

**Caretti v Broring Building Company: The Sewering and
Planning of a City**

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I. Introduction

Caretti v Broring Building Company was a case decided by the Court of Appeals of Maryland in 1926. Louis and Lucia Caretti sued the Broring Building Company in 1925 to enjoin them from polluting a stream that flowed through the Carettis' property with sewage from their sewer system. The Carettis sued for an injunction to stop the operation of the sewer and further pollution of the stream. The Court of Appeals reversed the trial court ruling and decided in the Carettis's favor, granting them an injunction against Broring.

The Carettis' case occurred at a time when Baltimore was undergoing several reforms. At the beginning of the 20th century, Baltimore was a large city with a growing population, and public health concerns warranted the necessity of adequate disposal of waste. By the early 1900s, officials in the city had begun to implement changes in the sewer system and city planning. After the Annexation of 1918, the city needed a way to extend the municipal sewer system to the newly annexed areas of the city and to beautify the areas, including Herring Run.

These issues would all come to affect the Carettis's case and property in some way. This paper will begin by exploring the historical context in which this case arose and how the case was affected by it. After a brief introduction to the pertinent characters in this case, the paper will analyze the case and the rulings of the courts. Finally, it will examine the condition of modern Herring Run stream and park, and see what effect, if any the legislation around the 1900s and this case had on the development and preservation of Herring Run.

II. Historical Context

Baltimore in 1900 had a population of over 500,000, which was steadily growing.¹ Since 1870 (until about 1950), the population was increasing by about 100,000 each decade.²

¹ James R. McComas, *I Remember Baltimore Before It Had Sewers*, BALT. SUN, Mar 27, 1966, at 1.

² <http://www.baltimorecity.gov/Government/BoardsandCommissions/HistoricalArchitecturalPreservation/HistoricDistricts/MapsofHistoricDistricts/OldGoucherCollege.aspx>

Baltimore was also the largest major city without a municipal sewer system.³ It was an industrial city with a thriving shipping industry and was home to other businesses like tanneries, breweries, and slaughter houses. Yet with no sewer system in place, these businesses discharged their liquid waste directly into the nearby open water courses in the city.⁴

Residents in the city disposed of waste by throwing it in the streets or by using cesspools.⁵ These were holes in the ground, eight to ten feet across and 20 to 30 feet deep, filled with liquid waste from the kitchens and bathrooms of city residents.⁶ The soil in Baltimore was sandy, which made it conducive to using cesspools, however these often overflowed and pooled, attracting flies and mosquitoes.⁷ The few streets that were paved were constructed with cobblestone, a material which made drainage difficult and caused ponds of stagnant water and sewage to appear.⁸ This contributed to the typhoid fever outbreaks, which occurred at a rate of 40 deaths per 100,000 people.⁹ Tuberculosis was another disease that plagued Baltimoreans, especially those who lived in tenement houses or worked in sweatshops.¹⁰

There was no water filtration system either, even though businesses discharged their waste into the waterways of the city. This water would eventually come to residents with indoor plumbing.¹¹ Many used a cloth bag or a charcoal filter on faucets to intercept worms, sand, grit, and clay.¹² People who could afford it bought bottled spring water for drinking purposes.¹³

³ McComas, *supra* note 1, at 1

⁴ Christopher G. Boone, *Obstacles to Infrastructure Provision: The Struggle to Build Comprehensive Sewer Works In Baltimore*, 31 *Historical Geography* 151, at 156 (2003).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ McComas, *supra* note 1, at 1

⁹ *Water and Sewage Works: Municipal Engineering Index*, Engineering Publishing Company, at 316 (1914)

¹⁰ James B. Crooks, *The Baltimore Fire and Baltimore Reform*, *Maryland Historical Magazine* at 11 (1970)

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

A Sewerage Commission was created in 1893 to discuss the need for a modern sewage system. They recommended that the waste from the city be disposed of in the Chesapeake Bay.¹⁴ This unsatisfactory conclusion did not help resolve the unsanitary conditions that were rampant in Baltimore, but at least it was a step in creating a plan to help revitalize the city and eliminate the present public health crisis.

III. Reform in the City

Baltimore had for years relied on their shipping industry and their old world charm to bring prosperity to the city.¹⁵ But unless they wanted the public health conditions to worsen, several reforms were needed. Although the Great Baltimore Fire of 1904 is often considered to be the impetus for reform in the city, important changes had already begun by the turn of the century.¹⁶

Political reform occurred when Baltimoreans, seeking to “oust corrupt or dictatorial political machines”, elected Thomas G. Hayes for mayor in 1899.¹⁷ Hayes, a progressive reformer committed to putting capable men in city government, named qualified professionals as city engineer and health commissioner.¹⁸ Social reform occurred with the founding of the Maryland Public Health Association in 1897 by Dr. William Osler, which sought to improve environmental conditions in the city, especially for the urban poor, who were most affected by the conditions in Baltimore.¹⁹ In addition, the acceptance of the germ theory of illness transmission led to improvements in public health all over the country.²⁰

¹⁴ Robert F. Bailey, *Scientific Forestry and Urban Progressivism: The Development of the Maryland Board of Forestry, 1906-1921*, at 2.

¹⁵ Crooks, *supra* note 10, at 11

¹⁶ *Id.* at 4

¹⁷ *Id.* at 2

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 5

²⁰ David Rosner, “*The Spanish Flu or whatever it is...* ”: *The Paradox of Public Health in a Time of Crisis*. *Public Health in the Early 20th Century*, at 6. (2010).

To design and implement new plans for the layout of the city, the Municipal Art Society was organized in 1899.²¹ The society was composed of prominent citizens in Baltimore like architects, artists, businessmen, and educators, and aimed to generally beautify the city.²² Yet as their membership increased, the society developed more substantive goals.²³ It formed two committees, a Sewage Committee and an Annex Committee.²⁴ The job of the Sewage Committee was to implement the reports of the Baltimore Sewerage Commission and work with Democrats and Republicans in the city council and General Assembly to keep plans for a municipal sewer system alive.²⁵

The Annex Committee had the task of planning the development of recently annexed areas north of North Avenue.²⁶ Back in 1888, Baltimore City had annexed about 23 miles of land to the north and west of the city, an area that included Lake Montebello and Druid Hill Park.²⁷ The Municipal Art Society pushed the idea of a city development plan because they hoped it might help the annexed areas of the city adhere to its rural charm.²⁸ The society, composed of the social elite of Baltimore, may have had selfish aims for maintaining the beauty of the annex: Many middle and upper class Baltimoreans had moved from the city's urban center out towards the County, with the hope of separating themselves from and escaping the city.²⁹ The old city had congestion and infrastructure problems in certain areas, and the Society believed that having a plan for the annex would alleviate the need for later generations to rebuild the city. By 1900, this annexed area was nearly all developed.

²¹ Crooks, *supra* note 10, at 7.

²² Id.

²³ Bailey, *supra* note 14, at 2.

²⁴ Crooks, *supra* note 10, at 7.

²⁵ Id.

²⁶ Id.

²⁷ Baltimore City.gov, *supra* note 2.

²⁸ Bailey, *supra* note 14, at 2.

²⁹ Id.

IV. City Planning

In 1902, the annex commission hired Frederick Law Olmstead, Jr. of the Olmstead Brothers landscape architectural firm to plan the development of the newly annexed part of the city.³⁰ Olmstead proposed that the city buy and rebuild the wharves in the harbor, in order to set aside space for recreation purposes, and be used for “beauty as well as utility”.³¹ However he is most credited with planning to develop a coordinated park system.³² In 1903 he presented his plan to the Municipal Art Society.³³ Three types of parks were to be developed: Neighborhood parks, to provide recreation for children and adults, large wooded parks on the outskirts, to accent the contrast to the landscape of the city, and landscaped parkways radiating from the center of the city.³⁴ These types of parks and parkways would “combine the advantages of beauty and utility”.³⁵ Although 5 suburban parks already existed, Wyman, Druid Hill, Clifton, Montebello and Patterson, this new plan called for the acquisition of thirty-six small parks and squares.³⁶ His future plans for the city included acquiring the “outlying reservations”, which included Loch Raven, the Patapsco River gorge, Curtis Creek, the Green Spring Valley, and along Back River by the bay, in anticipation of future growth of the city.³⁷ The parks were designed to preserve the natural landscape, and accenting the hilly, stream laden land, and proposed parks and scenic drives along Gwynn Falls, Jones Falls, Stony Run and Herring Run.³⁸ In addition he planned to widen and improve commercial highways, including 11 major arteries

³⁰ Id.

