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"But where land is acquired by a city or town by eminent domain or through expenditure of public funds, for public uses as a park, and not subject to the terms of any gift, devise, grant, bequest, or other trust or condition, it may be devoted to some other public use by legislative mandate."

It will be seen from the facts pertinent to Venable Park that the paragraph applicable to the question being considered is the last paragraph of the quotation from the above mentioned annotation.

A case which is quite similar to the question being considered is Wright vs. Walcott (Sup. Jud. Ct. of Mass., 1921), 238 Mass. 432, 131 N.E. 291, 18 A.L.R. 1242, (Rugg, C.J.). In this case the City of Cambridge, Massachusetts, had been authorized in 1892 by the Legislature of Massachusetts to acquire land for public parks. Pursuant to this grant of power, the City by eminent domain and purchase acquired one hundred and thirteen acres of land extending along the Charles River. A portion of the land called "The Front" was taken by the City in 1894 by eminent domain and within a few days thereafter the former owner made a conveyance of the land to the City in fee simple. A sea wall was built in front of the property and the land was filled to grade, the sea wall and grading costing approximately \$100,000.00 and the original cost of the land being approximately \$50,000.00. Since the Front was acquired, the Cambridge Bridge was built, connecting Boston and Cambridge. This property is separated from the rest of the park system by three lots of ground, occupied by buildings and at the time of suit the property was little used as a part of the park system of Cambridge. In 1919 the Legislature authorized the City of Cambridge, by ordinance, to alter the use of The Front to "maintain public dock or wharf thereon" and to "lease said land or any part of it for wharves, terminals and all other commercial purposes for periods not exceeding ninety-nine years." Pursuant to this authorization, the City Council of Cambridge passed an ordinance authorizing its Industrial Commission to lease The Front for private business purposes. Ten taxpayers of Cambridge brought a bill in equity to enjoin the Commission from leasing the property on the ground that the City had no power to lease the park property. The bill was dismissed, - Held - that the Legislature could authorize a municipality to lease land acquired by the municipality for a public park when the land was no longer needed for the purposes for which it was acquired.

In this case the Court holds that the Legislature had the power to authorize the City of Cambridge to lease land acquired as park property for private use.