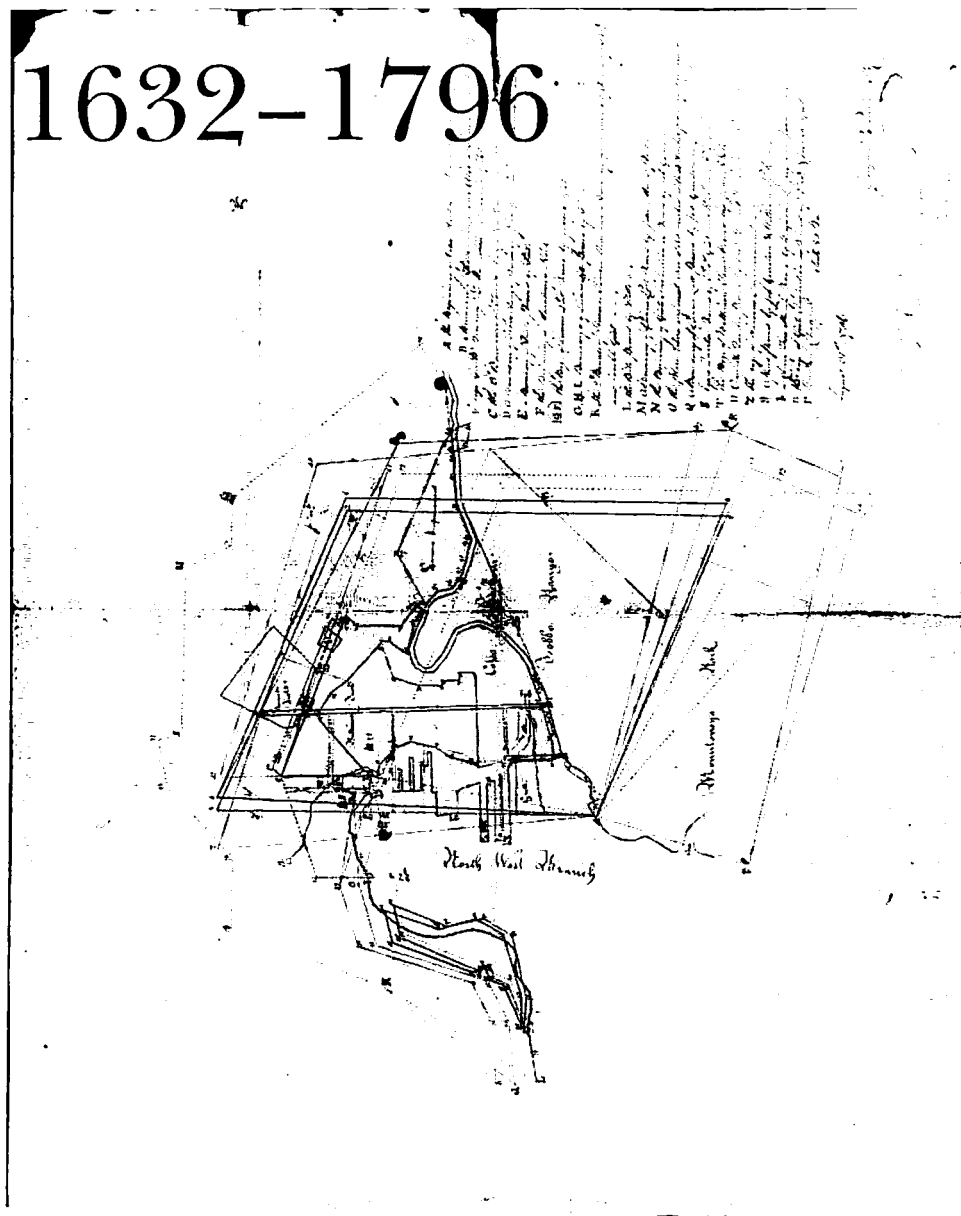


Parceling Out Land in Baltimore



Garrett Power

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IN BALTIMORE
1632-1796

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Reprinted from the *Maryland Historical Magazine*,
87 (1992): 453-66, 88 (1993): 151-80

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Printed in the United States of America
on acid-free paper

Maryland Historical Society
201 West Monument Street
Baltimore, Maryland 21201

This book has been brought to publication with the
generous assistance of the University of Maryland
School of Law

ISBN 0-938420-37-2

Cover illustration: George Gouldsmith Presbury, "A Plat of land
in Which Baltimore Town is Situated," 1786. Map 39,
Maryland Historical Society

To my wife, Penny

"Laying Out Baltimore Town, January 12, 1730." (Maryland Historical Society.)



Parceling Out Land in the Vicinity of Baltimore: 1632–1796, Part 1

GARRETT POWER

The following essay describes the parceling out of land in the vicinity of Baltimore between 1632 and 1796. The study provides a textual, graphic, and pictorial “chain of title” from first patent to building lot. It details who acquired which parcels when, over an era beginning with the establishment of the Maryland colony and ending with the incorporation of Baltimore City.

This project came about by accident while I was preparing a study of leasehold tenure in Baltimore. My analysis was based upon eighteenth- and nineteenth-century reports of cases adjudged in the Maryland Court of Appeals¹ and upon nineteenth-century legal treatises.²

When I sought to determine who owned the land prior to the Revolution, I looked to the standard works of J. Thomas Scharf. Colonel Scharf put together in the second half of the nineteenth century a compendium of the “scattered and fragmentary facts” concerning Baltimore City and County.³ Therein I found a considerable amount of disjointed and sometimes inconsistent information concerning land ownership. But I recognized that the case reports and legal treatises provide an alternative view of the same events. By combining and comparing the Scharf materials and the legal material I was able to discern the best evidence of the chain of title.

Later, while rummaging in the map collection of the Maryland Historical Society, I came upon a survey of some of the first land patents in the Baltimore region prepared by George Gouldsmith Presbury in 1786. Presbury overlaid the sometimes conflicting metes and bounds and included a wealth of information in his notes. Working with the chain of title, and using the Presbury Plat to maintain a sense of place, I found myself in a position to set the record straight. And in the final analysis the links in this chain then could be verified in the land records found in the Maryland State Archives.

The task of describing how two thousand acres were parceled out over almost two hundred years is difficult. I try to do the job by impressing in the reader’s mind the dimensions of time, place, and personalities. The following text is ordered chronologically with reminders of the outside events shaping the times—the Catholic oppression and Glorious Revolution, the growth of the Maryland economy

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in wheat and iron, Scots-Irish migration from central Pennsylvania to Baltimore, and the American Revolution. Maps and pictures project a sense of place, even after reclamation projects began to change the lay of the land and shape of the shoreline. And enough genealogical information is included to permit the careful reader to distinguish between successive generations of Carrolls, Howards, Fells, Moales, and Smiths.

For students of the institution of property this essay will place the building blocks (patents, grants, escheats, adverse possessions, entailments, and leaseholds) on their first American footing. For observers of the human condition there is a richer drama beneath the surface. We see the haughty Carrolls becoming the richest family in the New World by operating Lord Baltimore's land office to their own advantage—insider trading eighteenth-century style. The activities of the brothers Fell call to mind the stereotype of Quaker businessmen, given to good works in public matters but sharp traders in private affairs. Finally, consider the promise of this new land as evidenced by the lyrical quality of the first place names—David's Fancy, Lunn's Lott, Whetstone Point, Mountney's Neck, and best of all, Bold Venture, which we will see was literally stuck in the mud of the harbor basin.

Establishment of the Maryland Colony. Early in the seventeenth century King James I promoted the settlement of North America. Among the adventurers was George Calvert who visited twice with a view toward locating land suitable for a colony. Calvert was the son of a Yorkshire landowner. In 1625, as a reward for loyal service, the Crown had granted him the title of Lord Baltimore and a twenty-three-hundred-acre barony in Ireland. But the rents he received were insufficient for his ambition; the prospect of riches in the New World remained irresistible.⁴

In 1632, after several false starts (and the death of both of the first principals), King Charles I granted to George's eldest son and heir, Cecilius Calvert, the land north of the Virginia settlement. The charter made the second Lord Baltimore "monarch of all he surveyed"—absolute lord and proprietor of the province and the head of its government. Maryland's first proprietor was empowered to create a feudal dynasty in the wilderness.⁵

Proprietary Land Grants. The profitable course for Lord Baltimore was to encourage settlement by those who would bring the new colony into agricultural productivity. To promote immigration and settlement, Calvert granted headright allotments of the sort employed in Virginia. He first offered one thousand acres of land to gentlemen who would transport five yeoman of working age to the new colony but by 1652 had reduced the allotment to fifty acres for every such person imported. A secondary market developed in which headright allotments were bought, sold, and pooled, thereby entitling the holders to patents of two hundred, three hundred, and four hundred acres.⁶

At first no cash payment was required for the acquisition of land. The proprietor took his profits through quit-rents and alienation fines. Rents were due in perpetuity at a rate of four shillings per hundred acres, per annum; fines, equivalent to one year's rent, were payable every time the land changed hands.⁷

Patents in the Baltimore Vicinity. The establishment of Baltimore County in 1659 created a flurry of interest in the unsettled land surrounding the northwest branch of the Patapsco River.⁸ The first settler may have been David Jones, who in 1661 staked a claim to three hundred eighty acres called Jones his Range (hereinafter Jones' Range) on the east side of the freshet that flowed into the basin from the north (map 1). He built a residence on the bank and gave his name to the Jones Falls. Just to the east, Alexander Mountney received a patent in 1663 to the two-hundred-acre Mountney's Neck, which straddled a stream from the northeast that came to be called Harford Run. To the south and east, Long Island Point, a one-hundred-acre tract which hooked west into the basin, was first patented to William Poultney in 1671. On the east side of that peninsula, John Copus in 1683 received a grant of one hundred acres soon to be known as Copus Harbour.⁹

The most expansive grant was the result of a 1668 resurvey of five hundred fifty acres for Thomas Cole, a tract cut in half by the Jones Falls and including Jones' Range. Called Cole's Harbour, it was bounded to the south by about one-half mile of Patapsco waterfront. Cole apparently put the parcel together by acquiring on the private market the warrants for six headright allotments of fifty acres each (originally claimed for transporting settlers) and adding to it an estimated two hundred acres of Jones' Range.¹⁰