³¹ Id. at 8

³² Id.

³³ Id. at 2.

³⁴ Crooks, *supra* note 10, at 8.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Harry G. Scheck, *Mini-Revisionism in City Planning History: The Planners of Roland Park*, *Journal of the Society of Architectural Historians*, vol 29, University of California Press at 348 (1970)

in the city.³⁹ The annex commission accepted his proposal and planned to lay sewerage lines parallel to the streams in the city and cover them with “broad driveways or boulevards.”⁴⁰

Olmstead’s plan for Herring Run called for as little destruction of existing forests and streams within the city limits, and the importance of acquiring lands along waterways and natural valleys of the area, including Herring Run.⁴¹

V. Sewering the City

The City began developing a comprehensive sewer system for the entire city in 1901.⁴² Yet as the city expanded to include parts formerly a part of Baltimore County, the system had to be extended to the new area “as rapidly as the funds available for that purpose will, from time to time, permit”.⁴³ In 1903, both candidates in that year’s mayoral election pledged to support “a nonpartisan sewage commission”.⁴⁴

In 1905, the Sewage enabling act passed in the Maryland General Assembly, along with legislation that prohibited the dumping of waste into the Chesapeake Bay or its tributaries.⁴⁵ One reason for this legislation was because many county representatives in the Assembly were concerned with building a sewer system and discharge into the Chesapeake, due to the risks it posed to Maryland’s oyster industry.⁴⁶ The 1905 Sewage Enabling Act created the second Sewerage Commission, composed of well-respected community members who would oversee

³⁹ Crooks, *supra* note 10, at 7.

⁴⁰ *New Annex League Ready to Submit Extension Plans*, BALT. SUN Oct 20, 1923 at 6.

⁴¹ Crooks, *supra* note 10, at 8.

⁴² *\$15,000,000 For Sewers*, BALT. SUN, Jun. 7, 1919 at 4.

⁴³ *Id.*

⁴⁴ Calvin Hendrick, *Sewerage System*, Baltimore: Its History and Its People, at 424

⁴⁵ Alexander A. Lopata, *History and Development of the Sewerage System of Baltimore up to 1916*, Records of Phi Mu, University of Maryland at College Park Libraries, at 4 (1936).

⁴⁶ *Ridding the City of Its Wastes 24 Hours a day*, BALT. SUN, Aug. 30, 1931 at 2.

the construction of the municipal sewer.⁴⁷ The Act also authorized the construction of a municipal sewage system and made it mandatory that the sewage be purified.⁴⁸

Financing such a large project was fairly difficult, especially because the Maryland state constitution requires a loan for sewerage improvements.⁴⁹ With the help of the Municipal Art Society, the Maryland General Assembly approved a \$10,000,000 sewerage loan to accomplish the task of sewerage the whole city.⁵⁰ Another \$10,000,000 loan was granted in 1911, and although the entire city had yet to be sewerage, Baltimore was still making progress. The Back River Sewage Disposal plant went into operation in 1911, and was one of the largest and most revolutionary in the world at this time.⁵¹ Sewage from the city flowed through the sewer and was carried by gravity to the Back River Plant.⁵² Once there, it went through a natural filtration process. The key to this natural process is running the sewer water through a system that includes exposing it to natural bacteria produced by aerating the sewage over rocks.⁵³ This process was used because it was thought that a natural process was less likely to endanger wildlife in the water.⁵⁴ It included a separate system for removing storm water, and only a small amount of chlorine was added to the treated sewage water.⁵⁵ However the plant did not solve all of the city's problems

VI. The Story of the Carettis'

The Carettis' story starts in Baltimore County, but ends up in Northeast Baltimore City. The area is located in the present day neighborhood of Belair-Edison, near Hamilton. In the early

⁴⁷ Bailey, *supra* note 14, at 2.

⁴⁸ Id.

⁴⁹ C.E. Keefer, *Financing the Baltimore Sewerage System*, *Engineering News-Record*, May 5, 1927 at 3.

⁵⁰ Boone, *supra* note 4, at 157.

⁵¹ *Ridding the City of Its Wastes 24 Hours a day*, *supra* note 46 at 2.

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

1900s, the area was known as Georgetown, after three prominent men in the area: George Brehms, George Lamley, and George Erdman.⁵⁶ The area was known for its numerous breweries.⁵⁷

In 1915, Louis and Lucia Caretti, an Italian couple and naturalized U.S. citizens, arranged to live on a tract of land adjacent to Herring Run stream.⁵⁸ Louis immigrated to the US around 1900, and his wife followed 10 years after.⁵⁹ The Carettis contracted with Eva Matulewecz and her husband Joseph, to pay weekly to live on the land, and on November 23 of 1918, they acquired the deed to the land.⁶⁰ The land they purchased was a seven acre tract of land “on Bowley’s Lane”, near Belair road, and through which Herring Run stream flowed.⁶¹

Although Louis was a stone mason by trade, once they purchased the land in rural Baltimore County, the Carettis worked the land as farmers might.⁶² They raised horses, cows, chickens, and geese.⁶³ They also had plum, apple, and pear trees and grew vegetables, which Mr. and Mrs. Caretti brought to the market to sell.⁶⁴ The Carettis lived in a seven room house there, but once they acquired full ownership of the land, they built another house with eight rooms, which they rented out to boarders.⁶⁵ Their property was frequently visited by the friends, travelers who needed a place to stay, and sick people who needed to rest and recuperate.⁶⁶ In

⁵⁶ <http://www.livebaltimore.com/neighborhoods/list/belairedison/>

⁵⁷ Id.

⁵⁸ *Caretti v Broring Building Company*, 150 Md. 198, at 199 (1926).

⁵⁹ Id.

⁶⁰ BALTIMORE CITY CIRCUIT COURT NO. 2, Maryland State Archives, BALTIMORE CITY CIRCUIT COURT NO. 2 (Equity Papers A) Caretti v. Broring Building Co., 1925, Box 1408 Case no. 14709A [MSA T56-1320, 3/24/3/40], at 22.

⁶¹ Id.

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id. at 25

⁶⁶ Id.

addition to a boarding house, the Carettis used their property as a pleasure resort.⁶⁷ There is no indication from the trial court records that this pleasure resort was operated for “adult” purposes. The Maryland State Legislature passed legislation in 1910 making it a felony to place a girl in a house of prostitution.⁶⁸ This would make it unlikely that the Carettis would admit on the record that they operated a house of prostitution. An analysis of other “pleasure resorts” in operation at the time show that this term was used for a place that offered recreation, like swimming, fishing, boating, hunting, and dancing, and entertainment for individuals and families.⁶⁹ For instance, Coney Island was considered a “pleasure resort” in the 1900s.⁷⁰ This definition seems to comport more with the idea that the Carettis resort was used to allow visitors to enjoy the countryside, drink, and fish and swim in the stream.⁷¹

VI. 1918 Annexation

The same year that the Carettis gained full legal title to the land on Belair Road, the Annexation Act of 1918 was passed in the Maryland General Assembly.⁷² This allowed Baltimore to acquire the surrounding land in Baltimore and Anne Arundel County, and also brought the Caretti property within the Baltimore city limits.⁷³ It enabled Baltimore to acquire about 50 square miles of the surrounding area, but brought up the issue of extending public utilities and sewerage to the newly annexed areas of the city. The Sewerage Commission was originally granted \$10,000,000 to sewer the old city and additional loans of \$10,000,000 and \$3,000,000 were granted in 1911 and 1916 respectively in order to complete the job.⁷⁴ However

⁶⁷ Caretti, *supra* note 58, at 200.

⁶⁸ 1910 Md. Laws, ch. 25 at p. 92.

