senators—and Senator Lodge, who made the journey, plus a side trip—said. The information will come out in reports and speeches before the senate and the house.

It was a long session but the thing that struck me was the second sentence which I quoted at the beginning of this article.

"The collapse of Germany may come at any time."

These men didn't pretend to be military experts or prophets. That statement of one of them—Senator Russell of Georgia—to which the others, Senators Mead of New York and Brewster of Maine, agreed, was based on what they had heard and seen including photographs of what Russell called "leveled Hamburg" . . . by the time this is in print there may be other German cities leveled as flat.

Another thing was the testimony of a French official who believed Germany would crumble soon. He was anxious that America be prepared to step in and take control. Unless we did, he insisted, chaos would spread, perhaps anarchy.

I have heard that fear expressed by other Europeans.

Basis of Belief

What is the basis of the belief that Germany will collapse suddenly and perhaps soon? On the belief that history will, in some measure, repeat itself as it always does. That the civilian morale will crumble in Germany, that the spirit of hopelessness will spread to the army as it did in 1918.

Already we know that submarine crews no longer volunteer. They have to be drafted. This is where the rift began in Germany's morale in the last war.

And what will contribute most to Germany's collapse?

Not the Russian victories alone; not the drive that will come when, as many believe, the British-American operations are intensified. These will turn the scale. But the cumulative effect of defeats on all fronts plus the bombing of her cities already at work will bring "victory through air power."

The Germans, a very high British official said to us not long ago, are a logical people. When the realization of the hopelessness of further fighting is established, they will begin the logical process of surrender.

And if you read the report of Caief of Staff General Marshall, you will see how the realization of the growth of Allied air power spreads slowly over the whole battle scene.

"The army air forces," says the general, "are now attacking the enemy on ten different fronts throughout the world. Their victories, wherever they come in contact with the enemy, testify to the gallantry and skill of American pilots and crews, to the mechanical efficiency of the planes and to the leadership of General Arnold and . . . (the other commanders)."

History of the War

Go through General Marshall's dramatic history of the war to date and you will see again and again how the Allied air might has gradually risen from the days in the "first phase" when, as the general says, "on all fighting fronts we were in a desperate situation due to lack of material," into the "later phase" when in the southwest Pacific, "air superiority was demonstrated by a loss ratio of four to one in our favor," until today when "the combined American - British bomber offensive against the continent of Europe gives promise of being a decisive factor in the ultimate destruction of the German citadel."

Now that the Allies are in possession of the Foggia air bases in Italy, we can reach what the President described as the area of Germany hitherto "invulnerable." We are nearer the southern German cities now than the air force in the British Isles is to many of the cities against which it has hurled its most devastating blows, and those cities of southern Germany and Austria, hitherto "safe" are now as "vulnerable" as the cities of the Rhine and Ruhr, as Hamburg and Cologne.

The war is not over. The fighting potential of the German army, in number of men, equipment, generalship, supplies, and morale is as high as ever. But as I sat in the Senate Office building and heard the prediction, "the collapse of Germany may come at any time," my mind went back to the anxious faces, the nervous inquiries, that came to me the day that Britain and France declared war and I waited to leave Berlin where I had been broadcasting to America.

The greatest fear of the average German then was the fear of American participation in the war. We couldn't, the stupid leaders believed, "get there in time if we wanted to." They didn't guess we would come via the skyways. Now they know.

(Note: To anyone wishing a complete copy of the "record which Americans will never forget," which is what the President called "General Marshall's fine, soldierly record of achievements of our army throughout two of the most tremendous years of our history," I shall be glad to send a copy. Simply send me your name and address. No charge. See address at head of column.)

* * *

We Need Scrap

The words "all out" and "drive" have just about lost their meaning.

And yet, somehow, somewhere, iron and steel scrap has to be collected. There is plenty of it in the country. For the government to collect it, it would take an army. There is only one way it can be gotten. That is through individual effort. It involves no cost. It simply requires a little effort and some time.

The mills now have only enough scrap to last two and a half months. The shooting has just started, uncountable tons of metal are going to be dropped on the enemy in the months ahead. If you wait for someone else in your community to come and get your scrap, the army and the navy won't get the steel they need. Your initiative is essential.

* * *

Civilian Awards

The war department has borrowed an innovation of private industry as well as one of the pioneers in developing this idea. Ezra S. Taylor of the Pullman Company, Chicago, Ill., will operate it.

