In the years since the first publication of this article, many changes in people’s attitudes toward preservation of land have occurred. The fight to preserve open spaces and historic landmarks is now an acceptable one.

However, I have made it impossible to determine scientifically whether publication of this article alone has had influence on law development because I have been active in legal organizations which have also been active. Thus, it would be hard to claim a causal relationship between publication of this article and the decision of the Commissioners on Uniform State Laws to draft uniform legislation concerning agreements by landowners about historic preservation and conservation agreements.

I have had such long association with the National Conference in so many different capacities that not even I can assert with confidence a causal relationship between conservation and legislative action. Unfortunately, I cannot assert the absence of a causal relationship as any meaning either. I wrote the article to demonstrate how single property owner could use a private agreement concerning private property for the public good without an elaborate supervisory superstructure to administer it.

A glance at the index to legal periodicals under the heading “Environmental Law” and “Natural Resources Law” appalls me when I compare the number of articles with the meager list under “Real Property; Covenant.” The law of agreements respecting private property does not seem to provoke as much zeal as regulatory law.

I may be forced back on the response of an astronomer studying the Milky Way to a question about why he studied it. To paraphrase: “I studied Grant Park because it was there. I studied private agreements involving Montgomery Ward not because of the man, but because of the existence of private agreement.” Fortunately, the law respecting the use of land remains substantially unchanged as to the power of private landowners to control the future use of land.

Few visitors to the commercial center of Chicago, known as the “Loop,” realize that the present beauty and openness of the lake front park between the Loop and Lake Michigan is due to a right of private property in this park which A. Montgomery Ward, founder of the mail-order house, had from about 1887 until his death in 1913. The continuation of proposals for use of this park, called Grant Park, for buildings would indicate that the future openness of the area may depend on the present owners’ exercise of this same right of private property, which Montgomery Ward established in a bitter legal feud. For it was only by asserting in court, four times between 1890 and 1911, this private right peculiar to certain property owners that A. Montgomery Ward, “watchdog of the lake front” as he was called, stopped the city from filling the park with public buildings.

Chicago’s lake front, since the founding of the city in the 1830’s, has been a vivid example of Alexis de Tocqueville’s acute observation that our American democracy and constitution seem to turn political issues into legal controversies. Since the first case in the United States Supreme Court involving the lake front in 1839, only two years after Chicago became a city, there has been in the courts in each decade at least one case involving some part of the lake shore. So bitter has been this one hundred and
thirty-five years of feuding concerning use of the Chicago lake front that most of the more prominent lawyers in Chicago, and many of the prominent lawyers in the United States, have at one time or other held briefs in the lake front litigation. Francis Scott Key, author of "The Star-Spangled Banner," Daniel Webster, Chief Justice Melville Fuller of the United States Supreme Court, Senator Lyman Trumbull of Illinois, Stephen Gregory, a past president of the American Bar Association, and an attorney for Eugene Debs, are only a few of the prominent lawyers who have participated in this controversy. So much were these controversies based on historical facts that the Chicago Tribune wryly complained in 1910 that the files of the Chicago Historical Society concerning the lake front were so much in use by the numerous lawyers litigating the lake front that they were unavailable for professional historians.

The lake front of Chicago was not a pretty sight in 1890 when Montgomery Ward began his legal campaign. An article in Harper's Weekly in 1892 described it as an area in which you could see "the flagstaffs of an armory and the quarters of a battery of militia, and kin of these, coming south, are the ruins and debris of a once powerful building of iron and glass in which a national convention and exhibitions galore had been held, to wit the Exposition Building." The tracks of the Illinois Central Railroad at this time formed the eastern or lakeside boundary of the "park." Other contemporaneous observers saw squalid collections of livery stables, squatters' shacks, and mountains of cans, ashes, and garbage, which the city dumped there to await transfer to railroad cars. The author of the Harper's Weekly article associated these with railroading and concluded that it was impossible to decide whether "the railroad or the sleepers in the park make up the most disagreeable aspect of the lake front." On the western side of Michigan Avenue, where Ward's building was located, commercialism was rapidly closing in on the residential character of the street. As the Harper's Weekly article described it, only at the southern or Roosevelt Road end of the park, was Michigan Avenue the "fashionable boulevard of the wealthy south side."