⁶⁹ <http://www.johnsonsisland.org/history/pleasure.htm>

⁷⁰ *Id.*

⁷¹ Baltimore City Circuit Court NO. 2, *supra* note 60, at 22.

⁷² Caretti, *supra* note 58, at 200.

⁷³ *Id.*

⁷⁴ Keefer, *supra* note 49 at 3.

even with these loans the entire city had yet to be sewerred, and by 1919 the original loan had been exhausted, making it unlikely that there would be funds left over to sewer the new annex.⁷⁵ They following year, the New Annex League was granted a \$26,000,000 loan in order to start improving the largely undeveloped land in what used to be the county.⁷⁶ Eight million of this loan was to be used to sewer the annex, and the rest of the loan was to be used for water works, highway, and other improvements.⁷⁷

More and more residents of the old city wanted to move to the new annex, particularly in Northeast Baltimore. Although there was a plan in place to build 200 to 300 houses in that area by winter of 1919, the plans were held up for several reasons- a lack of paved roads, a lack of a sewerage plan, and a lack of funds with which to complete these projects.⁷⁸ First, the city needed to make improvements to the roads around the area, on streets like 29th from the Alameda to Hillen road, before Frank Novak, a developer, could begin to build the homes.⁷⁹ The highway engineer at the time, George F. Wiegardt said that his department held up improving the roads because they did not yet have a plan for sewerage in this area, and the City had a policy of building sewers before pavements.⁸⁰ They were having trouble finding a way to prevent sewage from the houses emptying into Herring Run, which would pollute a “water supply on which a large territory depended”- Highlandtown.⁸¹ Wiegardt told The Sun that he now believed the houses could be connected to the main trunk line, but work could not be completed until the Board of Estimates could finance the project.⁸²

⁷⁵ Id.

⁷⁶ *New Annex League Ready to Submit Extension Plans supra* notes 40, at 6.

⁷⁷ Id.

⁷⁸ *Plan to Push Housing*, Balt. Sun, Nay 31, 1919 at 18.

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² Id.

World War I was still happening when the Board made the last tax levy budget for 1919 and no appropriations were made for “unnecessary construction work”.⁸³ Wiegardt estimated to the Mayor that it would cost \$15,000,000 total to sewer the new annex and complete the sewer system in the old city.⁸⁴ A third of this fund, \$5,000,000 would go to the unsewered portions of the old city, including East, Southwest, West, and north Baltimore.⁸⁵ Wiegardt was advanced \$100,000 for sewers, but by June of 1919 had only completed about \$40,000 worth of work.⁸⁶

Realizing that the city was expanding faster than it could be sewered adequately, the Board of Estimates and the Sewerage Commission worked with private developers of the land to achieve their end. The city made a plan where they would deny building permits to build houses in areas without city sewer systems, unless the builder agreed to build a private sewer system, approved by the city, which would be connected to the houses to be built.⁸⁷ The city made contracts with private building companies, where when they built developments in these annexed area, they would also build a sewer underneath the streets.⁸⁸ The sewers would be constructed in accordance with the Sewerage Commission’s specifications.⁸⁹ The Annexation Act of 1918 contained a clause that required the city to purchase all private sewerage systems in annexed territory.⁹⁰ Once the municipal sewer reached the annexed areas, the city would buy the private sewer and it would become part of the municipal sewer system.⁹¹

This solved the city’s problem of financing the extension of the sewer to the Annex, but during the War, applications for building sewers under this arrangement were few because there

⁸³ Id.

⁸⁴ *\$15,000,000 For Sewers*, *supra* note 42 at 4.

⁸⁵ Id.

⁸⁶ *Plan to Push Housing*, *supra* note 78, at 18

⁸⁷ Caretti, *supra* note 58, at 199.

⁸⁸ Id.

⁸⁹ Id.

⁹⁰ Id.

⁹¹ Id.

was a scarcity of labor and the cost of materials was high.⁹² Nonetheless, the rationale for the plan was that the health of the community would be preserved by requiring all new houses to be equipped with a sewer system approved by the city.⁹³ It would also be easier and cheaper for private developers to build the sewers in the beds of the streets they were developing, and then pave over it as opposed to the city retrospectively tearing up pavement to lay sewers and connect the houses, as it had been forced to do in many other areas of the city.⁹⁴

In 1919, one development company, the Broring Building Company, purchased 33 acres of land adjacent to Herring Run, in order to build a development of homes.⁹⁵ The company was owned by Seth Linthicum, J. Charles Linthicum, Charles E. Broring, and Benjamin F. Powell.⁹⁶ They purchased the land from John O. Erdman and George Linthicum, who was the brother of Seth and J Charles Linthicum.⁹⁷ The brothers were part of the Linthicum family, a prominent Maryland family which had originally owned 1,600 acres of land in northern Anne Arundel County, known today as Linthicum Heights.⁹⁸ The land Broring Building Company planned to develop was located three-quarters of a mile above the Caretti property, at the southeastern intersection of Herring Run and Belair Road.⁹⁹ Broring obtained permission to develop the land and a sewer system on Belair Road from the office of the Highway Engineer, with the promise that as soon as there was approval from the department of Estimates, any new houses built would be connected to the municipal sewer and the City would take ownership.¹⁰⁰ However city

⁹² *Plan to Push Housing*, *supra* note 78.

⁹³ *Id.*

⁹⁴ McComas, *supra* note 1, at 1.

⁹⁵ Caretti, *supra* note 58, at 198

⁹⁶ Baltimore City Circuit Court No.2, *supra* note 60, at 49

⁹⁷ *Id.*

⁹⁸ *J.C. Linthicum Dies; Foe of Prohibition*, NEW YORK TIMES, Oct. 6, 1932.

⁹⁹ Caretti, *supra* note 58, at 199.

¹⁰⁰ *Id.*

funding didn't come until after Broring completed construction of the sewer.¹⁰¹ Over the next seven years, the company proceeded to build about 70 homes and a sewer system connecting all the houses.¹⁰² These houses were promptly sold to private individuals.¹⁰³

Part of Olmstead's plan called for buying lands in the surrounding rural areas before they were developed.¹⁰⁴ Until suburban development occurred in these areas, the outlying reservations of land were to be used to serve the city's water-supply needs.¹⁰⁵ In accordance with this plan, Herring Run stream was chemically cleaned and used to supply water to Highlandtown.¹⁰⁶ In 1921 however, the Health Department stopped chemically cleaning the water coming from the discharge pipes in Herring Run.¹⁰⁷ City Officials who testified in this case said this was done because the County water supply being abandoned in November of 1921, and because there was no longer any need to destroy bacteria that might be in the water, but it was largely on account of the expense.¹⁰⁸ This decision paired with the installation of a sewer system that emptied into Herring Run stream, would mean hardship for Herring Run Stream and for the Carettis.

In 1923 the New Annex League, composed of several well respected men from Baltimore, planned to acquire the lands around rivers and streams in the Annex, like Herring Run, to lay sewer lines parallel to the streams and develop the surrounding lands into public parks for the city.¹⁰⁹ In this year, the Maryland General Assembly authorized another \$10,000,000 loan to improve the Annexed areas of the city, and an additional loan of

¹⁰¹ Id.

¹⁰² Id.

¹⁰³ Id.

¹⁰⁴ Bailey, *supra* note 14, at 2.

¹⁰⁵ Id.

¹⁰⁶ Baltimore City Circuit Court NO. 2, *supra* note 60, at 22.

¹⁰⁷ Caretti, *supra* note 58, at 199.

¹⁰⁸ Baltimore City Circuit Court NO. 2, *supra* note 60, at 22

¹⁰⁹ \$30,261,500 Program Urged For New Annex, BALT. SUN, Feb 5 1920 at 1.

