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THE SOCIAL INTEREST IN THE AESTHETIC AND THE SOCIALIZATION OF THE LAW.—How far, if at all, should the law secure the interest of society in æsthetic surroundings? For example, how far, if at all, should the law uphold legislation, including ordinances, designed to beautify communities by establishing æsthetic building lines, prohibiting unsightly advertisement signs, preventing the erection of other than private residences in residential districts or the erection of hideous private residences? Until recently it was universally held that, under the police power at any rate, an owner of property could not lawfully be restrained from making an anti-æsthetic use of his property when the only objection was that such use merely injured the æsthetic sensibilities of his neighbors.¹ And some courts, including the West Virginia court, still so hold.²

¹ *City of Passaic v. Patterson Bill Posting etc. Co.*, 72 N. J. L. 285, 62 Atl. 267 (1905) in which Mr. Justice Swayze says: "No case has been cited nor are we aware of any case which holds that a man may be deprived of his property because his tastes are not those of his neighbors. Aesthetic considerations are a matter of luxury and indulgence rather than of necessity and it is necessity alone which justifies the exercise of the police power to take private property without compensation."

² *Fruth v. Board of Affairs*, 75 W. Va. 456, 84 S. E. 105 (1915); *State v. Stahlman*, 81 W. Va. 335, 94 S. E. 497 (1917). But see authorities cited in notes 13, 14 and 15.