The only newspaper attention paid to Montgomery Ward's first law suit against the City of Chicago, filed on October 16, 1890, was a short note in the report of legal proceedings: "Montgomery Ward and Company yesterday began legal proceedings to clear the lake front from Randolph to Madison Streets of the unsightly wooden shanties, structures, garbage, paving blocks and other refuse piled thereon." He was more specific in his legal complaint, for he objected to the garbage scaffolding erected by the city to dump garbage into Illinois Central railroad cars to be hauled away;
he sought removal of the right-of-way of eight railroad companies and of a warehouse of the American Express Company.

Why did A. Montgomery Ward and George Thorne, partners trading as Montgomery Ward and Company, enter the legal lists in 1890? There had been earlier law suits concerning the same area which had been moderately successful. Someone had stopped the Chicago Baseball Club, which included Billy Sunday, the famous evangelist, among its players, from playing professional ball there. The exposition hall was demolished according to Harper's Weekly because of a law suit ordering its removal. All of this had occurred almost ten years before Ward became a litigant. The answer may lie in the “lake front” litigation involving the Illinois Central Railroad. In the late 1860's, the state legislature had attempted to give the whole of the lake front area, including a mile of submerged land in the lake, to the Illinois Central Railroad for construction of a great industrial park. The city government and the civic leaders united in opposition to this “lake front steal” as it was called, and a great legal battle ensued. In 1888, the city won the first round against the Illinois Central Railroad in a decision by Mr. Justice Harlan of the United States Supreme Court who was sitting in circuit court. Although this decision was on appeal to the Supreme Court and was not finally decided in the city's favor until 1892, after Ward began his legal battle, the victory in 1888 stimulated newspaper, municipal, and civic interest in the question to what use the city should put its lake front when it finally won. Already the city government had built a firehouse and temporary armories; it had granted permission to the Trade and Labor Assembly to build a meeting hall in Grant Park; it had authorized the Logan family to construct a monument and burial site for General Logan of the Civil War; it had authorized construction of a temporary building to house the Democratic national convention of 1892; and it had granted permission to the World's Columbian Exposition to construct and maintain a building for a temporary exhibit of fine arts for the World's Fair of 1893 and to house the permanent collection of the Chicago Art Institute. In the press, every conceivable public use of the area was proposed except that of an open park. Hetty Green, the eccentric New York financier and heavy investor in Chicago real estate, wrote a letter to the Chicago Tribune urging that the park area be turned into a great port for merchant ships. Editorially, the Tribune spoke for armories, museums, and libraries. Other newspapers spoke for a union station, a city hall, a police station, post office, and other public buildings.

Perhaps it was against this background of civic buildings proposals to fill this narrow area about 400 feet wide and a mile long with buildings that Montgomery Ward decided to champion something else. He commenced his law suit which the newspapers described as a suit against unsightliness. Since most citizens were against unsightliness while championing their own pet civic projects, no attention was paid to Montgomery Ward's suit. He was acting as a good citizen just as the proposers of armories, libraries, and museums were.

If the newspapers had bothered to read Ward's legal pleadings, perhaps they would have been more upset about the implications of his law suit. Montgomery Ward was not proceeding as a disgruntled citizen against his government trying to stop the defendant city from loading garbage in front of his house. Montgomery Ward claimed that because he was the owner of two and one-half lots fronting on Michigan Avenue between Washington Street and Madison Street, he owned in the public area east of Michigan Avenue a right of private property, a right that this area be kept open and unobstructed in order to provide light, air, and view to the property owners on the west side of Michigan Avenue. True, he was proceeding only against an unsightly scaffolding and a railroad warehouse, but if his theory was correct, Montgomery Ward could stop armories, museums, city halls, libraries, and, indeed any civic building supported by the newspapers and other civic leaders.

