

today's hot line

what's inside

Take A Ride

Starting next month, it will cost you more to ride a cab in the City of Farmington. But you will ride a better insured cab driven by a younger driver.

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An Empty Inn?

Oakland County says its assessing practices are looser than state requirements. An inside report is given on how women shoppers take advantage of the stronger sex in department stores, and Daniels Den asks if the inn is empty in Farmington.

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Fule Decorations

Everyone knows the origin of Christmas, but where did our decorations—the creche, wreath, candle and pinata—come from? Emory Daniels and photographer Fran Evert did some research. See the Feature Page.

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Sports Scene

Sports Editor George Maskin surveys the scene in Observing Sports. "Doc Minard" looks at the horses, and W. W. Edgar picks up a lot of bowling yarns. Their columns are all in the Sports Section.

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Tourney Time

There's a high school basketball tournament time fast approaching. You'll find the details and prospects in the Sports Section.

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Seasonal Shows

You can view a contemporary Christmas display or one that depicts the holidays of the past. There's also a special exhibit in Windsor. Information on all these programs, which include something for the entire family, appears on today's Amusement Page.

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Young man
most likely
to succeed.



Your neighborhood boy is gaining valuable business training through his Observer route. The 50¢ you pay him each month for our new Carrier Subscription Plan assures his success in his first business venture. Be sure to ask for a receipt, which will guarantee delivery of The Farmington Enterprise & Observer.

State Rejects Township's Incorporation Vote Request

The State Boundary Commission Wednesday ruled Farmington Township, Quakertown and Wood Creek Farms cannot be joined into a home rule city through incorporation.

The commission rejected the township's incorporation petition as not valid and explained the proper vehicle to use is consolidation.

The commission's action means that the Oakland County Board of Supervisors can now take action on another petition asking for a vote to annex the southern half of the township. (See story below.)

THE KEY QUESTION the Boundary Commission had to decide Wednesday was: Can incorporation be accomplished when there are two incorporated municipalities and an unincorporated body in the same area?

After lengthy discussion, the commissioners decided that it could not but must be accomplished through consolidation.

Commissioner Irving Rozian commented that even though villages are not fully mature, villages do have charters of incorporation. Chairman G. S. Francke explained that Act 191, the Boundary Commission Act, says villages will be considered as municipalities and viewed as co-equals with cities.

Rozian said the Legislature should further define what a village is and better recognize it as an immature form.

Francke added that although villages and cities have different meanings which are very real, the Legislature determined in Act 191 that, for the com-

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mission's operations, villages and cities are to be treated equally.

"WE SHOULD APPLY common sense, too," said Rozian. "Public understanding is that when persons live in a community which has a charter, that charter is not easily destroyed without a vote of the people."

"The State Supreme Court has acknowledged there is ambiguity in this area and the Home Rule Act is difficult to construe," said Charles Hackney, assistant attorney general acting as legal counsel to the commission.

"My opinion is that this juncture can be accomplished only through consolidation. The differences between incorporation and consolidation became even more pronounced because of the creation of the Boundary Commission."

Hackney added that the power of veto which applies at different stages of consolidation is a substantial provision "which bears heavily on this decision."

What's Next? Answer Not Quickly Available

By EMORY DANIELS

With the township-village incorporation petitions being rejected, consideration will now be given by Oakland County to either accept or reject the city's annexation petitions—at least until Jan. 21.

However, an unusual move was made Wednesday at the State Boundary Commission hearing which could prevent the county from acting on the annexation petitions.

THE COMMISSION rejected the petitions filed by Robert McConnell seeking an election to incorporate Farmington Township, Wood Creek Farms and Quakertown into a home rule city.

Normally, rejection of the incorporation request would have precluded consideration of any other boundary action until the annexation matter was disposed of.

With incorporation disposed of, Oakland County is now free to act upon the petitions filed by Richard Tupper to annex the southern half of Farmington Township to the City of Farmington.

But at the conclusion of the commission's hearing, McConnell filed a substitute petition asking the commission to convert his incorporation request into a consolidation request.

The commission, somewhat taken aback by the move, received the petition and agreed to take action at its Jan. 21 hearing.

IF THE commission on Jan. 21 accepts the substitute petition, the new consolidation request would replace the incorporation petition and would have to be acted upon before annexation could be discussed.

But since the commission has not yet accepted the substitute petition as being valid,

the county could accept the annexation petitions and call for an election before Jan. 21.

Of course, if the Boundary Commission rejects the substitution petition on Jan. 21, annexation proceedings will continue unaffected.

The Home Rule Act of 1909 contains provisions for filing substitute petitions. The intent is to correct an error contained in one document by substituting another.