Cole may have thought Jones's tract was up for grabs because David Jones had not obtained a warrant on the land he had occupied since 1661. Under the procedures adopted by the Lord Proprietor, a warrant ordering a survey of the appropriate number of acres was the preliminary step in obtaining a patent. Only after a certificate of survey had been returned would the proprietor's agent issue a patent. From the first, speculators like Jones took up surveyed land but stopped short of obtaining a patent—thereby avoiding payment of the annual quit-rent of four shillings per hundred acres. To protect their seniority they relied on a clause common to all warrants which precluded the staking of a claim to land previously surveyed. But Jones did not get around to obtaining a warrant until 1677 (and his patent in 1678), long after the patent for Cole's Harbour. His title to Jones' Range may have been junior to Thomas Cole's patent to Cole's Harbour.¹¹

West of Cole's Harbour lay land more suitable for agriculture. Two hundred acres, more or less, had been patented there to Edward Lunn in 1673 and called Lunn's Lott. Adjoining it to the south was Timberneck, two hundred acres with frontage on the Middle Branch of the Patapsco River patented to John Howard of Anne Arundel County in 1668.¹²

Patents were also issued on the peninsula between the northwest and middle branches of the Patapsco. In 1668 Upton Court, containing five hundred acres, was patented to David Poole. In 1672 David Williams received one hundred acres—David's Fancy—between Upton Court to the east and John Howard's Timberneck to the west. And in 1661 fifty acres called Whetstone Point at the tip of the peninsula had been patented to Charles Gorsuch. These first patents, which turned out to be within the precincts of Baltimore, are shown on Map 1.¹³

The State of Land Titles. Title to these lands was by no means settled, for the system of granting patents led to irregularities. Monuments were perishable, surveys careless, and boundaries often in doubt. Would-be landowners sometimes bribed the surveyor to give them a "surplusage."¹⁴

Such vagaries led to an enormous number of boundary disputes in the proprietary period. A landholder discovering that a survey encroached on his parcel might enter a caveat with the proper official to prevent issuance of the patent; if he missed this opportunity the patent was issued and the marketability of title to the disputed strip was left in doubt.¹⁵ Litigation concerning the boundaries between Mountney's Neck, Cole's Harbour, Lunn's Lott, Timberneck, and David's Fancy persisted into the early nineteenth century.¹⁶

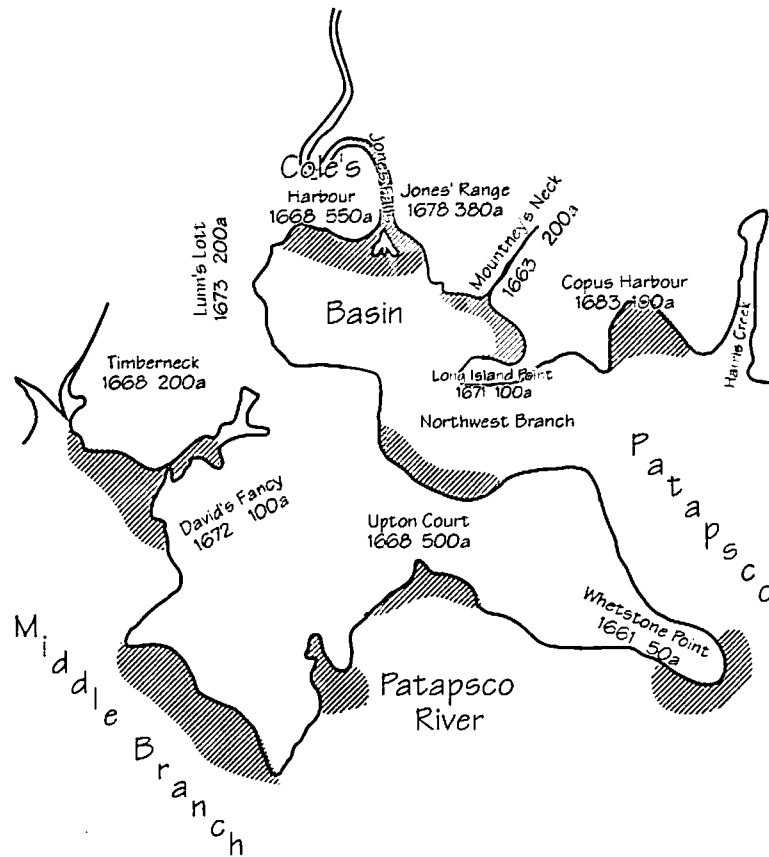
Even after a marketable patent was issued, title questions lingered. All grants were made subject to "conditions of plantation." Among these conditions were requirements that the taker-up pay the annual quit-rent and a fine for alienation for each subsequent transfer. If these sums went unpaid, the parcel might revert to the proprietor.¹⁷

Further complicating land titles was a provision in the charter which gave Lord Baltimore the right of escheat when a patentee died without a will and without heirs. In a wilderness populated by semi-literate people without known relatives this occurred with some frequency. Moreover, in practice the doctrine of escheat was loosely applied to all instances in which land returned to the proprietor—whether because of failure of issue or violation of condition. There is some evidence that the lands of both David Jones and David Williams escheated to the land office.¹⁸

Political events also confounded the titles to Maryland lands. In 1684 the incumbent proprietor, Roman Catholic Charles Calvert, repatriated to England in an effort to protect his interests from Protestant intrigues. He was less than successful. In 1689, following the Glorious Revolution, the Crown deposed the third Lord Baltimore of his Maryland sovereignty, leaving him with nothing but his right in the soil. Calvert stayed in England, appointing co-religionist Henry Darnall as his chief agent and delegating to him the operation of a land office.¹⁹

James Todd's Consolidation and Subdivision. When in 1692 Darnall took over operation of the land office, most of what was to become the precinct of Baltimore remained vacant. Perhaps Lunn's Lott was being cultivated to the west, but north of the basin lay seven rolling clay hills unsuited to agriculture. On the other hand, this land did have water power from the Jones Falls and water frontage on the basin of the northwest branch of the Patapsco River. Farmers were growing wheat in the interior, creating a need for a grist mill and a port from which to ship flour to England. Territory to the north of the basin might prove a good investment after all.

Such was the lay of the land when in 1695 James Todd arrived. The historical records tells us little about Todd except that he was a gentlemen of Baltimore County with a wife named Penelope, but the land records say a great deal. Between



Map 1: Seventeenth-century patents in the vicinity of what later became Baltimore Town.

1695 and 1701 he first acquired all of the land north of the Baltimore basin, then parceled it out among various purchasers.

James Todd claimed to be “seized in fee simple” of three tracts of land. One was called Todd’s Range, originally laid out for five hundred ten acres; another was the two-hundred-acre Mountney’s Neck. The third was called Bold Venture, said to contain one hundred sixty acres. The three tracts were contiguous. Since Todd made his acquisitions prior to 1715, when the public registry of the ownership of land was first mandated by the Assembly, it is unclear how he consolidated the parcels.²⁰

Todd’s Range was a 1698 resurvey of Cole’s Harbour with the size reduced from five hundred fifty to five hundred ten acres. Left unexplained was the missing link in the chain of title between Cole and Todd, though there is some evidence that Todd was in possession “under authority of his mother under some contract, not under any other title.”²¹

James Todd received a deed from Robert Blunt to the two-hundred-acre Mountney’s Neck in 1695, but Blunt’s claim to title was itself undocumented. Some

documents of title were in evidence—Alexander Mountney's original patent from 1663 and a deed from Samuel and Ann Wheeler to David Jones in 1685. These indicia of ownership, however, were unconnected to Blunt. In the final analysis the strength of Todd's title to Mountney's Neck was that he took possession, and no successors in interest to Mountney or Jones were forthcoming.²²

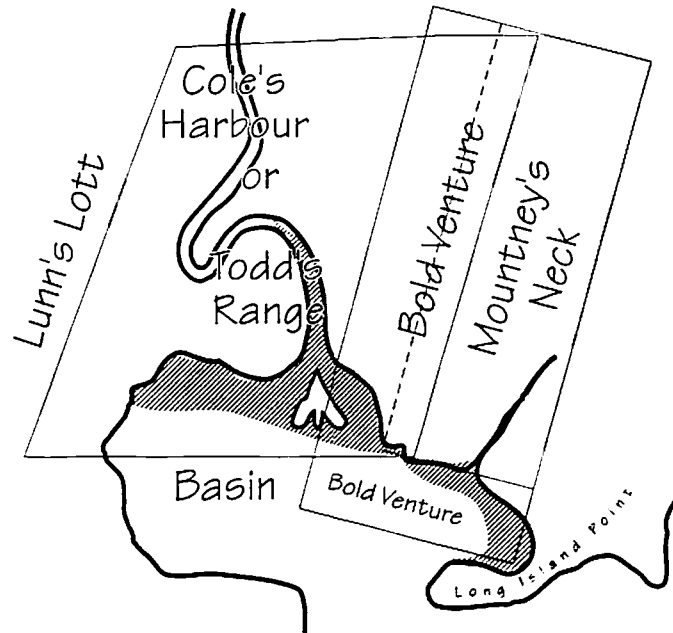
The patent to Bold Venture was of then-recent origin. Its one hundred sixty acres were in the shape of a boot, with the legging slipped in between Mountney's Neck and Cole's Harbour and the foot submerged beneath the waters of the Northwest Branch. It had been granted to John Oulton in 1695 and, as was often the case, its boundaries overlapped those of its neighbors. Mountney's Neck was originally described as having a width of one hundred perches, but apparently the surveyor laid out a tract with a width of one hundred forty perches. With the legging of Bold Venture the surveyor purported to reclaim this "surplusage" for Oulton, and then some.²³ Todd's claim to Bold Venture was at best dubious. The historical record indicates that Captain John Oulton was still very much alive and still interested in the patent; in 1707 he would obtain a warrant of resurvey for the tract. No evidence has been found to link Oulton to James Todd.²⁴ By 1701 James Todd had pretensions to nine-hundred-odd acres of land lying to the north of the harbor basin. The patents he may or may not have consolidated are roughly plotted in Map 2.