Ward's legal theory about his private right was based on the land title of this part of Chicago. When Chicago was founded, Fort Dearborn, at the mouth of the Chicago River, included in its military reservation that part of Chicago east of State Street, north of Madison Street, with the river on the north and the lake on the east. Thus it included part of what is now Grant Park and it also included the land west of Michigan Avenue on which was located in 1890 the Montgomery Ward store. The land south of the military reservation was selected by the Commissioners of the Michigan and Illinois Canal in 1836 as part of the land allocated to Illinois by the United States to help finance construction of a canal between Lake Michigan and the Mississippi River. The Commissioners subdivided the selected land east of State Street, between Madison and 12th Streets, made a map of it, and began to sell lots in 1836. This 1836 map, as far as appearances are concerned, could double for the map of almost any subdivision today,
of a new residential development near any city of the United States built upon what was once public domain. The particular feature of this map that is crucial to the story of Montgomery Ward is the fact that the map appears to leave unsubdivided or vacant the land east of a street shown on the map without an eastern boundary and which was named on the map “Michigan Avenue.” Nothing on the 1836 map indicates why this area was left vacant.

Actually there was not much permanent land east of Michigan Avenue, for the shoreline changed with every storm. In the 1880’s, a resident of Chicago testified that he remembered the area in 1836 as about 400 feet wide at the south end, while at Madison Street, the waters of Lake Michigan lapped Michigan Avenue. On abandonment of Fort Dearborn, the Secretary of War, disposing of surplus military property, subdivided in 1839 the area north of Madison Street for sale as lots, and he made his subdivision conform to that of the Canal Commissioners. This map, recorded in 1839, showed similar vacant land east of Michigan Avenue between Madison and Randolph Streets and additional vacant land west of Michigan Avenue where the Chicago Public Library Cultural Center is now situated. This map shows why the land east of Michigan Avenue was left vacant, for it carries a notation in the part now occupied by the cultural center “public ground, forever to remain vacant of building.” Sketches in the sales-promotional literature of the Canal Commissioners indicated that this also was the objective east of Michigan Avenue. On these quoted words hangs Montgomery Ward’s legal theory.

The lots in both subdivisions fronting Michigan Avenue were quickly sold and became the site of the luxurious housing of the major citizens of Chicago. But it was expensive to own land fronting on Michigan Avenue, and it was expensive for the struggling city to save this land on the lake front. By 1850, the landowners and the city were practically bankrupt from building seawalls to prevent the storms on Lake Michigan from washing away the avenue and the residential district. There was talk of abandoning the area because of expense but a miracle came to the city in 1850 in the form of the Illinois Central Railroad. When the state legislature incorporated the railroad and gave it much public land to finance its development, it provided that the railroad could not enter any city without the consent of that city. The City of Chicago exacted a price for its consent. It consented to the railroad building its main line between 12th Street and a proposed station north of Randolph Street at a distance 400 feet east of Michigan Avenue, on condition that the railroad erect and maintain, 700 feet east of Michigan Avenue, on the east line of its right-of-way, “a continuous stone wall not to exceed the height of Michigan Avenue” of sufficient strength “to protect the entire front of the city . . . from further damage or injury from the section of the waters of Lake Michigan.” The railroad was first built on a trestle out in Lake Michigan, at some points 300 feet from the shoreline, and east of its tracks it built a seawall to protect Chicago. This water area between Michigan Avenue and the railroad was an unexpected asset after the great fire of 1871 because it was a place to dump the fire debris in the rebuilding of Chicago. By 1890, all of the submerged land west of the tracks had been filled; the shore of Lake Michigan was now the seawall of the Illinois Central Railroad on the eastern side of its tracks.