\$10,000,000 would be authorized in 1927.¹¹⁰ The Highway Engineer's plan for sewerage in the Herring Run area would cost \$1,000,000.¹¹¹ Members of the New Annex league wanted the city to acquire Herring Run Valley for use as a park and boulevard, and building sewers under these boulevards would raise money for the project.¹¹² An article at the time said that property owners were "anxious to help with the project because it will increase the value of their lands."¹¹³

The city had already begun to improve lands in the areas surrounding Herring Run. With \$18,000,000 to make improvements to the highways, water works, and other areas of the Annex, the city immediately got to work. One such improvement the city made was to improve Bowley's Lane.¹¹⁴ In 1925, the Carettis sued the city, in *Caretti v Mayor and City Council of Baltimore*, for damage to their property, caused by the "improvements" the city made to the road in June of 1922.¹¹⁵ The road prior to the city's intervention was made of sand and gravel, was about 12 feet across and "very badly rotted".¹¹⁶ The City improved the road by making it larger and paving it.¹¹⁷ When the city paved the road, they constructed cobblestone gutters on the sides of the road in order to divert rain water coming off of it.¹¹⁸ Since the city didn't make the gutters larger, it caused rain water to flow off of the road and flood the Carettis' cellar and other land on their property, making it unusable.¹¹⁹ The City investigator was called as a witness for the City, and testified that the water flooding the Caretti property was actually coming from the Caretti's

¹¹⁰ Boone, *supra* note 4, at 157.

¹¹¹ \$15,000,000 For Sewers, *supra* note 42 at 4.

¹¹² *Id.*

¹¹³ *New Annex League Ready to Submit Extension Plans*, *supra* note 40, at 1.

¹¹⁴ Baltimore City Archives, Law Department, Case Files, Claim of Louis Caretti. Property on Bowley's Lane Flooded When Road Raised, 1925, case no. 43,201, box no. 353 [MSA BRG13-2-8, BC/29/10/017] at 3.

¹¹⁵ *Id.*, at 3.

¹¹⁶ *Id.* at 307.

¹¹⁷ *Id.*, at 311.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

own house.¹²⁰ The resolution of this case is unclear, because only the transcript of the case, not the court's decision, is on file in the city archives. However this case marked the beginning of the conflict between the Carettis' plans for their property and the city's plans for the land surrounding Herring Run stream.

VII. The Case

That same year, 1925, the Carettis filed suit in the Circuit Court of Baltimore City, against Broring Building Company, to enjoin them from building any more houses on their land and from polluting Herring Run with discharge from the sewage system they constructed.¹²¹ Following the initiation of the suit, the Company demurred to the bill because it failed to show any cause for equitable relief, and because the bill fails to include parties who were interested in the suit that should have been made parties to it.¹²² The company felt that Baltimore city was a necessary party to the suit and that without them, it would be unfair to prosecute only Broring.¹²³ Judge Robert Field Stanton, the trial court judge, overruled the demurrer and the case was tried in the Baltimore City Circuit court on June 11, 1925.¹²⁴

In trial court the facts of the case were presented. It was agreed that the Carettis purchased the land in 1915, and operated a boarding house and pleasure resort, lived on and farmed land through which Herring Run stream flowed.¹²⁵ It was also agreed that after Broring Building Company bought land near the Carettis' property, the company built seventy houses on the land, sold them to private individuals, and at the time of the suit all had families living in them.¹²⁶ The company had twelve other houses nearing completion, and planned to build

¹²⁰ Id., at 317

¹²¹ Caretti, *supra* note 58, at 199.

¹²² Baltimore City Circuit Court NO. 2, *supra* note 60, at 45.

¹²³ Id.

¹²⁴ Id. at 39.

¹²⁵ Id., at 152

¹²⁶ Caretti, *supra* note 58, at 199.

additional houses.¹²⁷ All of the completed houses and all the houses that would be completed in the future were to be connected with a sewer system that the building company would construct.¹²⁸ These sewers were laid in the beds of streets and alleys on Broring's property, and the company retained ownership of the streets.¹²⁹ The sewage from all these houses would be carried into a sewer, which would flow into a septic tank, and the discharge from the tank would empty into Herring Run, at about three-quarters of a mile above the Carettis's property.¹³⁰

The Carettis alleged that before 1921, they used their property as a pleasure resort, where friends and visitors could enjoy the natural setting and the stream.¹³¹ When people came to visit, they could bathe in Herring Run stream, the water was clear, "wholesome and unpolluted", fish swam in it, cattle and geese drank from it, and it "was of great value to the appellant in the use and enjoyment of his property".¹³² They alleged that since 1921, two years after Broring Building Company bought land adjoining Herring Run and built a sewage system emptying into it, the stream had become polluted and unfit for use.¹³³ This was also the date when the city stopped chemically cleaning the waters of Herring Run.¹³⁴ The pollution from the development caused swarms of flies and gnats to infest the Carettis' property and caused an increase in the volume of water.¹³⁵ This was cutting away at the banks of the stream where it ran through the Carettis's property.¹³⁶ They asserted that since these conditions would only get worse as more sewage flowed into the stream, it constituted a taking of the appellant's property, solely for the

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ Id.

¹³¹ Baltimore City Circuit Court NO. 2, *supra* note 60, at 152

¹³² Caretti, *supra* note 58, at 200.

¹³³ Id.

¹³⁴ Id., at 199.

¹³⁵ Id.

¹³⁶ Id.

Company's financial benefit.¹³⁷ Thus the Carettis would be entitled to an injunction enjoining Broring from continuing to pollute the Stream.

Broring Building Company admitted that they owned and developed the land in question but denied responsibility for the sewage system pollution, alleging they had no knowledge of the foul condition of Herring Run stream.¹³⁸ They also denied responsibility because they constructed the sewer system in accordance with the specifications set out by the City, the sewer is inspected by the city, and the company has a contract to convey the sewer to the City free of cost whenever the city chooses.¹³⁹ Additionally the company didn't own any of the houses from which the sewage came, because they are sold to private individuals, privately occupied, and the company can't control the sewage that come out of houses they don't own.¹⁴⁰ The company wanted the City to be a party to the suit because a municipal corporation, acting under legislative authority in the interests of the health and well-being of the community, can do things that might otherwise, if done by a private corporation acting solely for the financial gain of its stockholders, would be considered a nuisance and grounds for an injunction.¹⁴¹

The Carettis were represented by Lewis L. Lake and William Calvin Chestnut. Chestnut was a resident of Roland Park, and enjoyed horseback riding through the then still undeveloped countryside.¹⁴² Perhaps because of his personal attachment to the natural beauty of the county, he decided to defend its preservation. Lake was a Baltimore city resident and an accomplished trial lawyer.¹⁴³ Lake called twelve witnesses, who all testified that the condition of the Herring Run stream was worst now than it was before 1921, that the smell was bad, and that people no longer

¹³⁷ Id.

¹³⁸ Id.

¹³⁹ Id.

¹⁴⁰ Id.

¹⁴¹ *Id* at 201.

¹⁴² *W.C. Chesnut Dies at Age 89 At His Home*, BALT. SUN, Oct. 17, 1962 at 1.

¹⁴³ *Lewis W. Lake, Lawyer, Dies*, BALT. SUN, Sep. 10, 1970 at 1

used the stream to drink or swim.¹⁴⁴ Mrs. Caretti testified that she first noticed the water was bad when children who played in and drank from the stream started getting sick.¹⁴⁵



Broring Building Company was represented by George Arnold Frick and J. Charles Linthicum. You might recognize the latter's name because Linthicum was also a part owner of the company he was defending. J Charles and Seth Linthicum had a law practice together called J. Chaz Linthicum and Bro.¹⁴⁷ In addition to being a trial lawyer, at the time of this litigation Linthicum had been a Maryland state senator for twenty years.¹⁴⁸ As a senator, he was known as a staunch opponent of prohibition and its enforcement.¹⁴⁹ As Broring's defense attorney

however, Linthicum attempted to discredit some of the plaintiff's witnesses by questioning whether the reason people no longer came to visit was because they could no longer drink alcohol.¹⁵⁰ The county had recently become a "dry" county, and by the time this suit occurred, prohibition was in effect nationwide and in Baltimore city.¹⁵¹ However, this contention was successfully disputed by the witnesses, by saying that they visitors only drank when it was legal.¹⁵² His co-counsel Frick was also a state senator and proponent of state rights.¹⁵³

¹⁴⁴ BALTIMORE CITY CIRCUIT COURT NO. 2, *supra* note 60, at 110

¹⁴⁵ *Id at* 159.