Todd immediately began to sunder that which he had brought together. In March of that year he transferred approximately three hundred acres to John Hurst. The parcel was said to consist of one hundred thirty-five and one-half acres of Cole's Harbour which lay to the east of the Jones Falls plus a waterfront portion of Mountney's Neck estimated at one hundred sixty-four and one-half acres. The deed to Hurst carved his parcel by metes and bounds out of Cole's Harbour and Mountney's Neck without reference to Bold Venture.

In June 1701 James Todd transferred the residue of Todd's Range, Mountney's Neck, and all of Bold Venture to Charles Carroll. Since the Hurst claim was prior and more explicit, Carroll presumably had no rights in the fast land portions of Bold Venture waterfront; Carroll's Bold Venture rights if any were in the submerged portion.²⁵

This division, which laid the groundwork for the subsequent parceling out of eighteenth-century Baltimore, is depicted in Map 3. Carroll's portion of Todd's Range was destined to become the location of Baltimore Town and the Hurst tract to become the site of Jones Town, commonly called Old Town.

Charles Carroll the Settler. Charles Carroll, an Irish Catholic gentleman, had come to Maryland in 1688 to serve as the proprietor's attorney general. In 1689, soon after his arrival in Maryland, he lost his job and political rights to the Protestant government. Thereafter he devoted his considerable energies and ambitions to getting rich as a land speculator. In these speculations he was probably aided by his father-in-law, Henry Darnall, who operated Lord Baltimore's land office. Darnall himself had been richly rewarded over the years with eighteen thousand acres of Maryland land.²⁶



Map 2: Contiguous tracts claimed by James Todd in 1701.

Charles Carroll the Settler showed vision in his selection of the parcel he bought from Todd—over the next century it would become a shipping and manufacturing center—but in the short term the holding produced little, if any, return on the investment. In 1711 Carroll did manage to sell thirty-one acres to Jonathan Hanson, who built a strong dam across the falls and put up a substantial mill that came to be called Hanson's Improvement. Other than Hanson the only inhabitant on the lands on the west bank appears to have been Carroll's overseer, John Flemming, who, farther to the west, lived on and cultivated a quarter section of tobacco until about 1718.²⁷ Hanson's Improvement and Flemming's homestead are indicated on Map 3.

Carroll the Settler continued to speculate in Maryland land. In this he was immeasurably aided when, in 1712, he succeeded his deceased father-in-law as the Lord Proprietor's land agent. That same year Charles Calvert, still residing in England, sent Carroll instructions ordering him to crack down on the speculation in warrants and other practices which deprived the proprietor of his revenues. Reports are that nothing happened.²⁸

Charles Carroll of Annapolis. Charles Carroll the Settler died in 1720, leaving a wife and four children: Charles Carroll of Annapolis (his legal heir), two daughters, and another son, Daniel Carroll. The Settler's estate was approximately ninety thousand pounds sterling and included sixty thousand acres of land which passed to the brothers as tenants in common. Among the landholdings was the claim to the approximately five hundred acres on the north shore of the Patapsco Basin. In 1723 Charles Carroll of Annapolis attained majority and assumed control of the

family's fortune. Since the Maryland Assembly excluded Catholics from the political life of the colony, the task had his complete attention.²⁹

A test of young Carroll's ability to manage the family holdings was not long in coming. His first actions were defensive. Around 1725 Edward Fell, a Quaker from Lancashire, England, set up a store within the ancient metes and bounds of Cole's Harbour on the east bank of Jones Falls (Map 3). Fell was an "enterprising land-hunter" looking for opportunities to obtain land at a discount.³⁰

Under the procedures established by his "Lordship's agent for management of land affairs within the Province," land discovered to be escheat would be patented to the discoverer at one-third the ordinary price. Fell sought escheat warrants to both the waterfront portion of Bold Venture and to all of Cole's Harbour. He employed Richard Gist to prepare surveys. The Carroll entitlement was in question.³¹

Gist's resurvey of Bold Venture laid out four and three-quarter acres of land lying beneath the navigable waters of the Northwest Branch. Notwithstanding the avouchment in the warrant that the parcel, which had come to be known as Fell's Footing, was escheat, Edward Fell never paid the required portion of the value of the land to consummate his title; no patent was ever issued. For whatever reason, Fell had come to accept that no title had devolved by escheat on the Lord Proprietor.³²

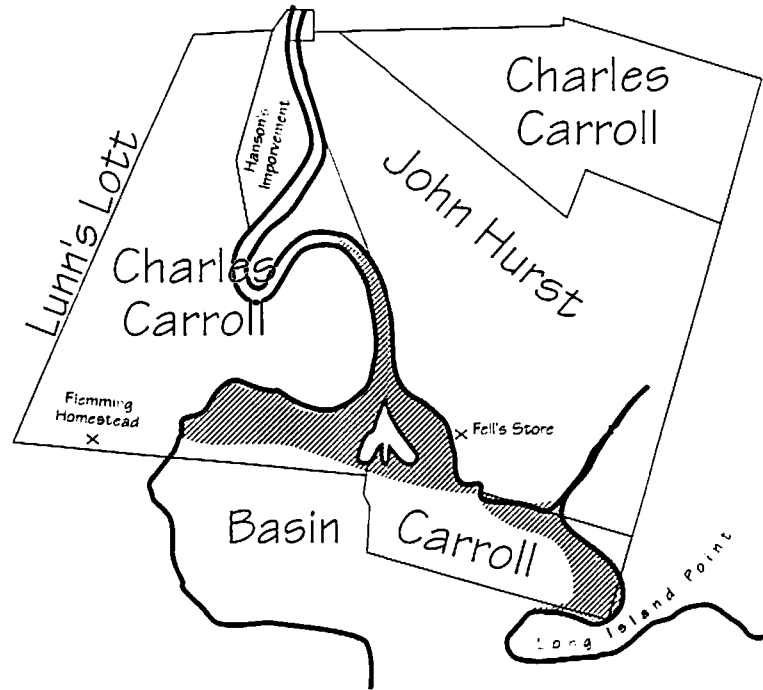
Edward Fell was more steadfast in his claim to Cole's Harbour. Return of the Gist survey showed that the sole improvements were three dwellings, a mill, tobacco houses, and orchards, and that the land was "one-half cleared and of middling quality." But when Fell asked the judge of the land office to declare the land to be escheat, Charles Carroll of Annapolis entered a caveat.³³

Details concerning the dispute between Carroll and Fell have not been found, but by working with collateral sources it is possible to lay out the issues involved. The first link in the chain of title was the 1668 patent to Thomas Cole. If Cole died owning the lands, intestate without heirs, the lands in question were subject to escheat and title would have fallen back to the proprietor.³⁴

The first link in Carroll's chain of title was a 1700 patent of resurvey to James Todd, and there was no evidence of record that Cole had assigned his rights to Todd. Hence, Carroll's chain of record title to Cole's Harbour was broken by a missing link: if it could not be filled, Fell would be entitled to a warrant of escheat to Cole's Harbour.³⁵

Under a prevailing legal fiction of the day, however, proof of twenty years possession by Carroll's predecessors in title created a presumption of validity of the patent to Todd's Range. By proving such uninterrupted possession, Carroll perfected his title, and the issued caveat denied Edward Fell his escheat warrant.³⁶

Establishment of Baltimore Town. While that dispute was still in litigation, Charles Carroll of Annapolis made his second move. In 1729 he joined with eight of the leading men of Baltimore County in petitioning the upper house of the Assembly, the governor's council, "for building of a Town, on the North side of Patapsco River on land supposed to belong to Messrs. Charles and Daniel Carroll." The petition



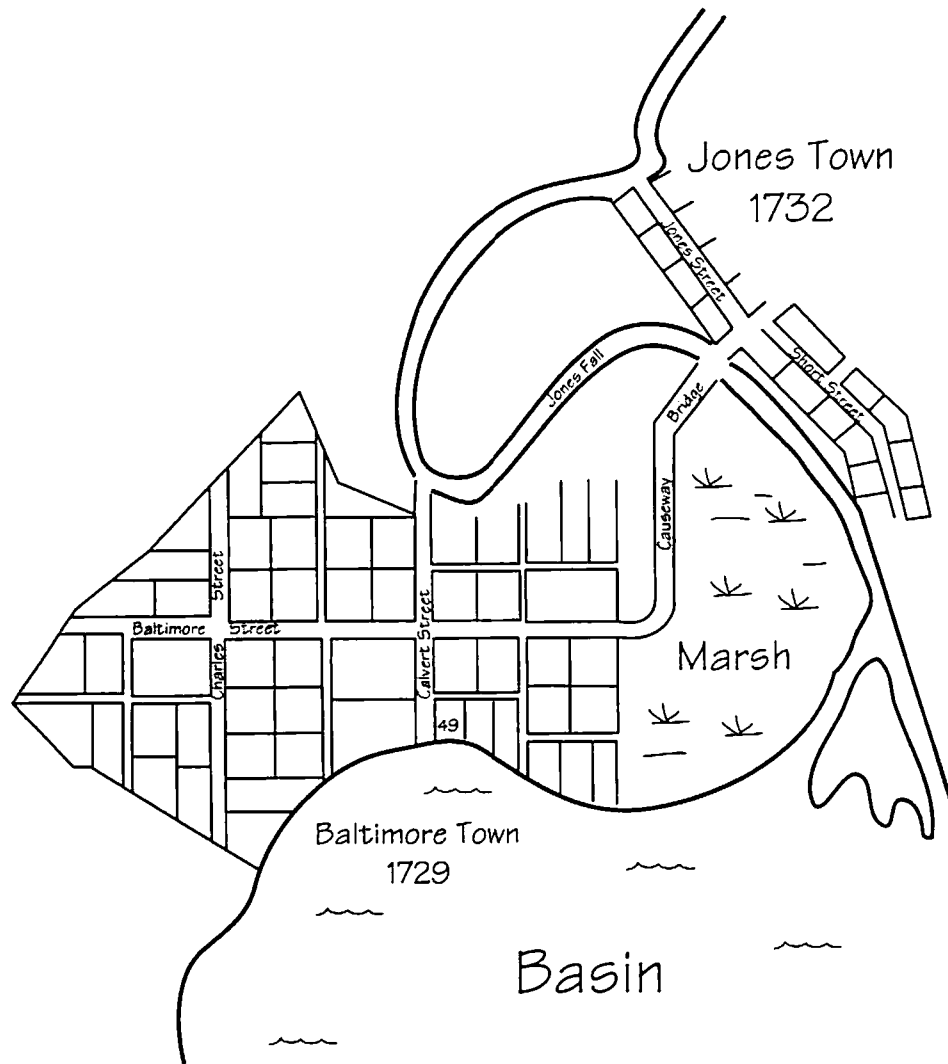
Map 3: Todd subdivision 1701.