Montgomery Ward acquired land on the west of Michigan Avenue just north of Madison Street about 1887, and the company built one of the new type “skyscrapers” then coming to Chicago. This building with its unique steam elevators and marble lobby was the warehouse and office space of the Montgomery Ward company. Ward’s customers who came to Chicago found that they could not buy there, for it was not a retail store, but they could sit in a comfortable “Customers’ Parlor,” read the catalogue, and rest after weary hours of sight-seeing. Ward claimed in his law suit that the original purchasers of these lots from the Secretary of War had relied on the map that showed the area fronting their properties as forever to be public ground and vacant; therefore, these original purchasers acquired an easement of light, air, and unobstructed view to which Ward succeeded as a purchaser of these lots.

If the newspapers did not see the implications of this position of Ward, the corporation counsel of the city did, and he vigorously opposed Ward’s legal theory. In his answer, he asserted that there were no private rights in the land east of Michigan Avenue, that the city was the absolute owner of this area, and the city council could use it for whatever public purposes it wished. He asserted that the open space shown on the maps merely dedicated land for public use, and that no private rights were given. He further claimed that, if there were any private rights in the area, they were only in the original land and not in the filled area, and, therefore, since most of the activity complained of was on land which was not in existence in 1836, no objection could be made by the property owners.
It was not until 1897 that the Supreme Court of Illinois decided this case [Chicago v. Ward 169 Ill. 392 48N.E. 927 (1897)] in favor of Montgomery Ward on his theory that the subdivision plats filed in the 1830’s gave the owners on the west side of Michigan Avenue rights of private property in the park west of the railroad tracks. In the meantime, in 1892, the United States Supreme Court had decided in favor of the city against the claims of the Illinois Central Railroad so that Chicago civic groups were busy with plans for use of the lake front. The Chicago Tribune in an editorial on Montgomery Ward’s victory noted that the effect of the decision was to stop the proposed police station, city hall, board of education building, municipal power plant, and other municipal structures. It was undaunted as to its own pet projects however, for it stated, “It is not likely that the property owners would object to either an armory or a museum.”

Montgomery Ward himself was undecided about the Field Museum of Natural History then being considered for the park area, for he stated to the press that, “I do not think I would be inclined to resist its erection.” Besides, he had consented to two civic structures being erected on the open space—the Chicago Public Library on the space west of Michigan Avenue and the Art Institute under construction at the time he commenced his law suit in 1890. Even without Ward’s opposition both of these structures had had legal troubles. At the same time that the city, with the consent of the property owners, had authorized construction of the public library in the open space, the state had confused matters by authorizing the Grand Army of the Republic to build a home on the same site. Apparently, friends of the library, which had the property owners’ consents (the Grand Army did not), despaired of further litigation and compromised with the state supported organization. The result was that the Chicago Public Library Cultural Center is a unique building: it has two cornerstones on Michigan Avenue, one at the south end stating that this cornerstone of the Chicago Public Library was laid in 1893 and one at the north end stating that the cornerstone of the Grand Army of the Republic Memorial Hall was also laid in 1893.

Although Montgomery Ward had consented to the Art Institute because he thought the people wanted it, he stated later in life that he had made a mistake when he had consented to its construction. Perhaps the subsequent history indicated why he thought his consent was mistaken. Even though he consented, the Art Institute became involved in litigation when a Mrs. Sarah Daggett, claiming as a property owner on Michigan Avenue, attempted to enjoin its construction. It was discovered that she
was from New York City, and it was asserted in the Chicago Journal that she represented “a New York clique aimed at crippling one department of” the World’s Fair. The matter was settled by Mrs. Daggett’s husband signing her name to the consents for construction. Whether this was done with or without her knowledge does not appear. Thus, the Art Institute and “all necessary improvements” was excepted from the injunction issued in Ward’s 1890 law suit. But, the original consents were only for a building with a frontage of no more than 400 feet from north to south on Michigan Avenue. Even before Montgomery Ward’s death in 1913, several enlargements of the Art Institute had occurred. When a property owner finally litigated the matter in 1929, it was held that the consents included all necessary enlargements of the Art Institute, but that the enlargements must not have more than a 400-foot frontage on Michigan Avenue. Visitors to Chicago may have noted that “front” on Michigan Avenue does not mean “seen” from Michigan Avenue but apparently means a building “facing” on Michigan Avenue. Additions on the side streets extend the building much more than 400 feet from north to south on Michigan Avenue. But only 400 feet “fronts” or faces on Michigan Avenue. At least without Montgomery Ward to dispute them, this is what these consents have come to mean.