The "error" McConnell is seeking to correct is that his petitions filed in November were labeled "incorporation" and should have been labeled "consolidation."

THE SUBSTITUTE petition contained the signatures of 580 township residents and seeks the consolidation of the entire township and both villages.

If the petition is accepted "in place of" the rejected petition, it would, in effect, have a retroactive filing date of Oct.

13, meaning it would be number one on the agenda in place of annexation.

But there are indications the Boundary Commission will reject the substitution petition also.

Commissioners would not talk on the record because they want legal opinions before making a decision. This is the first time a substitution petition has been filed with the Boundary Commission.

BUT INITIAL reactions informally given by commission sources indicate there are two points which could prevent acceptance of the substitute.

1. The latest petition cannot be a substitute petition because the "parent" incorporation petition no longer exists. There is nothing to substitute for since the commission rejected the incorporation petition which no longer exists.

2. Substitute petitions were provided for in the statutes to correct errors of language and not of substance. What is being asked is for a different procedure to be employed, not correction of an error.

THE COMMISSION could, after receiving the benefit of legal research, find itself able to accept the substitute petition and call for a consolidation vote.

If the substitute were found valid, indications are that the commission would set a consolidation vote. This action would be based on the fact that the same municipalities would not be involved as those in the November vote so the two-year moratorium would not apply.

David Greenspan, McConnell's attorney, said he does not expect the Oakland County Board of Supervisors will act on the annexation petitions before Jan. 21.

If they do, Greenspan said he would ask the court to order the county not to proceed with setting an annexation vote until the state acts on the substitution petition.

IT IS ALSO expected a lawsuit will be filed against the state should the Boundary Commission reject the substitute. Conversely, a suit would be filed by the city if the commission accepted the substitute.

Because annexation or consolidation proceedings cannot continue while a challenge is pending in court, it does not appear there will be election on boundaries in Farmington before next fall at the earliest.

AFTER THE PETITION was rejected, Francke observed that the commission had been asked to change the wording of the petition to make it a consolidation request.

Francke commented that the petition was labeled "incorporation" at the top and it seemed apparent the circulators were getting signatures to ask for incorporation. "I see no basis to convert these petitions into consolidation petitions."

Rozian agreed, saying: "The same new city would be created by either route, but the procedure would be different in terms of veto power and representation on the charter commission and because with incorporation the Boundary Commission can exercise criteria powers."

These differences are well in the minds of Farmington residents, Rozian said, because of the consolidation educational campaign in November.

The circulator certainly knew of the differences between consolidation and incorporation when he labeled the petitions, Rozian added.

"It is not proper or within our powers to interpret this petition as a consolidation petition," Rozian said.

"This is a good example of the fact that it's sometimes difficult for administrative bodies to look at the merits of a particular change proposed for a community. But if there were no law, you could get no place either," Rozian said.

"Once it becomes necessary to codify rules and regulations, sometimes they get in the way of looking at the merits. But this is clearly a case where the law prevents us from looking at the merits of the incorporation petition."

FRANCKE COMMENTED that the commission was not unaware of the annexation petition on the file with Oakland County.

"We find the 'race to the courthouse' repugnant and ridiculous. It is not a reasonable or sensible way to approach boundary changes, but we must act according to the way the laws are written."

The petition will be returned to Farmington within the next few weeks with a formal explanation why it was rejected.



ANOTHER ERA — Linda Brown visits the Farmington Historical Society's Christmas display in the Metropolitan National Bank in Farmington. The "Christmas Toys from Yesteryear" include antique dolls from the collection of Mrs. Max Hulett and an original Teddy Bear owned by Mrs. Gwen Grinager.

Display Toys From Past

Children will be interested in a visit to the Metropolitan National Bank in Farmington to view the Farmington Historical Society's "Christmas Toys from Yesteryear."

Included are a number of dolls from the collection of Mrs. Max Hulett, some with the original china faces. A charming smaller doll is from Copenhagen and is of a wee grandma knitting on tiny-tiny needles.

Julie Hatton loaned the exhibit an antique Teddy Bear which is perched on the shelf with an original Teddy Bear, loaned by Mrs. Gwen Grinager. Mrs. Ginny Hatton contributed a child's tea set to the display.

Today's child will also enjoy seeing a book given to E. Roy Hatton by his Grandma Cox for Christmas in 1891.

Another interesting item is a doll's cradle made by J. W. Hatton about 1880.

And the boys will like seeing a miniature steam shovel and a toy cannon made and "fired" in the late 1880's.



NEW TRAFFIC LIGHT — A new traffic signal has been installed at the intersection of Grand River and Power in the city. The overhead light will give a flashing yellow signal for a couple weeks before going into its regular cycle so motorists will become aware of the new device.

(Evert photo)