¹⁴⁶ Picture from <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000340%29>, November 9, 1998
Picture depicts J. Charles Linthicum around 1932.

¹⁴⁷ *J.C. Linthicum Dies; Foe of Prohibition*, *supra* note 98

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ BALTIMORE CITY CIRCUIT COURT NO. 2, *supra* note 60, at 159

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *George a. Frick Dies at Relay at Age of 80*, BALT. SUN, Nov. 25, 1941. at 1.

The Defense called 15 witnesses, all who testified that there was a smell, but that the conditions were not as bad as the plaintiff's witnesses testified.¹⁵⁴ They also said that most of the pollution in the stream was caused by sources other than the sewage, like waste from Brehm Brewing Company, a brewery that owned land and operated a Brewing Company near Herring Run before Broring bought land there.¹⁵⁵ The brewery stayed in operation even through prohibition, by producing soda instead of beer until 1933.¹⁵⁶ However, the plaintiff's lawyers succeeded in showing that even if there was pollution present before Broring owned the land, that Broring built and maintained the sewer system which emptied into the stream, and that the stream was more polluted after their sewer was completed than before.¹⁵⁷

After arguments were heard, Judge Stanton ruled in favor of Broring Building Company, distinguished the *Neubauer v Overlea Realty Co*, (142 Md. 87) from the Carettis' case. The former was a case involving a "rural development beyond city lines", the sewer plan was different than in the Carettis's case, the parties hadn't applied for approval from the health authorities for Baltimore county, and the system was a private and independent system.¹⁵⁸ The court said that in contrast, the plaintiffs are residents of the city, complaining about "a sectional development of the sewer plan of the city, continuously under the supervision of the sewerage commission and the Health Department of Baltimore City."¹⁵⁹

The court believed this was not grounds for an injunction. Stanton felt that living in the city meant having to put up with certain inconveniences associated with urban living, like

¹⁵⁴BALTIMORE CITY CIRCUIT COURT NO. 2, *supra* note 60, at 345

¹⁵⁵ *Id.*

¹⁵⁶ <http://www.livebaltimore.com/neighborhoods/list/belairedison/>

¹⁵⁷ BALTIMORE CITY CIRCUIT COURT NO. 2, *supra* note 60, *Id* at 348.

¹⁵⁸ *Id.* at 30

¹⁵⁹ *Id.*

increased noise and pollution.¹⁶⁰ Stanton was born in Granite, a farm in southeastern Baltimore County.¹⁶¹ When he was young, his parents moved Stanton and his 5 siblings to West Baltimore, where he grew up.¹⁶² Perhaps his ruling against the Carettis reflected the way he and his family had to adapt to urban life upon their move from rural Baltimore County to Baltimore city, and his lack of sympathy for the Carettis' plight. Stanton did allow that if the plaintiff could find special damage to himself, then he could have an action against Broring at law.¹⁶³

Stanton's order of dismissal was appealed by the Carettis on June 11, 1925.¹⁶⁴ The Court of Appeals of Maryland heard arguments during the October term of 1925 and Judge William Walsh filed a decision on March 10, 1926.¹⁶⁵

While the court did not find that defendant's sewage was responsible for the cutting away of the banks of the stream on the Carettis property, the court also did not agree that the City of Baltimore had sufficient interest in this suit to make it a necessary party to the suit.¹⁶⁶ The court found that since the city did not build or own the sewer and it only supervised the sewer for 4 or 5 years, it could not have acquired ownership by prescription.¹⁶⁷ The city might never exercise its right under contract to acquire the sewer, and might not supervise or use the sewer for the prescriptive period of 20 years.¹⁶⁸ Since the city only exercises limited supervision over the sewer, the city did not have a proprietary interest in the sewer and the general duty of the city to supervise or inspect sewers was not enough to make it a necessary party to this suit.¹⁶⁹

¹⁶⁰ Id.

¹⁶¹ *Judges Stanton, Once Police Commissioner, Dies at 86*, BALT. SUN, Jul. 4, 1956, at 1

¹⁶² Id.

¹⁶³ BALTIMORE CITY CIRCUIT COURT NO. 2, *supra* note 60, at 30.

¹⁶⁴ Id.

¹⁶⁵ *Caretti*, *supra* note 58, at 198

¹⁶⁶ Id. at 200.

¹⁶⁷ *Id* at 201.

¹⁶⁸ Id.

¹⁶⁹ Id.

In the Court of Appeals, Judge Walsh made almost no distinction between the Carettis's case and the *Neubauer* case.¹⁷⁰ Using language from that case, the court stated that because of pollution of the stream by the defendant the land can't be used for domestic or other purposes that appellant had used it for in the past.¹⁷¹ The fact that the stream was polluted by other sources or that it may never have been fit for human consumption did not justify the defendant's acts.¹⁷² Like in Broring's case, the defendant in *Neubauer* contended that he no longer owned the houses from which the sewage flowed, and thus was in no position to remedy the pollution in the stream.¹⁷³ The court answered that not only did the defendant construct and maintain the drainage and sewer system, but in selling these houses, it did not sell to the purchasers the bed of the streets, or the pipes laid in the bed.¹⁷⁴ In addition since the defendant planned to continue building houses and construct the same sewer system for the other streets, further injury to the plaintiff's property will result.¹⁷⁵ The court held that since the sewers that Broring built were adding pollution to the stream, the Carettis could not use their property in the ways they formally had used it, and an injunction was proper.¹⁷⁶

Broring contended that granting an injunction would be very difficult for not only the company, but also for the owners of the houses connected to the sewer.¹⁷⁷ While the court recognized this, it also felt that much of the damage caused by the sewer could be alleviated by providing additional means of treating the sewage before it can enter the run.¹⁷⁸ Yet since the sudden closing of a sewer would create a "very serious situation", the court remanded the case to

¹⁷⁰ Id. at 200

¹⁷¹ Id.

¹⁷² Id.

¹⁷³ Id.

¹⁷⁴ Id. at 201

¹⁷⁵ Id.

¹⁷⁶ Id.

¹⁷⁷ Id.

¹⁷⁸ Id. at 202

the trial court with instructions to grant an injunction unless within “a reasonable time as the lower court may deem proper”, Broring changed its sewer system so that it no longer injured the Carettis’ property.¹⁷⁹

This ruling did not mark the end of the Carettis’ fight for their land. In 1926, the plan for Herring Run Valley, originally thought up by Olmstead, and advocated by the Highway Engineer and New Annex League, began execution. In the same month that oral arguments were heard in the Court of Appeals for their case against Broring Building Company, the Carettis found themselves in another legal dispute. The city solicitor had instituted condemnation proceedings for the Caretti property and others who had riparian rights to Herring Run stream.¹⁸⁰ This included the Webers and the Coxons, both people who testified on behalf of the Carettis in their suit against Broring.¹⁸¹ The city planned to condemn the properties “for sewerage purposes”.¹⁸²

In *Mayor and City Council of Baltimore vs Caretti*, Lake, again representing the Carettis argued that the City had no right to condemn the property of the Carettis.¹⁸³ Further that if they did have the right to take the property, than the defendants were entitled to the value of the property taken, and the damage they will suffer in consequence of the condemnation and taking of their property.¹⁸⁴

Unfortunately for the Carettis, the city did have the right. This right came from a recent ordinance set out by the Maryland general Assembly, the Mayor and City Council of Baltimore, and approved by voters at the end of 1924.¹⁸⁵ This ordinance authorized the Highway Engineer of the city to “acquire, by purchase or condemnation, any sanitary or storm water sewers or

¹⁷⁹ Id.

¹⁸⁰ Baltimore City Archives, Law Department, Case Files, Mayor & City Council vs. Louis Caretti and Lucia Caretti. Condemnation of property, 1925, case no. 45,462, box no. 378 [MSA BRG13-2-7-1, BC/29/10/042] at 12

¹⁸¹ Id.

¹⁸² Id.

¹⁸³ Id.