All that Montgomery Ward’s victory in the Supreme Court of Illinois in 1897 decided was that he had a private right in the land west of the Illinois Central tracks. In 1895, before his first law suit was decided, the city had extended the boundary of the park east of the tracks to the harbor line established by the United States Corps of Engineers, and the city had granted authority to fill some 1200 feet of submerged land to this harbor line. In establishing this new area as a park, the city had excluded a piece of new land north of Monroe Street for the construction of armories for units of the Illinois National Guard. Since the consent of the state was also needed for this fill of submerged land, the General Assembly confirmed the extension of the park. It also then authorized construction of the armories and changed the name of the whole area from Lake Park to Grant Park, as it is known today.

The armories were the pet projects of the Chicago Tribune. From time to time, articles appeared in its Sunday supplement pointing out that Chicago was the only world seaport without defense installations as part of its harbor facilities. Labor disturbances such as the Pullman strike and the Haymarket riot were also advanced by civic leaders from time to time as establishing the need for armories. Whether they did or did not establish the need for armories, Montgomery Ward apparently thought they did not establish the need in Grant Park, and he went into legal action for the second time. This time his defendants were the board of commissioners of the lake front armories, and he sought to enjoin construction. Ward’s theory was the same as in the earlier case. The government defense changed however. It asserted that the United States Supreme Court had held that the state owned the submerged lands in trust for the people of the state and that the authorization of the armory on the newly created land was carrying out the trust.

In 1902, the Supreme Court of the state again backed Montgomery Ward [Bliss v. Ward 198 Ill. 104 64 N.E. 705 (1902)]. It held that when the state consented to the extension of the park east of the tracks, it did not purport to act inconsistently with a park but rather to extend the original park to the east. Therefore, the reclaimed lands east of the Illinois Central track were subject to the same private rights as the lands to the west of the tracks. In this manner the armories were stopped.

If the civic leaders of Chicago had not been greedy, Ward might have stopped with this, his second victory. He had already indicated that he was not adverse to the location of the Field Museum in the park, and he might have formally consented. During the third litigation, Ward offered to consent to the museum if the park commissioners would agree to build nothing else. But the proponents of use of the park for buildings tried to gain complete victory. In 1903, the state legislature authorized all park districts in the state to erect and maintain “museums and libraries” within any park as part of the “park facilities.” Since the park districts already had authority to construct “park facilities,” this was an unnecessary grant of power if these were park facilities. If the park commissioners could construct any building they wished simply by calling it a “park facility,” Ward had lost his war even though he had won two battles. In preparation for the expected law suit, the South Park Commissioners, who had control of Grant Park, had sent experts to Europe to prepare documents showing that in Europe great parks included cultural buildings. Reference was made in the press to Pittsburgh where a man named Laird had lost a legal fight against the occupancy of Schenley Park by the Carnegie Library because a library was held to be a park facility. The park commissioners did not stop with a museum. They proposed to construct the John Crerar Tech-
nical Library in the park north of the Art Institute; they proposed to erect a 25-foot boulder as a monument to Dr. Guthrie, inventor of chloroform. According to Montgomery Ward, the park commissioners had, when Ward commenced his third suit [Ward v. Field Museum 241 Ill. 496 89 N.E. 731 (1909)] twenty projects for occupancy of Grant Park, involving buildings which would qualify as “park buildings.”