was granted, and Carroll agreed on behalf of himself and his brother to subdivide sixty acres and to sell the lots at a price of forty shillings per acre.³⁷

The erection of towns was authorized by a 1683 Act of the Assembly for the “procuring of money and the advancement of trade.” The machinery of town government was to consist of seven commissioners, whose first duty was to select land and divide it into lots with some open space left for streets and lanes, churches, market houses, and other public buildings. The purchase money was paid directly to the owner of the land. Purchasers were required to erect an improvement within a specified period under penalty of forfeiture. The proprietor’s income came from an annual quit-rent of one penny charged to each lot.³⁸

The Commissioners laid out Baltimore Town west of the Jones Falls in the shape of an Indian arrowhead pointed west. It was traversed by three streets: Long Street (now Baltimore Street) running east and west and intersected at right angles by Calvert and Forest streets (now Charles Street). A number of paper streets and alleys were added, creating a gridiron bordered by sixty lots of approximately one acre each (Map 4).³⁹

In 1730 lots were put up for sale, and as the owner of the property Charles Carroll had first choice. He took lot number forty-nine, the prime waterfront property next to the wharf at the foot of Calvert Street. Subsequent takers were charged a fixed price of forty shillings for each lot and required to build a substantial house within eighteen months. The lots toward the river were all disposed of within a



Map 4: Baltimore Town 1729; Jones Town 1732.

number of days, but many reverted to Carroll when the conditions of improvement went unmet, and some interior lots failed to sell. During the ensuing decade and through a number of resales, reversions and re-entries the lots were eventually dispensed.⁴⁰ . . . to be continued.

NOTES

1. Harrison v. Sterett, 4 H. & MCH. 540 (Md. 1774); Helms v. Howard, 2 H. & McH. 57 (Md. 1784); Smith and Purviances v. Maryland, 2 H. & McH. 244 (Md. 1788); Howard v. Moale, 2 H. & J. 249 (Md. 1801); Browne v. Kennedy, 5 H. & J. 195 (Md. 1821); Cunningham v. Browning, 1 Bland 299 (Md. 1827); Giraud's

Lessee v. Hughes, 1 G. & J. 249 (Md. 1829); Dugan v. Baltimore, 5 G. & J. 357 (Md. 1833); Wilson's Lessee v. Inloes, 11 G. & J. 351 (Md. 1840); Casey's Lessee v. Inloes, 1 Gill 430 (Md. 1844); Wilson's Lessee v. Inloes, 6 Gill 121 (Md. 1847); Hammond v. Inloes, 4 Md. 138 (1853); Peterkin v. Inloes, 4 Md. 175 (1853); Garitee v. Baltimore, 53 Md. 422 (Md. 1880).

2. John Kilty, *The Land-Holder's Assistant* (Baltimore: G. Dobbins & Murphy, 1808); John M'Henry, *The Ejectment Law of Maryland* (Frederick-town: Herald Press, 1822); Lewis Mayer, *Ground Rents in Maryland* (Baltimore: Press of Isaac Friedenwald, 1883).

3. J. Thomas Scharf, *The Chronicles of Baltimore*, (1874; [repr.] 2 vols. Bowie, Md.: Heritage Books Inc., 1989), 1:v; J. Thomas Scharf, *History of Baltimore City and County*, (1881; [repr.] Baltimore: Regional Publishing Company, 1971).

4. Robert J. Brugger, *Maryland, A Middle Temperament: 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), pp. 3-5.

5. Lewis W. Wilhelm, *Local Institutions of Maryland*, (Baltimore: Johns Hopkins University, 1885), pp. 8-13; Mayer, *Ground Rents*, pp. 9-12.

6. J. Kilty, *Land-Holder's Assistant*, p. 30; Mayer, *Ground Rents*, pp. 12-20; Gregory A. Stiverson, *Poverty in a Land of Plenty: Tenancy in Eighteenth Century Maryland* (Baltimore: Johns Hopkins University Press, 1977), pp. 1-27; Clarence P. Gould, *The Land System in Maryland 1720-1765*, (Baltimore: Johns Hopkins Press, 1913), passim.

7. Gould, *Land System in Maryland*, pp. 16-18.

8. "Baltimore County at one time embraced all of the province lying around the head of the bay, from the Patapsco river on the west to Chester river on the east, and included the present counties of Carroll, Harford, Cecil, Baltimore and probably Kent" (Wilhelm, *Local Institutions*, p. 374); Scharf, *Chronicles*, 1:9.

9. Scharf, *Chronicles*, 1:9-10; Scharf, *History*, 1:48-50; David Jones, Jones his Range, 1678: Baltimore County Land Records (Patents) Liber 20, folio 8, Maryland State Archives (hereafter MSA). Alexander Mountney, Mountney's Neck, 1663: Baltimore County Land Records (Patents) Liber 5, folio 376, MSA. William Poultney, Long Island Point, 1671: Baltimore County Land Records (Patents) Liber 16, folio 223, MSA. John Copus, Copus Harbour, 1684: Baltimore County Land Records (Patents) Liber IB & IL No. C, folio 62, MSA.

10. Scharf, *History*, 1:48-50. Thomas Cole, Cole's Harbour, 1668: Baltimore County Land Records (Patents) Liber 12, folio 134, MSA.

11. Gould, *Land System in Maryland*, pp. 9-10, 16, 60-64; M'Henry, *Ejectment Law of Maryland*, p. 30; Mayer, *Ground Rents*, pp. 33-35; Scharf, *Chronicles*, 1:10; Scharf, *History*, p. 49. Compare David Jones, Jones his Range, 1678: Baltimore County Land Records (Patents) Liber 20, folio 8, MSA with Thomas Cole, Cole's Harbour, 1668: Baltimore County Land Records (Patents) Liber 12, folio 134, MSA.

12. Edward Lunn, Lunn's Lott, 1673: Baltimore County Land Records (Patents) Liber 17, folio 189, MSA. John Howard, Timberneck, 1668: Baltimore County Land Records (Patents) Liber 11, folio 32, MSA.

13. Scharf, *History*, 1:50. David Poole, Upton Court, 1668: Baltimore County Land Records (Patents) Liber 14, folio 121, MSA. David Williams, David's Fancy, 1672: Baltimore County Land Records (Patents) Liber 19, folios 380, 550, MSA.

Charles Gorsuch, Whetstone Point, 1661: Baltimore County Land Records (Patents) Liber 5, folio 41, MSA.

14. Gould, *Land System in Maryland*, pp. 24–27; M'Henry, *Ejectment Law of Maryland*, p. 40. The description in the patent to Mountney's Neck, for example, began as follows: "Beginning at a marked red oak, by a little branch, and running up the north-west branch west-north-west one hundred perches, over above to a white oak standing on a point . . ." See *Casey's Lessee v. Inloes*, 1 Gill 430, 436 (Md. 1844) or Alexander Mountney, Mountney's Neck, 1663: Baltimore County Land Records (Patents) Liber 5, folio 376, MSA.

15. M'Henry, *Ejectment Law of Maryland*, pp. 33–34; Kilty, *Land-Holder's Assistant*, p. 85; Gould, *Land System of Maryland*, p. 27.

16. See *Helms v. Howard*, 2 H. & McH. 57 (Md. 1784); *Howard v. Moale*, 2 H. & J. 249 (Md. 1801); *Casey's Lessee v. Inloes*, 1 Gill 430 (Md. 1844).

17. Such a reversion apparently occurred when Charles Gorsuch vacated Whetstone Point. Kilty, *Land-Holder's Assistant*, pp. 173–86; Gould, *Land System of Maryland*, pp. 28–30; Scharf, *Chronicles*, vol. 1, pp. 9–10. See *Cunningham v. Browning*, 1 Bland 299, 305–19 (Md. 1827) for a discussion of the operation of the land system in the proprietary period.

18. Kilty, *Land-Holder's Assistant*, pp. 173–86; Gould, *Land System in Maryland*, pp. 29–30; *Cunningham v. Browning*, 1 Bland 299, 305–7 (Md. 1827).

19. Kilty, *Land-Holder's Assistant*, pp. 160–64.

20. *Casey's Lessee v. Inloes*, 1 Gill 430, 436–38 (Md. 1844); Gould, *Land System in Maryland*, p. 30. James Todd, Todd's Range, 1700: Baltimore County Land Records (Patents) Liber 41 folio 2, MSA. Recall Alexander Mountney, Mountney's Neck from note 9; John Oulton, Bold Venter, 1695: Baltimore County Land Records (Patents) Liber 37 folio 443, MSA.

21. *Howard v. Helms*, 2 H. & McH. 57, 59, 78 (Md. 1784). Scharf records in some detail a prior 1696 patent called "Ely O'Carroll," which subdivided Cole's Harbour into two five-hundred-acre parcels, and transferred them to Daniel and Charles Carroll, the sons of Charles Carroll, the Settler. This account seems garbled in almost all respects. It involves twice the amount of land originally surveyed in Cole's Harbour, and the putative grantees were not to be born until 1702 and 1707 respectively. Moreover, there is no mention of a patent to Ely O'Carroll in the eighteenth-century litigation concerning title to the Carroll lands in Baltimore. For the time being it remains an unfollowed false scent. See Scharf, *Chronicles*, 1:14–15, Scharf, *History*, 1:49.

22. Robert Blunt to James Todd, "Mowtines Land," Baltimore County Land Records (Deeds) Liber TR no. RA, folio 339, MSA; Samuel and Ann Wheeler to David Jones, Mountney's Neck, Baltimore County Land Records (Deeds) Liber RM no. HS, folio 180, MSA; *Casey's Lessee v. Inloes*, 1 Gill 430, 435, 452, 489–94 (Md. 1844).

23. One perch equals 16.5 feet. A metes and bounds description of the patents is found in *Casey's Lessee v. Inloes*, 1 Gill 430, 436–438, 441, 445, 457, 472 (Md. 1844).

24. *Wilson's Lessee v. Inloes*, 6 Gill 121, 144–45 (Md. 1847) contains a copy of the 1707 survey prepared by Richard Colegate in response to Oulton's warrant.

