

Looking Ahead

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ism is the elimination, altogether, of central government and overriding laws.
In this final stage, society on earth would be formed of groups of people (collectives) living in perfect harmony, without need of supervisory governing. But this last stage of Communism, of course, never would be reached; and none of its Godless leaders

By DR. GEORGE S. BENSON
President, Harding College

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Text Of Circuit Court Decision
Rendered In City Zoning Case

The following is a complete text of the decision rendered by Judge Frank L. Doty, Oakland County Circuit Court, in the case of John L. Boren, plaintiff, vs. the Zoning Board of Appeals and the Building Inspector of the City of Farmington.

The case before the Court involves the reasonableness of the Zoning Ordinance passed by the City of Farmington in 1939.

Of course, the presumption that the Ordinance is reasonable and constitutional stands. The burden is on the plaintiff to prove otherwise.

Now, in this case, as in all zoning cases, the case depends upon its own facts. Any decision made in this case is not binding on any other property owner, except as to facts similar to those in this case. The officials of Farmington need not worry about this being binding upon all owners or different owners of property in the City of Farmington, but it only applies to facts similar to the one before the Court being heard today.

The lot involved is Lot 32. The proposed building of the plaintiff has a set-back from Liberty Street of eight feet. The property involved is located on the corner of Alta Loma and Liberty in a certain subdivision in the City of Farmington.

The first time the question of proper remedy has been raised is during the arguments. It was not raised during the trial, but it has been raised now and is part of the case. The claim is, under the circumstances of this case, mandamus is not proper remedy. The question I am passing on, holding in favor of the plaintiff, holding it is the proper remedy in this case.

The other question raised by the defendant is it is a traffic hazard to permit a building to be built where the plaintiff proposes to build his house, that it is not only a traffic hazard, but it affects the safety of the people in Farmington. Passing on the traffic hazard and there is no testimony in this case showing the amount of traffic on Alta Loma. No expert was introduced showing anything. It is just a presumption and some testimony, of course, to the effect that the extension of Alta Loma is going to be to some subdivision, that there is going to be a big growth and a good many buildings added to that vicinity and for that reason they wish no traffic hazards on Alta Loma.

Now, hearing on the question of whether the Ordinance is reasonable as a question of safety, you remember Liberty Street is a dead-end street. How anybody could come down Liberty and turn on to Alta Loma and be hindered in this view in any manner by the putting up of a home on this particular foundation — the house to be thirty-one by forty — is something I cannot understand.

Now, Section 152 of the Ordinance and Section 153 of the same Ordinance makes, to my mind, the defendant's claim that the Ordinance is reasonable not acceptable. I am holding in this case that the Ordinance as applying to the plaintiff's property in this case, is unreasonable.

Now, this decision is not binding upon anyone else. There seems to be some fear among the officials of the City of Farmington that if this Ordinance is held unreasonable on this particular piece of property, the Ordinance will be of no effect anywhere else in the City of Farmington. That is not true. This is just binding on this one particular case, binding on the plaintiff and his alone and not binding on anyone else, unless a case arises which includes the same kind of facts.

I am well satisfied, Mr. Tennant, Mr. Loomis and Mr. Conroy were absolutely in good faith and they are to be congratulated because they did what they thought was their duty and what is their

The Michigan Mirror
By GENE ALLEMAN

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ful backgrounds in business or professional life. They will say inance on the books, but ordinance, as applied to the facts in this case, is unreasonable in my opinion and you may have a writ issue in this case."

Men in charge of the campaigns have been sitting up nights figuring out the best ways to present arguments. The coming contest promises to be the hottest, in many years. The ballot box will tell how the voters feel about the issues.

MICHIGAN'S FIGHT against the gypsy moth is all but won. Appearance of the devastating insect last spring caused both state and federal officials to leap into action. Even the "Little Legislature" moved with near record speed to appropriate \$150,000 to battle the parasite. This was the first time a gypsy moth had been located west of Pennsylvania. Experts knew if every insect weren't killed, they would soon multiply to kill virtually every foliage-bearing plant.

Four airplanes sprayed 35,000 acres in central Michigan. When this was completed, 5,000 traps were set out in this and in bordering areas to check the spray's effectiveness.

Last month C. A. Boyer, chief of the Bureau of Plant Industry for the State Department of Agriculture, announced that of all the traps covering 1,540,000 acres, only four had shown the presence of moths. All of these were located in a small area just west of the starting point for spraying.

Examination indicated that most of these insects had come from one apple tree. It was quickly "demoted" and burned.

"We knew the program would take longer than a year," said Boyer, "we are satisfied that we can kill the remaining moths."

Survey crews will check areas covering 25 miles west of the initial moths were found. All suspicious areas will be sprayed again.

Boyer was happy with the cooperation the state had received from the United States Department of Agriculture.

REFORMATION DINNER
The Protestant Reformation Festival Preparatory Dinner will be held at the First Congregational Church, Woodward at Forest, Thursday, September 23, at 6:30 p.m. The occasion is held annually by the Detroit Council of Churches as a means of rallying interest in the Reformation Festival which is always held on Reformation Sunday.

CARD OF THANKS
To all who expressed their sympathy in so many beautiful and comforting ways during the recent illness and bereavement of our dear mother, Louise Habermehl, we extend our heartfelt thanks.
Orene Habermehl, Charles Habermehl, and Granddaughters Jaga and Joyce.

Young Larry Syrett, Jr., was a patient, at Mt. Carmel Hospital last week.

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FIRST CHURCH OF CHRIST SCIENTIST, FARMINGTON
2721 Cass Avenue
11:00 a.m. Morning Worship, Farmington Town Hall.
11:00 a.m. Sunday School at 23701 Cass Avenue
8:00 p.m. Wednesday Evening Testimonial Meeting.
Reading Room hours, Tuesday and Saturday, 1:00 to 4:00 p.m.
How understanding of the spiritual nature of reality brings enduring health, harmony, and progress — will be set forth at Christian Science services Sunday in a Lesson-Sermon entitled "Reality."

FIRST METHODIST CHURCH
Grand River and Warner Avenues
The Rev. Russell L. Lincoln will conduct the regular Sunday morning service at 11:15 a.m. on September 19. His sermon topic will be "Need Truth Be Fearful?" Church School in Adams Hall at the same hour.

WEST POINT PARK CHURCH OF CHRIST
Bible Study at 9:45 a.m.
Sunday Morning Worship, 11:00 a.m.
Sunday Evening Service, 7:30 p.m.
Wednesday Evening Prayer Meeting, 8 p.m.

FIRST UNIVERSALIST
Warner and Thomas Streets
The regular Sunday morning service will be conducted by the Rev. Russell L. Lincoln at 11:15 a.m. on September 26. His sermon topic will be "A Very Subversive Book — The Bible." Church School in Adams Hall at the same hour.

KENWOOD CHURCH OF CHRIST
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