At this point, the issue of the Field Museum of Natural History became crucial. Marshall Field died in 1906 and, in his will, left $8,000,000 to the Field Museum to erect a suitable building to house its natural history collection on a site to be furnished to the museum by the city without cost. Apparently recognizing that he had an antagonist in A. Montgomery Ward, Field conditioned his $8,000,000 gift on the city’s providing a site for the museum within six years of Field’s death. Now, if Ward fought the museum, he might cost the city $8,000,000. This did not bother Ward, and he brought his third law suit against the trustees of the museum and the park commissioners to prevent them from constructing the museum east of the Illinois Central tracks and immediately south of the Art Institute.

Newspaper tolerance of Ward’s eccentricity (they really thought he was only against unsightliness) changed to bitter opposition after the Field gift. Ward was called “stubborn,” “a persistent enemy of real park buildings,” and “undemocratic” because he would not let the people decide where to locate the museum. The pressure put upon Ward and his company must have been tremendous. The Tribune, for example, reported that “an unidentified man interested in the museum” had suggested that Ward’s customers all over the midwest be asked to write the company urging Ward to withdraw his law suit so that “on their visit to Chicago they will be enabled to visit the museum.”

Less “inner-directed” men in the Ward Company than A. Montgomery Ward wilted under this pressure. Several newspapers reported that “the company” or the Th Thornes, his partners, were in favor of consenting to the museum and that the Th Thornes hoped to persuade Ward to consent. Others, men with whom Ward had associated in other civic affairs, made trips to Georgia, Wisconsin, California, wherever Ward was, to try to get him to relent. As each of them returned without Ward’s consent, they gave interviews to the press expressing bitterness at Ward’s recalcitrance. Some of them could not understand him at all. The president of the trustees of the Field Museum was quoted as saying “Ward expressed the belief that it was better to have this great tract of land as a place for people to go and lie around on the grass than to make it the pivotal point of Chicago’s scheme of beautifying the city. Yes, he did actually!”

In this third law suit, the government’s defense took the tack suggested by the 1903 legislation authorizing museums as park facilities. It interpreted the earlier cases as giving Ward and the other lot owners a right that there be a park on Michigan Avenue and, the government lawyers argued, a museum and a library were park facilities. The Illinois Supreme Court was unimpressed. It said whether a museum was a park facility or not was beside the point because it had never held that Ward’s right was a right to a park. His right was a right to open space and to an unobstructed view of Lake Michigan. Location of the Field Museum in Grant Park was stopped.

This third victory for Ward in 1909, only three years before the deadline on the $8,000,000 gift, created a civic crisis for friends of the museum, so much so that Ward felt obliged for the first time to grant an interview to the press to justify his actions. He stated that he was not opposed to the museum and would help raise money to buy a site for the museum; besides, he thought it should be located near the University of Chicago. Also, for the first time, he publicly expressed his plan for the lake front. The Chicago Daily News quoted him as saying that he had done Chicago’s future generation a service, “I fought for the poor people of Chicago, not for the millionaires. Here is a park frontage on the lake... which city officials would crowd with buildings, transforming the breathing spot for the poor into a show ground of the educated rich.”

In the next and final round of the Ward legal war with the civic leaders, the museum officials and the park commissioners decided to take the offensive and save the Field Museum for the lake front area. Under the statute authorizing park districts to build museums and libraries, the district was given power to condemn private property for these purposes. The park commissioners accordingly brought a condemnation suit against Montgomery Ward, representing the property owners in the Fort Dearborn addition to Chicago, and against Levi Mayer, a prominent Chicago lawyer, representing the property owners in the Canal Commissioners addition [South Park Commissioners v. Montgomery Ward & Company 248 Ill. 299 93 N.E. 910 (1910)]. It sought to condemn the private rights which these property own-
ers asserted in Grant Park. Montgomery Ward won again in 1911, but for the first time the Supreme Court was not unanimous in supporting him. A majority of four said that if an owner dedicates his land to a public use, here an open space, government cannot change that use even by use of the condemnation power. The minority of three asserted that condemnation is a sovereign power, whereby government recognizes the right of private property and seeks to acquire those rights upon payment of compensation. Of the four Montgomery Ward law suits this is the only one which he won on what is today (if not then) a dubious point of law.