Mr. Taylor has been appointed expert consultant to the secretary of war and is chairman of the department's new board on civilian awards. The board has been set up to increase material economies and generally improve efficiency by utilizing the ideas of the 1,300,000 employees of the department.

BRIEFS . . . *by Baukhage*

The purchaser of a $1,000 bond pays for the whole cost of America's global war for four-tenths of a second.

* * *

To maintain its record of meeting every invasion need, the Merchant Marine must recruit from shore jobs a minimum of 35,000 experienced officers and men during the next year.

Enough steel goes into U. S. tin cans every year to build 900 destroyers.

* * *

Another use for the all-purpose American army jeep has been discovered. Converted from road to rail by changing to steel-flanged wheels, the jeep is being used in Australia as a switch engine in shuttling cars around railroad yards.

Paul R. Scull Gets Service Emblem

Paul R. Scull, an employee in the Chestertown office of the Chesapeake and Potomac Telephone Company of Baltimore City, received, during October, a one-star emblem in recognition of five years of service with the company.

During October, 53 employees in the C. and P. Telephone Company in Maryland were awarded emblems. They had an aggregate of 985 years of service.

The Meanest Person In Talbot County

Easton—It must have been absolutely the meanest person in Easton who stole the jar of coins from the Atlantic and Pacific store on Washington Street. The jar was one of many distributed throughout town by the Business Men's Association to collect money for cigarettes to be sent to the boys overseas. The manager of the store said it was almost full and must have contained eight or nine dollars.

57th Anniversay Of Big Salisbury Fire Is ReRcalled

Salisbury—Just 57 years ago Sunday night as church bells called worshippers to the Sunday evening service, the old town clock bell in the tower of the Wicomico County Court House joined the chimes by sounding the fire alarm. By 10 a. m. the next morning, the town of Salisbury lay in ruins swept by fire. That was Sunday evening, Oct. 17th, 1886.

Old timers say the blaze that burned the heart out of the Main Street and most of the business district started in a stable owned by Frank Toadvine just off Main Street and rapidly engulfed the frame buildings of the community. The stables were located in the rear of what is now the Ulman Theatre, according to James C. White, veteran fireman, who was 11 years old at the time.

Fire companies from as far north as Wilmington responded to the alarm, White recalled. The fire strated about 7:30 p. m. and was out of control until 10 a. m. the next day.

CLASSIFIED

For Sale

15—Well Bred, good type ABERDEEN-ANGUS cows with 8 calves at foot. Also one bull, 4 years old, with excellent breeding.

15—Aberdeen-Angus bred heifers, 1st class breeding, also one outstanding bull (2 years old).

15—Open Aberdeen-Angus heifers, choice breeding. Also one outstanding bull, (2 years old.)

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THE TRANSCRIPT

For Sale

1 chunk stove in good condition with pipe.

Apply at
E. W. FREEMAN,
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All persons are hereby warned not to trespass on the lands, shores or marshes of Godlington Manor. This warning applies particularly to coonhunters and musk-ratters.

H. S. BROWN

For Sale—

1932 President Studebaker Roadster. Condition as is. May be seen at Eliason Garage.

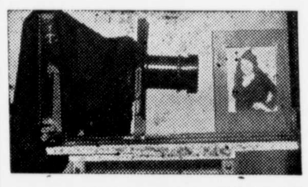
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Warning

All persons are warned against trespassing with dog, gun, or otherwise upon the marshes on the Melvin farm tenanted by Theodore Gladsky in Morgnec. Guilty parties will be prosecuted.

Olin B. Stafford and Wife, Owners.
o153t.

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From where I sit . . .

by Joe Marsh

Ned Buxton was home on furlough last week. And you ought to see the fuss the town made over him. Seems like almost everybody wanted to give a party, or a testimonial dinner, or stage something special in the way of celebration.

Of course, Ned acted grateful. But he told me later, all he really wanted was to sit down with a few old friends, enjoy a glass of beer or two, and talk about old times again.

I guess that's how many soldiers feel. They don't want a lot of fuss made over them, with formal celebrating and such.

What they really like are the simple pleasures—one of Mom's home-cooked meals, visiting with friends over a glass of beer—enjoying things that mean home and comfort and security.

From where I sit, our biggest job, apart from helping win the war, is making sure those things are waiting for our men when they come back home for good.

Joe Marsh

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NOTICE

Effective October 18th, the motor freight service between Baltimore and Kent County operated by Elliott Brothers Trucking Co., Inc., will be operated by this company.

In addition to serving Baltimore, we offer service to the following points:

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