25. *Casey's Lessee v. Inloes*, 1 Gill 430, 435, 438 (Md. 1844); see also *Harrison v. Sterett*, 4 H. & McH. 540, 541–42 (Md. 1774); *Helms v. Howard*, 2 H & McH. 57, 59–60 (Md. 1784).

26. Kilty, *Land-Holder's Assistant*, pp. 160–63; Brugger, *Maryland*, pp. 55–56; Sally D. Mason, "Charles Carroll of Carrollton and His Family, 1688–1832," in *"Anywhere So Long As There Be Freedom": Charles Carroll of Carrollton, His Family, & His Maryland* (Baltimore: Baltimore Museum of Art, 1975), pp. 11–15.

27. *Helms v. Howard*, 2 H. & McH. 57, 61 (Md. 1784); Scharf, *Chronicles*, 1:16, 19–20.

28. Kilty, *Land-Holder's Assistant*, pp. 128–33; Gould, *Land System in Maryland*, pp. 17–20.

29. Mason, "Charles Carroll of Carrollton and his Family, 1688–1832," pp. 16–18. Charles of Annapolis held a tenancy in common in the Baltimore lands with his younger brother Daniel, but held exclusive managerial power until his brother reached majority in 1728. Daniel died young in 1734, and Charles thereafter was entrusted with management of all of Daniel's estate for the benefit of Daniel's heirs. In 1754 Charles was required to reimburse one of these heirs the extraordinary amount of nine hundred pounds for breach of fiduciary responsibilities.

30. Scharf, *Chronicles*, 1:18.

31. Scharf, *Chronicles*, 1:18; *Wilson v. Inloes*, 6 Gill 121, 134–35 (Md. 1847); Kilty, *Land-Holder's Assistant*, pp. 173–77.

32. *Wilson v. Inloes*, 6 Gill 121, 135, 159 (Md. 1847).

33. Scharf, *Chronicles*, 1:18. The procedures for obtaining an escheat warrant and entering a caveat are set forth in *Cunningham v. Browning*, 1 Bland 299, 311–13 and 315–20 (Md. 1827).

34. *Browne v. Kennedy*, 5 H. & J. 195, 196 (Md. 1821); Scharf, *History*, 1:48; Gould, *Land System in Maryland*, pp. 29–30; Kilty, *Land-Holder's Assistant*, pp. 172–77.

35. *Browne v. Kennedy*, 5 H. & J. 195, 196 (Md. 1821); Kilty, *Land-Holder's Assistant*, pp. 149–50; *Helms v. Howard*, 2 H. & McH. 57, 59–60, 78 (Md. 1784).

36. Scharf, *Chronicles*, 1:18; *Casey's Lessee v. Inloes*, 1 Gill 430, 476 (Md. 1844).

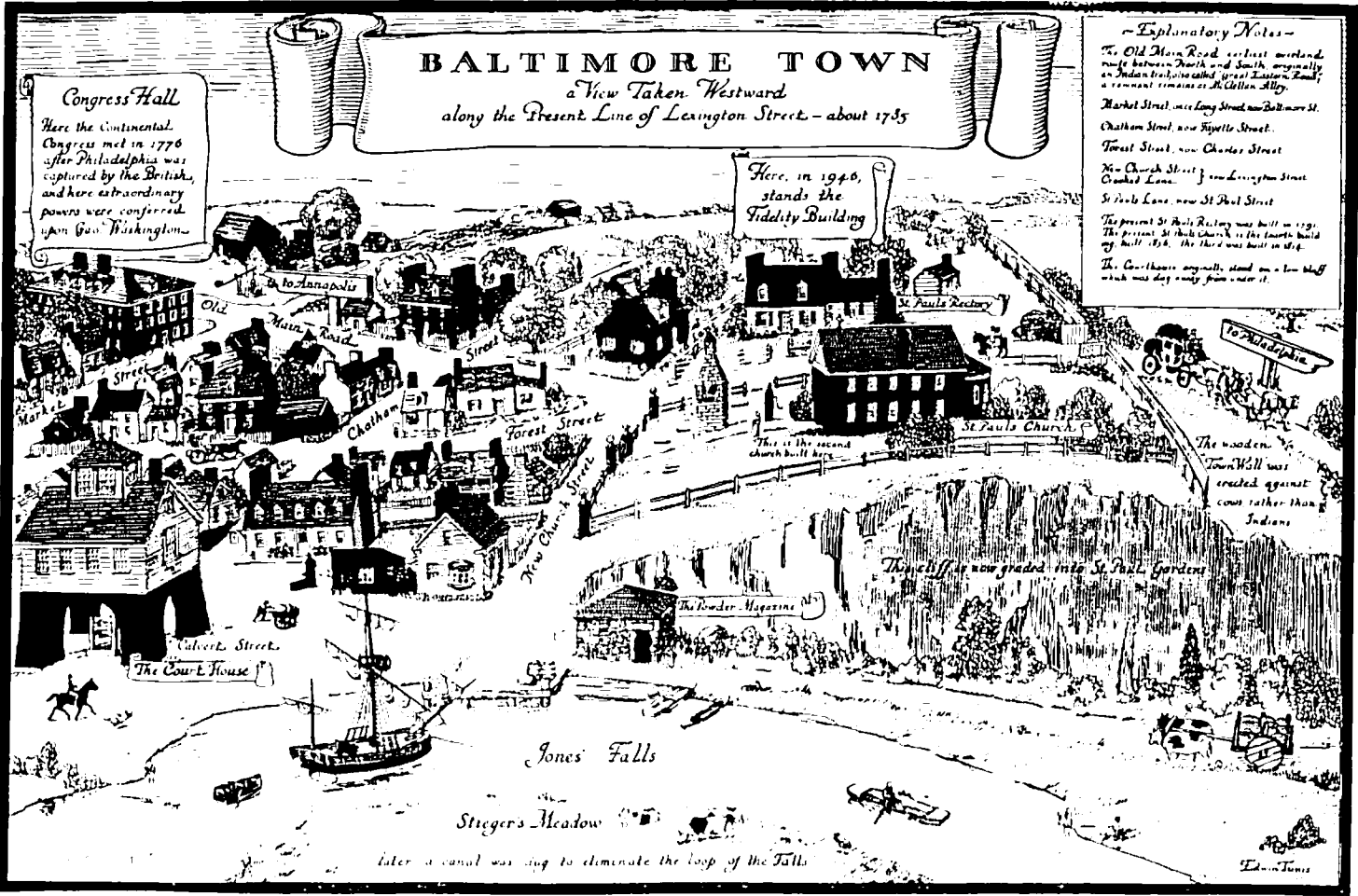
37. 1729 Md. Acts (July) ch. XII [W. Kilty, vol. 1], *Archives of Maryland* 36:464. The Acts of the Assembly were first compiled by William Kilty in 1799, under the authority of the General Assembly. The *Archives of Maryland*, reprinted by the Maryland Historical Society, were originally printed by the Lord Baltimore Press in Baltimore, Maryland in 1916, and are the only compilation of Acts of the Assembly passed prior to 1692, and are a more easily accessed source for Acts of the Assembly through 1766. Scharf, *Chronicles*, 1:18–21; Scharf, *History*, 1:51–52; Clayton Colman Hall, ed., *Baltimore: Its History and Its People*, (3 vols.; Baltimore, 1912), 1:12–15.

38. 1683 Md. Laws, "An act for the Advancement of trade." *Archives of Maryland* 7:609. There were two bills regarding the issues of erecting towns (the Bill for Towns) and the advancement of trade (the Bill for the Advancement of Trade). The legislative history of the act passed, found in the *Archives of Maryland*, suggests that

the act is a consolidation of the two bills. Kilty, *Land-Holder's Assistant*, pp. 254–63; Wilhelm, *Local Institutions in Maryland*, pp. 102–6; Scharf, *Chronicles*, 1:20–21.

39. Scharf, *Chronicles*, 1:21–33; Scharf, *History*, 1:50–53; Hall, *Baltimore*, 1: 13–14.

40. *First Records of Baltimore Town and Jones' Town 1729–1797*, (Baltimore: 1905), pp. 1–9. This work is a printed reproduction of the original handwritten records. Scharf's report that Carroll took up lot No. 42 is inconsistent with these records and almost certainly in error. See Scharf, *History*, 1:51–53.



BALTIMORE TOWN

a View Taken Westward
along the Present Line of Lexington Street - about 1785

Congress Hall

Here the Continental Congress met in 1776 after Philadelphia was captured by the British, and here extraordinary powers were conferred upon Gen. Washington.

Here, in 1946, stands the Fidelity Building

Explanatory Notes -

- The Old Main Road, earliest overland route between North and South, originally an Indian trail, is called Great Eastern Road; a remnant remains at McMillen Alley.
- Market Street, once Long Street, now Baltimore St.
- Chatham Street, now Fayette Street.
- Forest Street, now Charles Street.
- New Church Street, now Lexington Street.
- Crooked Lane.
- St Pauls Lane, now St Paul Street.
- The present St Pauls Rectory was built in 1791.
- The present St Pauls Church is the fourth building built 1836; the third was built in 1814.
- The Court House originally stood on a low bluff which was dug away from under it.

Edwin Tunis, Baltimore Town: A View Taken Westward Along the Present Line of Lexington Street, about 1785. (Fidelity and Deposit Co., 1946.)

