

It is clear that while the city may devote land so acquired to temporary uses which will not interfere with the express purposes for which it was obtained, it cannot apply it to any purpose inconsistent therewith.

This view was not controverted upon the hearing, nor was it disputed that the city might determine it was no longer required for the object originally designated, but it was contended that this determination could only be evidenced by an express resolution to that effect.

The resolution passed by the Council with the view of being enabled to make this sale, declared that this land was not required for water extension purposes, but was silent on the other branch, viz., the improvement of the water system. The two things are quite distinct. The city therefore has never determined that it may not be necessary for improving the water system, and consequently is not in a position to make a legal sale thereof, and should therefore be restrained from doing so.

It is a wholesome principle in relation to municipal bodies which restrains them from disposing of lands acquired for a designated purpose, or devoting them to any use inconsistent with such declared purpose. If it were otherwise a door would be opened for such bodies to become speculators in land, a position wholly foreign to the objects for which they were created, and one involving considerable danger to civic interests.

It was urged that the City was not vested with a general power of sale over lands not required at the moment for any particular civic use; and in this connection it was contended that section 640 of the present City Charter, which provided that the city may sell any land "so expropriated" not required for the purpose for which the expropriation was made, must be limited to lands expropriated under the sections prior to 640 in the new charter, and therefore as these lands were expropriated under an earlier charter, that section did not apply, and consequently inasmuch as the city did not possess a general power of sale, there was no power in the present instance to make the contemplated sale.

There is considerable force in this contention, but I do not deem it necessary to formally decide the point, and I have therefore only given it a slight examination.

It was also argued that there was no material before the Council upon which it could properly or at all exercise