¹⁸⁴ Id. at 6.

¹⁸⁵ Id. at 8

sewage disposal plants”.¹⁸⁶ The city solicitor said that the acquisition was needed for “extending and augmenting the sewerage system of Baltimore City”, and that all parts of “the stream or drain called Herring Run” that was located on the Caretti, Coxon, and Weber property was to be condemned in order to give the city all right, title, and interest to it.¹⁸⁷

In 1925, the city said that since they could not come to an agreement with the Carettis on a price for their rights, all rights to the stream would be acquired by condemnation, yet by the next year this would not be necessary.¹⁸⁸ In April of 1926, the City purchased 110-acre tract of land on Herring Run at a cost of \$165,000, authorized by the Board of Estimates. In July 1926, the city acquired 55 acres of land for Herring Run Park.¹⁸⁹ They bought 33 acres of land from Jon and Anna Vogt for \$40,300, 19 acres from Robert and Mary Coxon for \$43,000, and three acres from Louis and Lucia Caretti for \$4,000.¹⁹⁰

The acquisitions the city made of Herring Run in 1926 comport with the plans laid out by Olmstead back in 1902.¹⁹¹ The city was able to create grand, natural parks within the city limits, increasing the attractiveness of the city. And while it might seem as if the Carettis sacrificed three years of their time, energy, and money in a futile attempt to preserve their property and the stream that flow through it, it is actually more likely that the Carettis got exactly what they wanted. It is doubtful that even if Broring had found some way to ameliorate the effects of their pollution in the stream (and there is no evidence that they ever did), that the stream would be returned to its original condition. People would not be able to swim, fish, or drink water from the stream, at least not in the Carettis lifetime. They were granted an injunction against Broring, but

¹⁸⁶ Id.

¹⁸⁷ Id. at 12

¹⁸⁸ Id. at 16.

¹⁸⁹ *Authorizes \$96,360 Purchase for Park*, Eve. Sun, August 1918, at 7

¹⁹⁰ Id.

¹⁹¹ Id.

before “a reasonable time had passed” for Broring to remedy the pollution, the City condemned their property, denying them any further remedy against pollution of the stream. The City then acquired three acres of land from the Carettis. Since the stream was now useless to them, it would have been a great consolation that the City paid them for their rights to the stream. Although there is little information on what happened to the Caretti family, aside from that they were buried in Holy Redeemer cemetery in Baltimore, it is safe to assume that they continued to live as farmers on their remaining 5 acres of land, only \$4,000 richer.

VIII. Modern Day Herring Run



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In 1972, the Herring Run Watershed Area was defined as the geographic land mass which drains into Herring Run, and this area housed about 20% of the total population of the City.¹⁹³ Unfortunately, Herring Run stream and the watershed area was plagued by flooding and pollution.¹⁹⁴ In that same year, state senator John Carroll Byrnes, chairman of the Mayor’s Advisory Committee on Herring Run, was instrumental in securing funding and creating awareness of the need to improve Herring Run Stream Valley. His committee realized that it was

¹⁹² Photo from, <http://audubonawe.squarespace.com/herring-run/>, November 2010
Photo shows a portion of Herring Run Park and stream.

¹⁹³ Byrnes, John Carroll. *Report: Improvement and Conservation Plan of Herring Run Stream Valley*. At 1.

¹⁹⁴ Id.

a mistake to build a sewer system in the stream valley back in the early 1900's.¹⁹⁵ This construction led to erosion of the banks of the stream, which in turn led to the breakdown of the sewer system, which polluted the stream and adversely affected the rest of the area.¹⁹⁶

His committee voted to coordinate “a massive annual clean-up of the entire Herring Run”.¹⁹⁷ They recommended rebuilding the sewer lines outside the stream valley in developed areas, even if it is more expensive.¹⁹⁸ In the alternative, the committee suggested a labor protection program for existing sewer lines to guard against flooding.¹⁹⁹ While the city eventually decided to implement the alternative strategy, these plans show a shift in priority from expense and expediency to protecting the stream valley from destruction and minimizing maintenance.



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In 1973, upon the committee's recommendations, the City agreed to implement a two part plan to conserve and rebuild the Herring Run Stream Valley Park system.²⁰¹ The first phase of the plan was to ask citizens in the community what they wanted in terms of maintenance and recreation.²⁰² Byrnes and the committee recognized the importance of taking decisions on landscape and infrastructure out of the hands of businesses and take into account what is in the

¹⁹⁵ Id.

¹⁹⁶ Id.

¹⁹⁷ Byrnes, John Carroll. *Annual Report: Mayor of Baltimore City's Advisory Committee on Herring Run*. 4th, 1975.

¹⁹⁸ Byrnes, *supra* note 197 at 3.

¹⁹⁹ Id.

²⁰⁰ John Carroll Byrnes, www.msa.md.gov/msa/speccol/sc5100/sc5123/000001/html/byrnes.html

²⁰¹ Byrnes, *supra* note 200, at 3

²⁰² Id.

best interest of the citizens in the community that live there. The second phase dealt with controlling flooding, erosion, and pollution, which is still an ongoing effort.²⁰³

In 1977, the condition of the Run was evaluated by the State Department of Natural resources.²⁰⁴ The Baltimore City Department of Planning nominated Herring Run as a “critical area of land use” to the State Department of Planning.²⁰⁵ They added a comment that “the Herring Run Stream Valley Park System is suitable for conservation; Development should be geared to public enjoyment of the park’s natural characteristics, recreation, cultural, and educational potentials.”²⁰⁶

In 1978, the Herring Run Watershed Association was created and is still in existence today.²⁰⁷ Their goals since then have been to preserve the natural beauty of Herring Run stream and park, and they do this by organizing stream cleanups, stream plantings, rain barrel distribution, resident education, green jobs creation, advocacy, and running a native plant nursery.²⁰⁸ However, the current state of Herring Run is that fish no longer swim, the water is not safe to drink or swim in, and the Maryland Department of the Environment has listed Herring Run as an impaired tributary because there is currently a high amount of fecal coliform bacteria, which increases the risk of contracting a waterborne illness like gastroenteritis.²⁰⁹

However, improvements have been made to the area: a bike trail, various playgrounds and playing fields, storm drainage, benches and restrooms have been added.²¹⁰ There are also regular cleanups and improvement opportunities in the area.²¹¹ The stream is also considerably

²⁰³ Id.

²⁰⁴ Byrnes, John Carroll. *Report: Baltimore’s Mayor’s Advisory Committee on Herring Run*. 1998

²⁰⁵ Id.

²⁰⁶ Id.

²⁰⁷ *Herring Run Watershed Association*, <http://baywatersheds.org/>

²⁰⁸ Id.

²⁰⁹ Id.

²¹⁰ Id.

²¹¹ Id.

cleaner than in 1926, when sewage flowed directly into it, and the area boasts an active community who take pride in helping restore Herring Run to its original state.

IX. Conclusion.

The New Annex League, adhering to Olmstead's plans, acquired the lands around rivers and streams like Herring Run to lay sewer lines parallel to the streams and develop the surrounding lands into public parks.²¹² In 1926, the City bought the land of Herring Run Stream Valley.²¹³ They planned to make Herring Run "one of the largest and best meadow parks in the country", which might be unsurpassed in "size and beauty."²¹⁴

In 1926, the Chief Engineer of Baltimore, Bernard L. Crozier, said that the land and riparian rights which were needed for the sewerage of Herring Run, "were made necessary by recent injunction cases".²¹⁵ When the city enforced water pollution laws and upheld injunctions concerning pollution, only to later acquire the lands and waters in question through condemnation, they prevented citizens from slowing down the sewerage process by taking away their standing to sue. If this had not been done, the city would likely have spent a lot of money and time defending suits over property which would inevitably become public property in the future.