Research Notes & Maryland Miscellany

Parceling Out Land in the Vicinity of Baltimore: 1632–1796, Part 2

GARRETT POWER

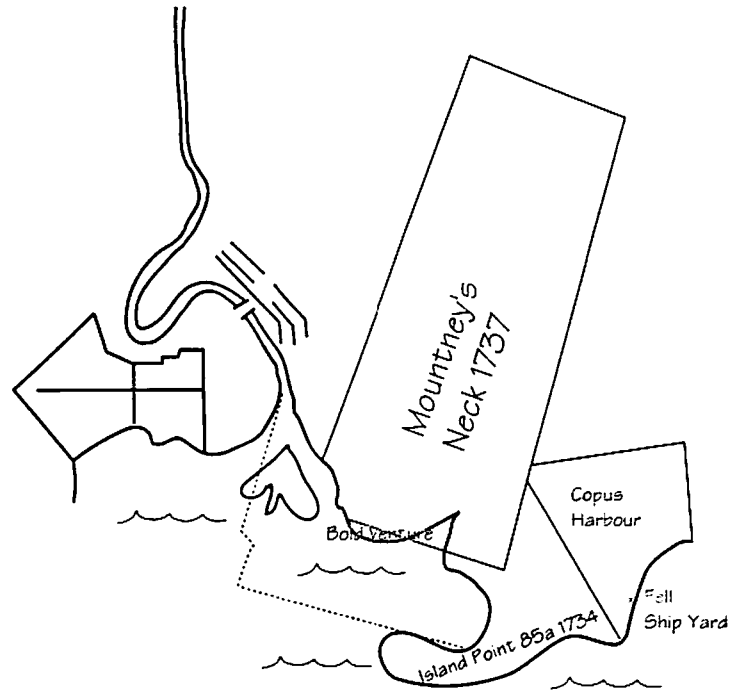
Editor's note: For Part 1 (containing Maps 1–4) of this highly useful research essay, see the winter 1992 issue, pp. 453–66.

Establishment of Jones Town. A rival to Baltimore Town was also coming on the scene. The one hundred thirty-five and one-half acres of Cole's Harbour which lay to the east of the Jones Falls had been conveyed by James Todd to John Hurst in 1701 and had been on the real estate market for almost three decades. In 1702 Hurst mortgaged the property to Richard Colegate. Colegate took ownership under a foreclosure in 1705, and when he died passed it on to his orphaned sons, John and Thomas. Such was the state of the title in 1726 when Edward Fell set up shop there in a small settlement at the site of the original David Jones homestead on the east bank of the Falls. The site thereafter has been nicknamed Old Town in recognition of this first settlement⁴¹ (Map 3).

In 1732 the assembly passed an act formally erecting the settlement as "Jonas Town." "on a creek, divided on the east from the town lately laid out . . . called Baltimore Town, on the land wherein Edward Fell keeps store." Four commissioners were appointed and given the power to purchase ten acres from the owner. A ten-acre survey was prepared and a new town was laid off into twenty rectangular lots following the lay of the east bank of the Jones Falls⁴² (Map 4).

When it came time to purchase the land, however, there was uncertainty as to the title and value of the Jones Town settlement. William Fell was in actual occupation of the ten-acre tract, but, perhaps having learned a lesson from his brother Edward's failed escheat claim to Cole's Harbour, he disclaimed willingness or ability to sell. The sheriff empaneled a jury of freeholders, who confirmed title

The author acknowledges the generous editorial advice provided by his colleague, David Bogen. Special thanks go to Jacqueline Lewis and Edward Menger, who assisted in the research while students at the University of Maryland School of Law. The maps were prepared by John Berndt of Baltimore Typography and Design.



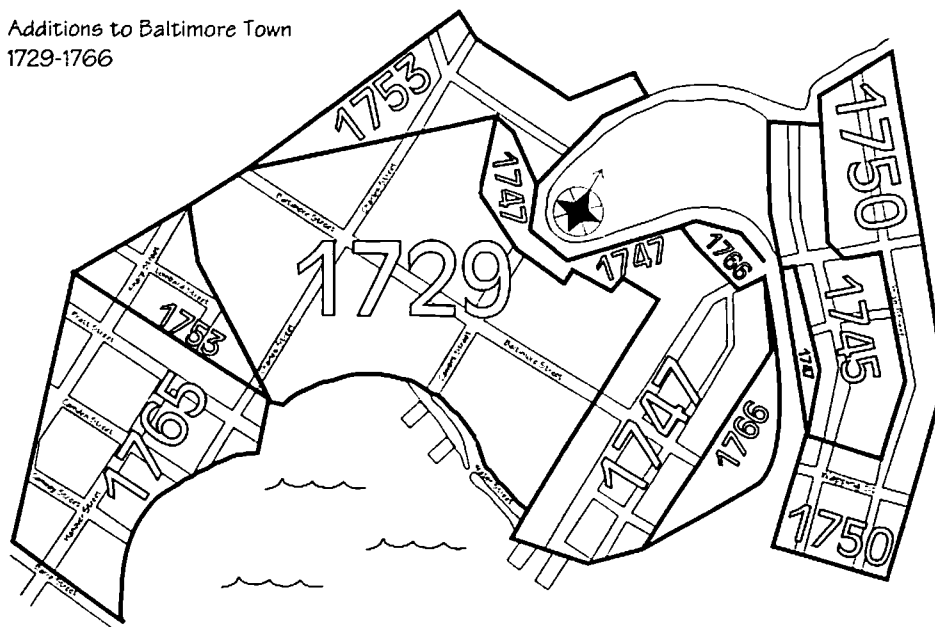
Map 5. William Fell's Claim, 1737.

in John and Thomas Colegate (the heirs and devisees of the mortgagee who had foreclosed on John Hurst) and awarded them three hundred pounds of tobacco per acre.⁴³

Jones Town was separated physically from Baltimore Town by a marsh and the Falls, but a causeway and bridge soon permitted goods and people to move back and forth. After some delay the first lots were taken up in July of 1733; all were sold by 1741. Among the purchasers were Edward and William Fell.⁴⁴

Escheat Claims of the Brothers Fell. The brothers Fell had not given up on their efforts to discover escheat parcels to be had at a discount. William took out escheat warrants under which he obtained patents to Island Point in 1734 and to Mounthey's Neck in 1737. It was doubtful that his escheat claim to Mounthey's Neck was tenable; James Todd had asserted title to it in 1701 and sold it along with Cole's Harbour. William Fell's claim to Mounthey's Neck was likely to fail for the same reasons that brother Edward's escheat claim to Cole's Harbour had failed. But there remained the loose ends of a record title in Alexander Mounthey, Samuel and Ann Wheeler, and David Jones, none of whom were connected to Todd. Decisions determining whether an escheat had occurred were in the hands of a jury and often made on grounds more political than legal, as anti-proprietary forces sought to cut off the revenue of the proprietors. Perhaps a jury would decide for William.⁴⁵

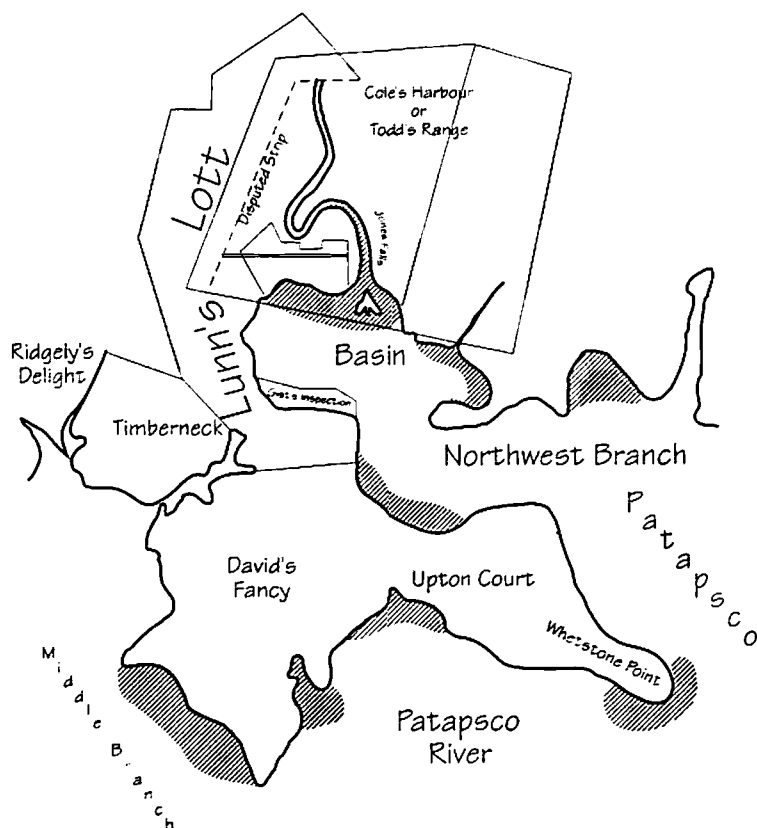
Additions to Baltimore Town
1729-1766



Map 6. Additions to Baltimore Town 1729-1766.

William Fell's escheat patent to Island Point was on firmer ground. The tract in question had originally been patented to William Poultney in 1671 as the one hundred-acre Long Island Point (Map 1). Poultney died in 1674, devising the property to Edward Monfrett, who subsequently died without heirs. Just to the east a parcel had been patented in 1684 to John Copus as Copus Harbour. William, a ship's carpenter, was living and working on the Copus Harbour tract where he had built a mansion. His claim to Copus Harbour was reenforced by this open and notorious possession. But Charles Carroll of Annapolis had beaten William to the land office in the race to receive an escheat patent to the neighboring Island Point. In 1734 William bought out all of Carroll's "right, title and interest" in Island Point and obtained his escheat patent, which on resurvey was found to contain eighty-five acres. Island Point, when added to Copus Harbour of which he already had possession in fact, gave William approximately one hundred eighty-five acres of land. At last the Fell family possessed a parcel presumably free and clear of elder claims⁴⁶ (Map 5).

Incorporation of Baltimore Town. By 1745 the lots in Jones Town had all been sold, but a good many of the lots in Baltimore Town remained in the hands of the Carrolls. In that year, upon joint petition of the inhabitants, the assembly enacted "[t]hat the same towns, now called Baltimore and Jones' Town, be incorporated into one entire town, and for the future called and known by the name of Baltimore Town." The town thus created had two parts: a sixty-acre subdivision on a north-south grid and a twenty-acre rectangle wherein the streets followed the meander



Map 7. West and South Baltimore Vicinity, 1740.

of the Falls, separated by a twenty-eight acre marsh. By the terms of the act consolidating the two towns the connecting bridge was made public, to be maintained thereafter for “man, horse, cart or wagon” at the county’s expense⁴⁷ (Map 4).

Speculations at the Edge of Town. Notwithstanding the glut on the market, new lots continued to be created on the fringes of the new town. Three of the seven men the 1745 Act designated as commissioners of Baltimore Town (Thomas Harrison, Thomas Sheredine and Alexander Lawson) were actively involved as land speculators.⁴⁸

Thomas Harrison, a shipping merchant, arrived from England in 1742 and established his home and export-import business at the end of South Street on the waterfront. Then in 1747, after appointment as a town commissioner, he bought the twenty-eight acre marsh which lay between the two parts of Baltimore Town from Charles Carroll of Annapolis for one hundred sixty pounds sterling⁴⁹ (Map 4).

