

## THE SAN DIEGO UNION

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# Trial to Decide If Park Lands May Be Fenced

Suit to determine whether lands within Balboa Park may be fenced off for the proposed 1953 Exposition, must go to trial, Superior Judge Arthur L. Mundo ruled yesterday.

His action was taken in overruling a demurrer that had been interposed by the city in responding to the complaint of Chapman Grant and other officers of the Park Protective Association.

The association contended that the park had been dedicated to the use of the public and that permission should not be granted any corporation to fence off portions of it for an exposition from which the public would be excluded, except upon payment of an admission charge.

The city attorney's office sought to have the whole case dismissed, on the ground that the question, at the moment, is purely moot, with no immediate threat of the closing of the park or any part of it. It also cited amendments to the city charter, passed in 1947, permitting leases within the park.

Judge Mundo, however, held that the question is one upon which the city and all interested parties should have a definite and final court ruling. The case now awaits a trial date, probably some time early next year.