By acquiring the lands containing Herring Run and the surrounding areas, the city was able to take control of the landscape of Baltimore in order to make a city of "beauty and utility". Yet if the City government continues to work with the citizens of the community to improve the area, they will likely have success returning the stream to "swimmable and fishable waters" (a goal Byrnes had hoped would be accomplished by 1985), and perhaps finally realize the

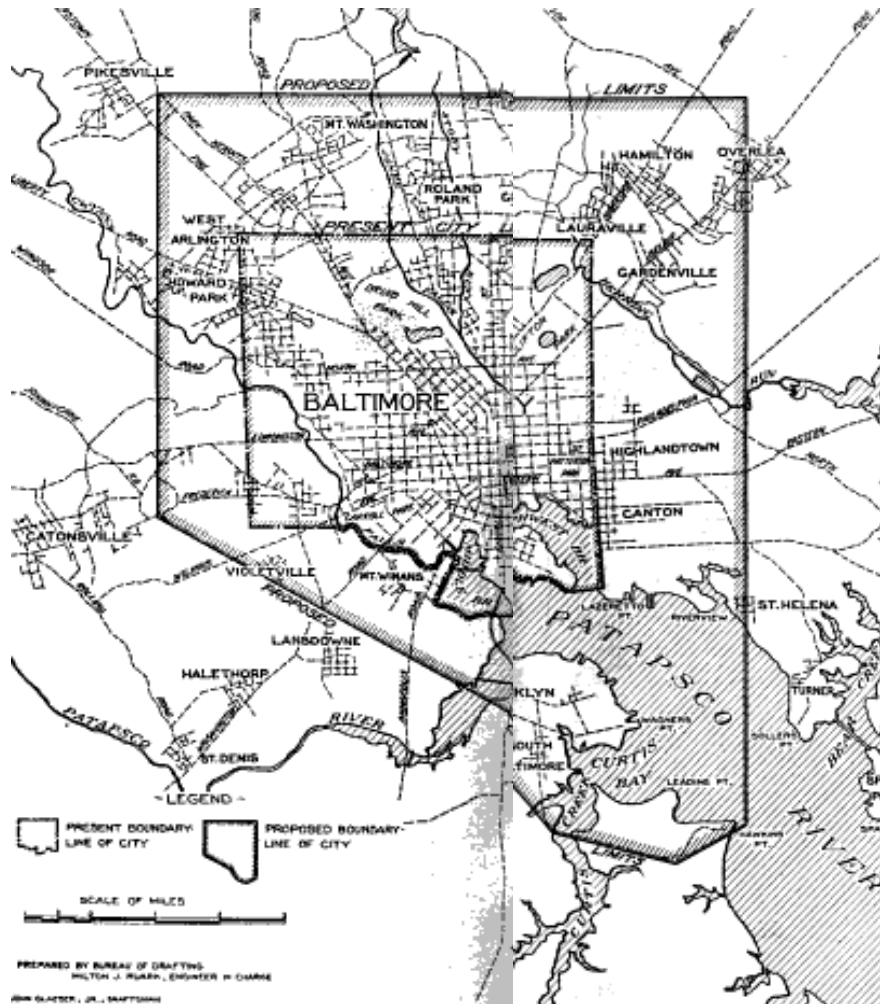
²¹² *\$30,261,500 Program Urged For New Annex*, *supra* note 109, at 1.

²¹³ *City Purchases 110-Acre Tract of Herring Run*, BALT. SUN, Apr. 14, 1926 at 1.

²¹⁴ *Id.*

²¹⁵ *Id.*

complete vision of the Olmstead and the Municipal Art Society. The park provides a peaceful contrast to the urban landscape of most of Baltimore, and although the environmental quality of Herring Run may have deteriorated, it is improving and the physical beauty of the park has been maintained.



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²¹⁶ Photo from <http://builtbaltimore.blogspot.com/2010/01/city-limits.html>, Depicts proposed city limits in 1918.



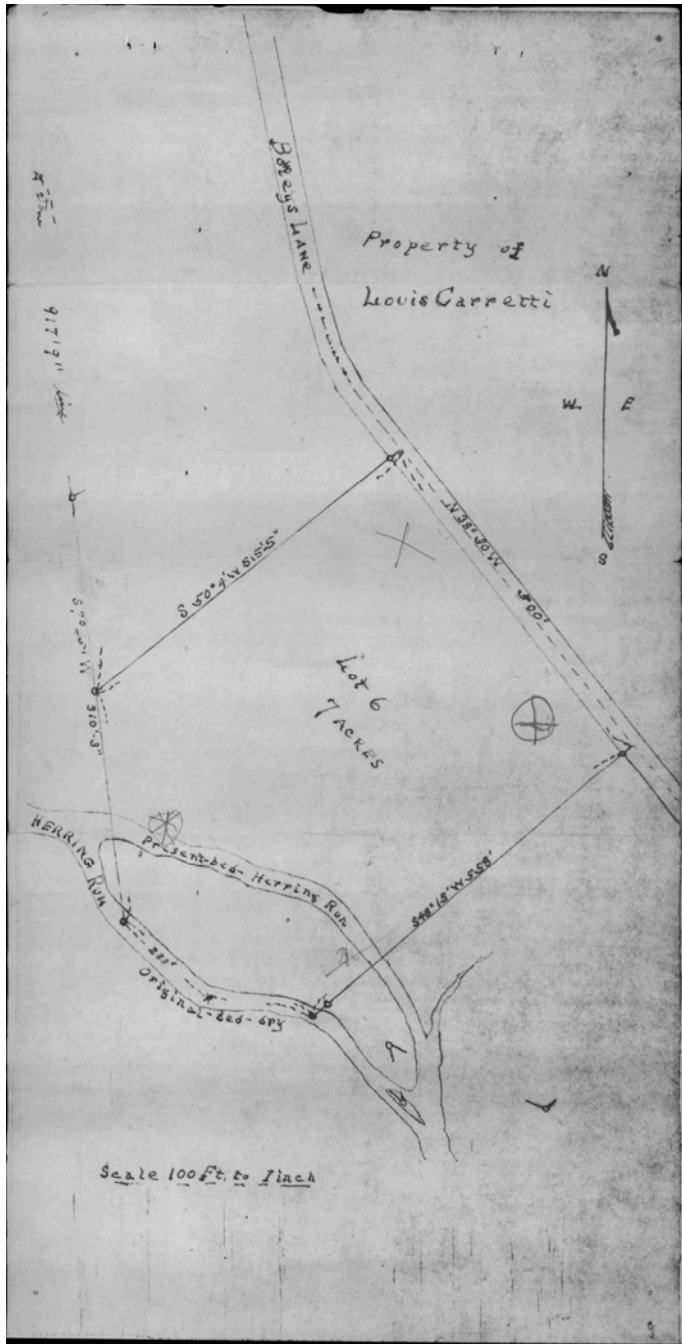
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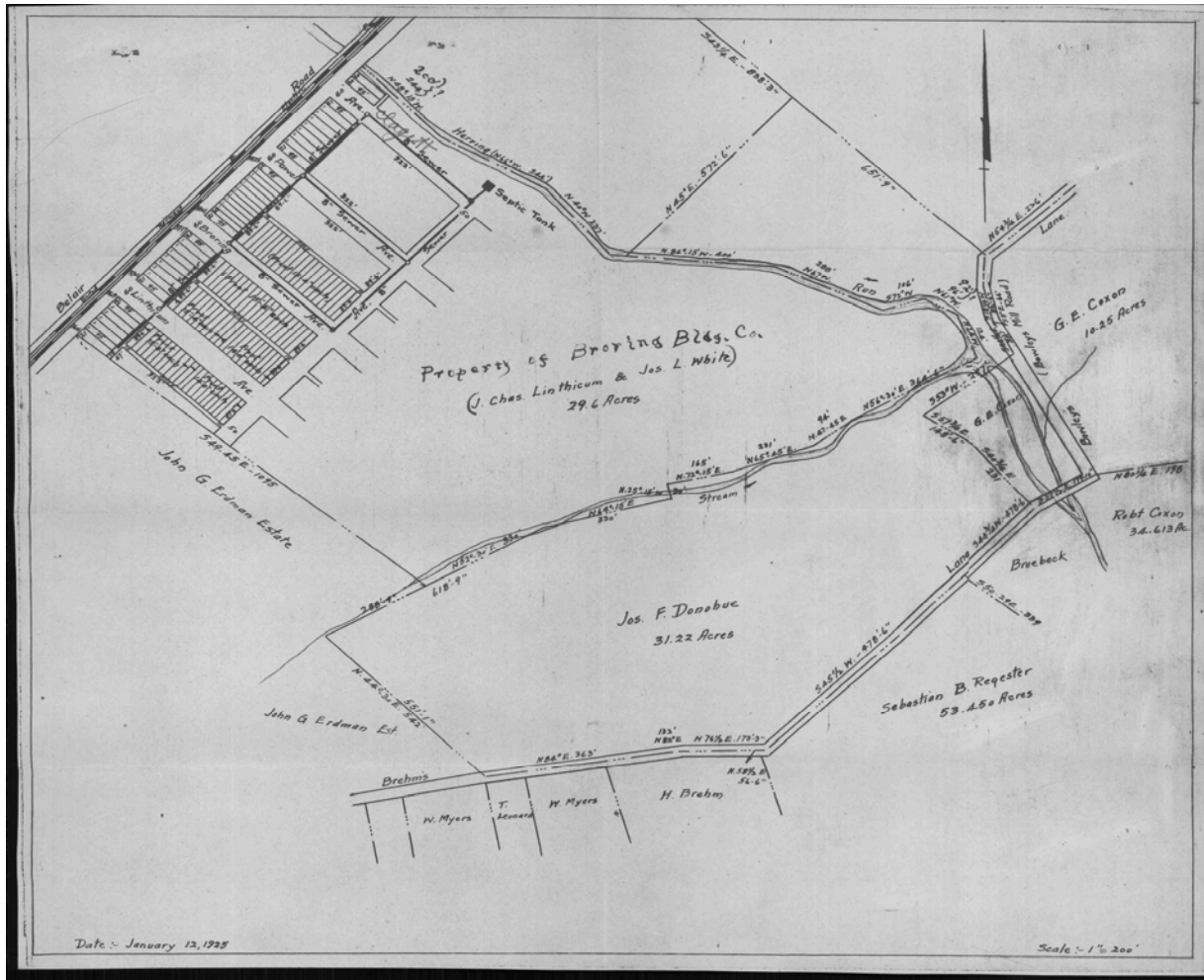
²¹⁷ Pictures from www.myspace.com/herringrunpark, Photo of present day Brehms lane.