As any person who has seen Chicago knows, the Field Museum was ultimately located on the lake front but not in the area subject to Montgomery Ward’s private rights. It is located on reclaimed land south of Roosevelt Road where the land is not subject to the plats filed in 1836 and 1839.

Thus, in 1911, after 20 years litigation and expenditure of an estimated $50,000, Montgomery Ward had successfully prevented all of the civic projects for buildings in Grant Park. He had done this in spite of the almost unanimous opposition of the newspapers and civic leaders of Chicago. With no public opinion surveys in those decades, we can only guess what the citizenry thought. However, shortly before Montgomery Ward died in 1913, vindication came. Frederic A. Delano, then president of the Wabash Railroad and, later, on appointment from his nephew, Franklin D. Roosevelt, chairman of the National Capital Planning Commission, speaking before the Chicago City Plan Commission said: “Many of us once felt that the fight of Mr. Ward was selfish. We now recognize that it was wise. Had he not made it, a string of fire engine houses, police stations, post offices, and other buildings would now cut off all view of the lake from Michigan Avenue. Mr. Ward winked his eye once, in the case of the Art Institute, and it would have been better had he not done so.”

After Ward’s death, others endeavored to succeed to Ward’s mantle as “watchdog” of the lake front, but they have generally failed in court. An objecting taxpayer or citizen has little standing to thwart the will of the majority as expressed in the legislative halls. But Ward had demonstrated that a single owner of private property could protect old and new land which was part of the park. However, an owner of land on Michigan Avenue learned in the 1920’s from the Illinois Supreme Court that if a private yacht club (the Chicago Yacht Club) could obtain permission from the Secretary of War and the State of Illinois to fill an island area not part of the park, it could build on this “island” even though the park commissioners permitted the island to be connected with the park by a driveway. The way would now appear open to defeat the expansiveness of the Grant Park area, if the citizens are so inclined, by building on reclaimed land adjacent to the park but not made a legal part of it.

Why did Mr. Ward fight his friends and associates? He made no attempt to explain himself publicly until after his third law suit, almost 20 years after he started litigation. To some, this explanation could be an after-the-fact rationalization after he had been so severely criticized for his position on the Field Museum. To others, this could mean only that the press finally forced him to break his policy of silence and privacy. During the bitter feud, newspapers frequently speculated as to his motives. When asked if he knew why Ward opposed the Field Museum, its president would say to reporters: “I do not know. Mr. Ward was once a clerk in the Field store.”

We can conclude that A. Montgomery Ward must have felt strongly about the lake front. All other known facets of his life point to a man who hated publicity. While he gave lavishly for charitable purposes, he never allowed his name to be used in connection with a public charity; he endowed hospital beds under assumed names, and many of his larger benefactions were not known until after his death. He seldom granted newspaper interviews, and he refused permission to be written up in numerous sketches of Chicago’s leaders or wealthy men. Though he so hated publicity, his feelings about the lake front were strong enough to make him begin a law suit and pay the inevitable price of public glare, and, in his case, even bitterness. Once he started his litigation in 1890, there was not a year until his death in 1913 when he was not in the public press as “watchdog” of the lake front.

Those who really want to know Mr. Ward’s motives will have to await psychoanalysis of his letters and papers. Perhaps the really important point of this story is that we do not need to know why he acted as he did, whether from stubbornness, selfishness, irrationality, or vindictiveness, as his enemies suggested, or altruism and a dream of the future needs of Chicago’s workers, as he himself suggested. The result of Ward’s private decision about use of private property rights was public good—the great open space in the heart of commercial Chicago.