Commissioners Alexander Lawson and Thomas Sheredine also dabbled in real estate at the edge of town. Overlooking the horseshoe turn in the Falls to the north, just outside the town boundary, was a seven and one-half acre bluff of land;

although still titled in the name of Charles Carroll of Annapolis, Lawson had an interest in it. Farther to the north and east of the Falls, Sheredine (along with his trading partner Thomas Sligh) had an option to buy out the Colegate orphans' residual holding that surrounded Oldtown.⁵⁰

In 1747 the assembly ordered the annexation of eighteen acres owned by Harrison, Sheredine, and Lawson to Baltimore Town, and thereafter the commissioners employed Nicholas Ruxton Gay to survey the same and to lay it out with lots, streets and alleys⁵¹ (Map 6).

The new lots failed to sell. Undaunted, Sligh and Sheredine exercised their option in 1750 and for one hundred pounds sterling acquired approximately two hundred ninety acres east of the Falls from John and Thomas Colegate, the sons and devisees of Richard Colegate. This tract had been part of the parcel that James Todd had sold to John Hurst in 1701 (ten acres already having been subdivided as Jones' Town) and that Richard Colegate had foreclosed upon. To be on the safe side, Sligh and Sheredine also obtained a quitclaim from the foreclosed mortgagor, John Hurst.⁵²

The Sligh and Sheredine partnership prevailed upon the assembly at its 1750 session to annex twenty-five of their newly acquired acres lying on the outskirts of the Old Town settlement to Baltimore Town for "all intents and purposes as fully and amply as if included originally therein." High Street and Wapping Street were added.⁵³ The expanded layout of the new Old Town streets is marked on Map 6.

In 1750 Thomas Harrison began variously leasing and selling lots on his marsh. In 1763 Harrison leased the lot on the northwest corner of Gay and Baltimore Streets to the Town Commissioners of Baltimore, who caused to be erected Baltimore's first market-house. Harrison made the lot more affordable by leasing it to the commissioners at eight pounds sterling per year "for and during the full term of ninety-nine years," subject to a covenant whereby Harrison and his heirs agreed to perpetual renewals. No down payment was required.⁵⁴

Development West and South of Baltimore Town. The parcels of land to the west and south of the Northwest Branch had been changing hands as well. In 1688 Edward Lunn transferred the rights to his 1673 patent to George Eager. Lunn's Lott was passed down through the family to George's grandson, also a George.⁵⁵

Young George's sister, Ruth, married Cornelius Howard, son and heir of Joshua Howard, the patentee of Howard's Square (also known as Grey Rock) deep in the interior of Baltimore County. When young George went to sea, he gave over his power of attorney to his brother-in-law. George was never heard from again. Cornelius Howard took title in his own name and in 1763 he had Lunn's Lott enlarged to include contiguous vacancies. Its eastern boundary line, which overlapped with Cole's Harbour, was in doubt⁵⁶ (Map 7).

Neighboring Timber Neck was owned by John Howard, no immediate relative to Cornelius. He passed it down through his family to his granddaughter Rachel, who in 1721 married Charles Ridgely. In 1744 Charles Ridgely had Timber Neck resurveyed and laid out for one hundred sixty-five acres. This land was destined

to include the neighborhood of Ridgely's Delight, an eighteenth-century development of two- and three-story rowhouses.⁵⁷

During the first two decades of the eighteenth century the peninsula of land lying between the Middle and Northwest Branches of the Patapsco River remained unoccupied. Charles Gorsuch long ago vacated his 1661 patent to Whetstone Point, and it had been repatented to absentee owner James Carroll in 1702. A 1706 legislative plan to designate the area a port of entry died aborning when neither traders nor planters took advantage. Upton Court and David's Fancy, the other two seventeenth-century patents, were both vacant and apparently escheat.⁵⁸

Beginning in 1723 John Giles (yet another Quaker land speculator) sought to capitalize on this vacancy. In that year he obtained a certificate of resurvey to Upton Court (though he did not patent the land until 1731), and in 1725 he consolidated it with Whetstone Point, which he obtained from James Carroll for five pounds sterling. It took Giles just two years to take a profit when he resold four hundred of his newly-acquired acres to the Principio Company, along with the rights to all the iron ore "opened and discovered or shut and not yet discovered."⁵⁹

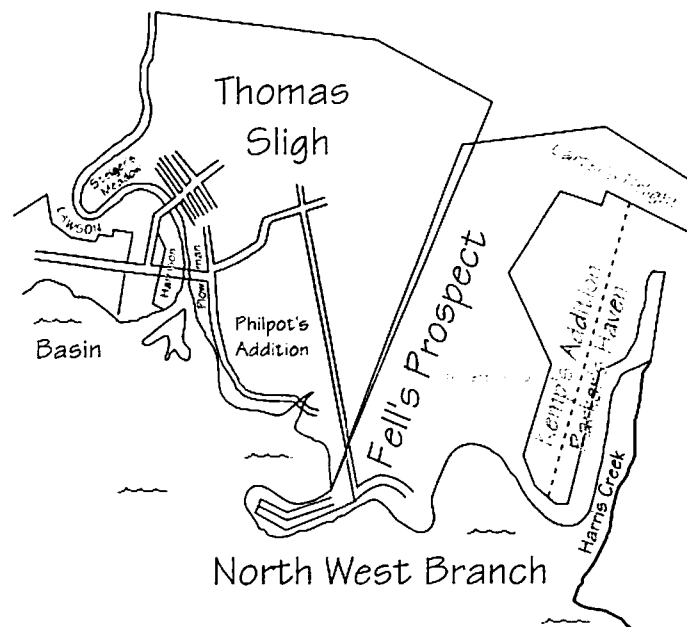
The Principio Company was an association of British iron-masters engaged in manufacturing pig and bar iron; it had been operating an iron furnace twenty miles to the north on the Great Falls of the Gunpowder River since 1715. Whetstone Point for many years was to be one of its principal sources of ore.⁶⁰

Several years later Jacob Giles, John's son and successor in title, sold what was left of Upton Court to John Moale, the elder. Moale was a miner from Devonshire who arrived during the first quarter of the eighteenth century intent on developing the area's iron deposits. Finding David's Fancy vacant, he settled and opened a mine (the transfer from Giles was an addition to this holding). In the 1720s Moale resisted efforts to have the assembly erect a town on his land. (As we have seen, the disappointed promoters looked to the north of the basin, where, in 1729, with the cooperation of Charles Carroll of Annapolis, Baltimore Town was established on sixty acres of Carroll land.)⁶¹

Vacancies on the peninsula encouraged other adventurers to seek escheat patents. In 1732 surveyor Richard Gist ventured such a claim to an alluvial deposit at the base of Lunn's Point (Federal Hill today) which overlooked the water of the basin of Baltimore Town to the north. Known as Gist's Inspection, it was located by metes and bounds nominally between the original lines of Lunn's Lott and the basin. In reality, a considerable portion was covered by water.⁶²

In 1737 John Moale obtained a warrant of escheat entitling him as first discoverer to "David's Fancy along with the benefit of any contiguous vacancy." Moale appears to have shared ownership of most of the peninsula with the Principio Furnace Company and Richard Gist. The approximate locations of Gist's Inspection, David's Fancy, and Whetstone Point are set forth on Map 7.⁶³

John Moale, the elder, died in 1740, leaving two sons, John the younger and Richard. His will devised parcels in and around Baltimore Town to John the younger, and David's Fancy (which consisted of all of "Upton Court and adjoining escheat land") to the six-year-old Richard "and the heirs of his body, lawfully



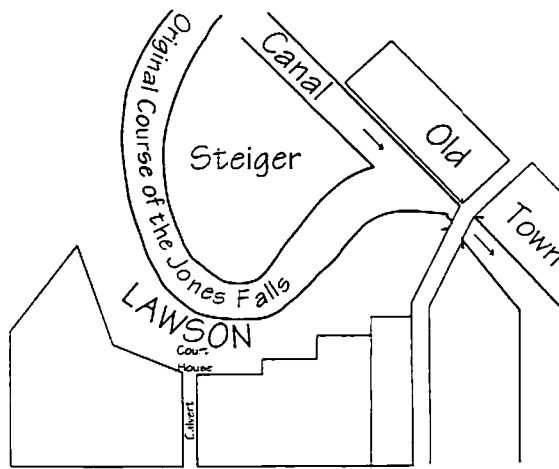
Map 8. East Baltimore Before the Revolution.

begotten, forever." This fee tail estate was a device employed by England's landed aristocracy to keep estates in the family. It required that lands pass from generation to generation in single file descent, and prevented the living generation from selling or subdividing the land. According to the strict settlement, when Richard died the parcel would pass to his heirs and subsequently to his heirs' heirs.⁶⁴

Taking Stock at mid-Eighteenth Century. At mid-eighteenth century the environs of Baltimore lay ripe for development. Fortunately they were captured in this incipient state in a 1752 drawing by John Moale the younger (an artist as well as an uptown landowner). Drawn from the hilltop in Gist's Inspection (later called Federal Hill) overlooking the Northwest Branch to the north, he depicted a town wherein Calvert is the main street leading down to a wharf at the waterfront. It shows twenty-five houses, one church, and two taverns. The town had perhaps two hundred inhabitants.⁶⁵

Were it to grow and prosper during the second half of the eighteenth century, Baltimore had to overcome various obstacles. Confused and conflicted land titles were discouraging capital investment. A horseshoe bend in the Jones Falls limited expansion to the north. The competitive Fell family was intent on creating a new deep-water port outside the Town's limits to the east, thereby outstripping Baltimore Town itself, where shallows blocked access to the shoreline.

Removing Clouds on Title. East of the Jones Falls, Thomas Sligh was instrumental in clearing title to the town. He and his partner Thomas Sheredine had already bought out the rights of both mortgagor (1749) and mortgagee (1750) in the parcel which James Todd originally transferred to John Hurst in 1701. After Sheredine



Map 9. Detail of Diversion of the Jones Falls, 1786.