²¹⁸ Id. A participant at an annual Herring Run cleanup.



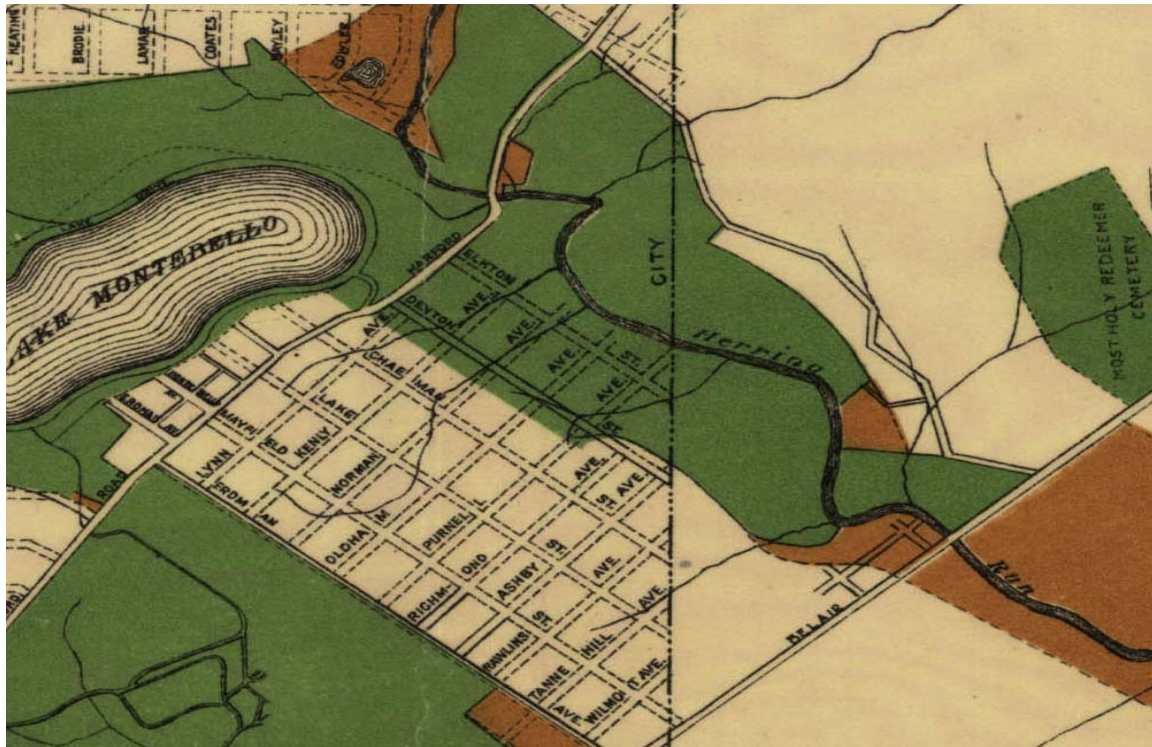
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²¹⁹ Map from Maryland State Archives, BALTIMORE CITY CIRCUIT COURT NO. 2 (Equity Papers A) Caretti v. Broring Building Co., 1925, Box 1408 Case no. 14709A [MSA T56-1320, 3/24/3/40], a t 572
 Map of Caretti Property, 1925

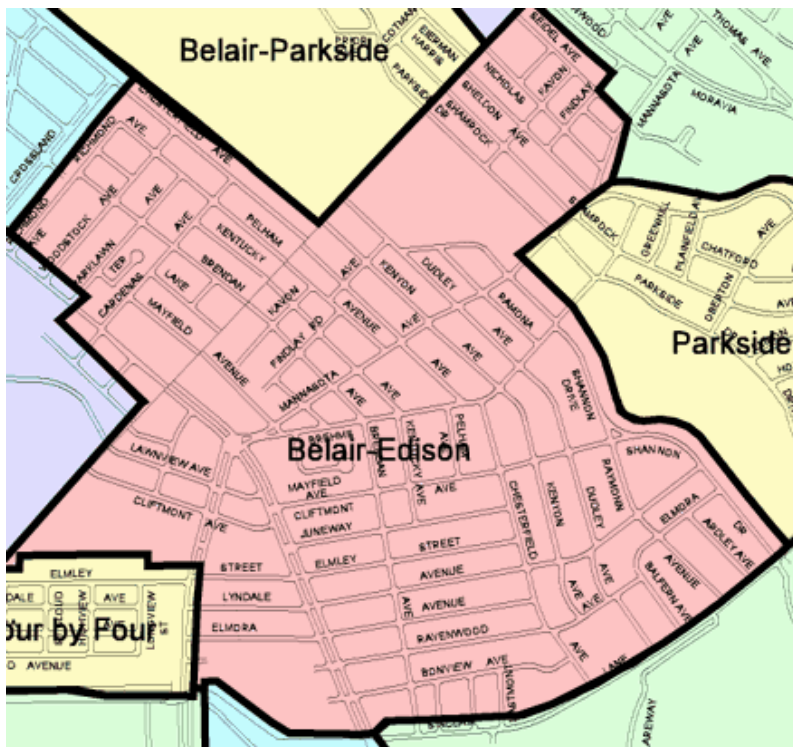


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²²⁰ Map from Maryland State Archives, BALTIMORE CITY CIRCUIT COURT NO. 2 (Equity Papers A) Caretti v. Broring Building Co., 1925, Box 1408 Case no. 14709A [MSA T56-1320, 3/24/3/40] , at 569
 Map shows property of Broring Building Company along Belair Road.



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²²¹ Map from <https://jscholarship.library.jhu.edu/handle/1774.2/33719>; A portion of a 1908 General Map of the City by the Sewerage Commission, showing the city line in 1908, Herring Run, and Belair Road.

²²² Map from <http://www.livebaltimore.com/neighborhoods/list/belairedison>; Map of present day Belair-Edison

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