Eminent Domain—Public Purpose—Golf Course for State University
and preservation of the improvement by means of excess condemnation is
much more liberal. Pennsylvania Mutual Life Insurance Co. v. Philadel-
phia, above; Hunt Drainage Dist. v. Harness (1925) 317 Ill. 292, 146 N. E.
44; Rogers v. Breisacher (1925) 231 Mich. 317, 204 N. W. 112.
Excess condemnation is used extensively in Europe. Report, Committee
on Taxation (1915) 53. Today California, Massachusetts, Michigan, New
York, Rhode Island, Ohio, and Wisconsin have constitutional provisions
for excess condemnation; and Maryland, Illinois, New Jersey, and Vir-
ginia have statutory provisions. Hubbard and Hubbard, Our Cities To-
day and Tomorrow (1929).

Eminent Domain—Public Purpose—Golf Course for State Univer-
sity.—The University of Michigan instituted condemnation proceedings
against certain lands for a golf course. The course was to be owned by
a non-profit corporation whose purpose was the furtherance of the physi-
cal well-being of the students at the University but which was controlled
by the Board of Regents. Held, the University could condemn the land
since the purpose is an integral part of the board program of education.

The appropriation of lands for public educational purposes is a just
exercise of the right of eminent domain. Board of Education v. Hack-
man (1871) 48 Mo. 243. The taking of land adjacent to a school building
for a place of recreation and exercise is a taking for a public use. State
Also is the condemning of land for a gymnasium or athletic field. Kern
County Union High School District v. McDonald (1919) 180 Cal. 7, 179
Pac. 180. In granting the school board the right to condemn land for a
high school athletic field as part of an educational institution the court
stated, “More properly defined a modern educational institution embraces
those things which experience has taught us are essential to the mental,
moral and physical development of the child.” Commissioners of Dist. of
Col. v. Shannon & Lucks Construction Co. (D. C. Col. 1922) 17 F. (2d)
219.

The power of a university to condemn lands for a dormitory has been
upheld as constituting a public use within the meaning of the constitution.
Russell v. Trustees of Purdue University (Ind. 1929) 168 N. E. 529. Also
has the power to appropriate lands to be used as a lawyers' club and dor-
v. State (1914) 125 Minn. 194, 145 N. W. 966, the action of the Univer-
sity of Minnesota condemning land for a railway to connect the Univer-
sity campus and farm to the line of a common carrier was upheld.

In view of the wide approval given by the courts to the condemnation
of land for state universities' recreational facilities, the decision in the
instant case does not seem to stretch unduly the category of “public
uses.”

T. L., '32.