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As above pointed out, a great many cases hold that where there has been a dedication by private citizens of land for public use as a park, the public authorities may not divert the land from that use. This same result follows when there is a limitation in the deed conveying the land to the public authority. See Clement vs. City of Paris (Sup. Ct. of Texas, 1915), 107 Texas 200. In this case a private citizen, the owner of a large tract of land and desirous of obtaining the county seat of Lamar County, Texas, donated to the County fifty acres of land for that purpose, upon the condition and with the agreement of the County "that an open square should be laid off in the center of said fifty acres and dedicated for the use of the County and the public for the sole purpose of a County court house, and an open space around it forever." The town of Paris was laid out and the original plat showed the public square laid off as agreed. The court house was duly built and used as such until 1871, when it burned. The City bought another site, erected a court house and thereafter used the public square as a public open space or park. In 1914 the City authorized the erection of a public comfort station. The adjoining property owner filed a bill to enjoin the erection of this building. A demurrer to the bill of complaint was overruled. It was held that the lot in question was dedicated for a specific public purpose, and the comfort station was inconsistent with the original dedication, so that the City had no power to authorize the erection of that building.

This case is, of course, clearly distinguishable from the Venable Park situation, in that there is no private dedication of Venable Park for park purposes, the title to the land being in the Mayor and City Council of Baltimore by an unrestricted fee simple title.

The Court of Appeals of Maryland has passed upon a somewhat analogous situation in the case of Davidson vs. Mayor and City Council of Baltimore, et al., 96 Md. 509 (1903). In 1891 the Mayor and City Council of Baltimore authorized and directed the Mayor, Comptroller and President of the Board of Commissioners of Public Schools "to lease a lot for the purpose of erecting thereon a building for the use of English-German School No. 1." The site was leased and the school erected and used as English-German School No. 1 for a number of years. The Board of School Commissioners determined to change the use of the premises from the English-German School No. 1 to use as a colored high school. A bill of complaint was filed by taxpayers of Baltimore to