First Court House

Courthouse circa 1783.
Adapted from: C. C. Hall, ed., *Baltimore: Its History and People* (1912).

died in 1752, Sligh's next step was to acquire Sheredine's share from his partner's son and heir in 1756. Two years later Sligh obtained a quitclaim of the Fell claim to Mountney's Neck in order to "remove a cloud which overshadowed his title." And in 1759 he added one hundred fifty acres to his holding by obtaining from Charles Carroll of Annapolis the "northernmost end of a tract of land called Mountney's Neck" and a pie shaped slice of Cole's Harbour (Map 3). Thus, by 1760 Thomas Sligh had "purchased his peace" to the four hundred-odd acres of land surrounding Old Town. The parcel consolidated in Thomas Sligh is depicted in Map 8.⁶⁶

In no time at all Sligh subdivided the tract he created. In 1759 Jonathan Plowman, a merchant newly arrived from England, bought several acres from Sligh just south of the Old Town settlement. Plowman built a house opposite the terminus of Baltimore Street on the other side of the Falls to the west. And in 1760 Bryan Philpot bought most of the adjoining land between the Falls and the Harford Run down to the waterfront (Map 8.). Plowman and Philpot laid out paper streets running northwest to southeast nearly parallel to the Falls, but none were actually constructed until after the Revolution.⁶⁷

Land titles were also clouded in the west. In 1753 the assembly added thirty-two acres to Baltimore Town. The tract in question, still claimed by Charles Carroll of Annapolis, lay west of the original 1729 town and was situated on an overlap between the "ancient metes and bounds" of Todd's Range and Lunn's Lott, which was owned by Cornelius Howard. In 1757 Carroll sold the thirty-two acres to Joshua Hall. Hall's plan to parcel it out as building lots called ownership of this overlap into question⁶⁸ (Map 7).

Eventually the dispute triggered an ejectment action that was decided in favor of the heirs of Cornelius Howard. The Court of Appeals of Maryland held that the patent to Lunn's Lott (1673) was elder to that of Todd's Range (1701); Carroll failed

to prove that he and his predecessors in title were in actual possession of the disputed strip, and his record title was not permitted to relate back to the Cole's Harbour patent of 1668 but only to the Todd's Range patent.⁶⁹

Before his death Cornelius had himself become a subdivider. In 1765 he had the assembly add thirty-five acres of the southern portion of Lunn's Lott to the Town. Thereafter he created a gridiron of Barre, Conway, Camden and Pratt Streets running east to west crossed by Hanover and Sharpe Street running north to south and bordering the basin to the east⁷⁰ (see Map 6).

This southern outskirt was to become known as French Town. Beginning in 1756 the "Neutral French" or Acadians began arriving from Nova Scotia from whence they were expelled by the British. Their first point of settlement was upon South Charles Street near Lombard. As the numbers grew to several hundreds, their colony expanded into small houses built in Howard's Addition, where it was to last for one hundred years.⁷¹

The Horseshoe Bend in the Falls. To the north, the obstacle to development was the horseshoe bend in the Jones Falls that stood in the path of Calvert Street. Overlooking the Falls, just outside the original Town boundary, was a seven and one-half acre bluff of land. In 1747 it was still titled in the name of Charles Carroll of Annapolis, but Baltimore Town Commissioner Alexander Lawson also had some interest in it. In that year the Commissioners employed surveyor Nicholas Ruxton Gay to lay out lots on this high ground along with convenient streets and alleys (Map 6). Carroll transferred outright ownership to Lawson in May of 1757.⁷² The Lawson tract is represented on Map 9.

Barely a month before, Charles Carroll of Annapolis had sold the land opposite the Lawson tract to Dr. William Lyon. The Lyon's tract was a wooded marsh of approximately thirteen and one-half acres. In 1759, only two years after acquiring the parcel, Lyon sold it to a butcher named Andrew Steiger, who cleared it for pasturage for his cattle; the tract was called Steiger's Meadow. The Jones Falls served as a boundary between the two parcels; the deeds described each tract as "bounding on it"; Lawson and Steiger were cross-current riparians⁷³ (Map 9).

Although Alexander Lawson had no success in marketing his building lots on the bluff, he was able to sell several larger parcels. In 1765 he sold eighty feet of ground east of Calvert Street to the Presbyterians, who completed their First Church in 1766. And in 1768 when the county seat was removed from Joppa, the court house and public prison for Baltimore County were located on Lawson's land. The court house was at the head of Calvert Street, and the prison just to the west.⁷⁴

The Mouth of the Falls. In 1766 Baltimoreans complained that the miry marsh on either side of the mouth of the Jones Falls "by the noxious vapours and putrid effluvia arising therefrom was very prejudicial to . . . health." They petitioned the assembly to make the marsh part of the Town and to remove the nuisance. The assembly added the twenty-one acre parcel to Baltimore Town but was less successful in its efforts to make the proprietors wharf in "all such marshy ground next to the water with a good and sufficient stone wall . . . or with hewed logs . . . not less than two feet above the level of the common tides."⁷⁵

The proprietors of the marsh were Alexander Lawson, Brian Philpot and Thomas Harrison. A small marsh bordered the eastern edge of Lawson's bluff and several acres of swamp sat on Philpot's the east bank, but most of the land, perhaps ten acres, was in the hands of Thomas Harrison. It was the fringe leftover when eighteen acres of Harrison's Marsh had been added to Baltimore Town in 1747⁷⁶ (Map 8).

The assembly came up with a novel scheme to promote reclamation. A survey was ordered which laid out the land into one-eighth-acre lots. The proprietors were then given a choice. They could either make the lots into dry ground themselves or suffer a confiscation by the town commission. In the event of confiscation the commission would sell the lots to purchasers upon an express condition that the purchasers must reclaim the land within eighteen months. The purchase money would then be turned over to the respective proprietors.⁷⁷

The scheme had two problems. The first was legal. Harrison had already leased a number of small lots to lessees for ninety-nine years, renewable forever; the lessees were the beneficial owners of the land. The act responded by giving these lessees the right to preserve their leasehold interest by making the lot into dry ground.⁷⁸

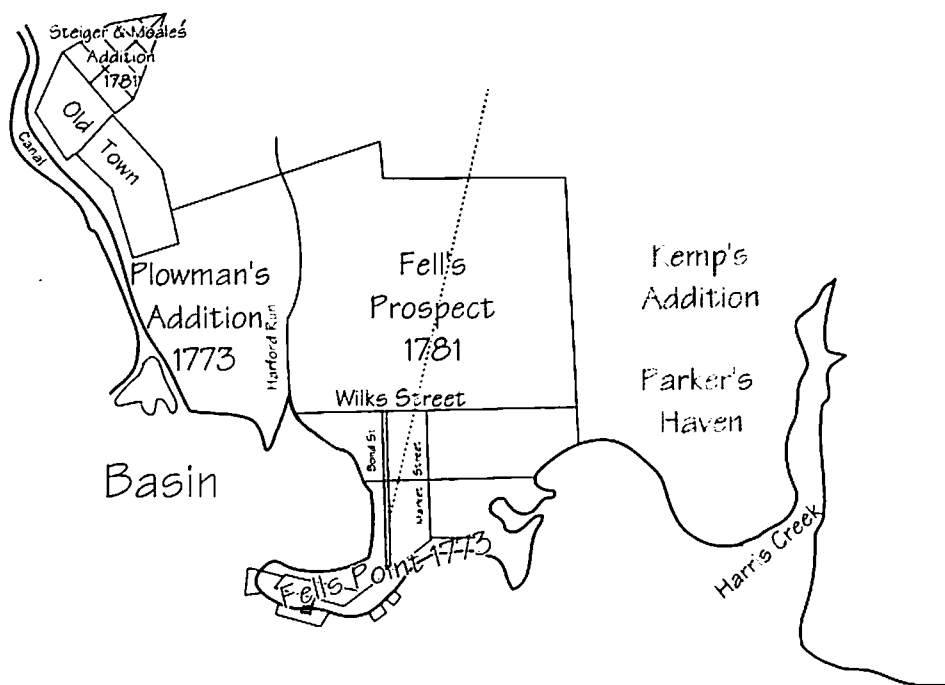
The second problem was less tractable; it was economic. Land along the banks of the Falls was not valuable enough to justify the cost of reclamation. In his efforts to make the marsh more marketable Thomas Harrison had offered the lots for no money down through the use of the ground rent system of finance. But even with this incentive the lots remained unimproved.⁷⁹

The legislative initiative likewise failed to produce buyers willing to reclaim the land. As a result the plan was never put into operation. The effective date of the legislation was twice postponed for two years, and in 1779 Harrison's Marsh was ordered surveyed and laid out anew.⁸⁰

The Fell Family Lands. The Fell brothers, Quaker immigrants from Lancashire, had long been active as Baltimore land speculators. Brother Edward, who had set up store at the mouth of the Falls in 1726, failed in his effort to divest Charles Carroll of Annapolis of Cole's Harbour; brother William, a ship builder, had obtained a questionable escheat patent to Mountney's Neck in 1737, which his heirs eventually quitclaimed to Thomas Sligh in 1758. On the other hand, the brothers purchased good title to a number of lots in Jones Town, and William's claims to Island Point and Copus Harbour were apparently senior to all others (recall Map 5).

In 1738 Edward Fell died, leaving all his property to his nephew and namesake; in 1746 William Fell died, leaving all of his property to his son. Death consolidated the Fell family properties in Edward Fell the younger. He devoted the rest of his days to perfecting the family claim to the lands to the east of Baltimore Town.⁸¹

In 1761 Edward Fell the younger obtained a patent to Fells Prospect, which constituted a resurvey of four parcels already claimed by the Fell family: Island Point, Copus Harbour, Carter's Delight, and Trinkett's Field. The surveyor reduced the whole into one entire tract of three hundred forty-three acres of land, more or



Map 10. Additions to East Baltimore, 1773, 1781.

less. The parcel took on a grotesque shape as the surveyor added to the ancient patents a seventy-acre strip of vacant land which wrapped tentacle-like along the Patapsco and Harris Creek waterfronts⁸² (Map 8).

In only taking up a strip from the vacated patents for Kemp's Addition and Parkers Haven, Fell engaged in a profit-maximizing strategy known as "stringing." The land office charged forty shillings per hundred acres and an annual quit-rent of four shillings. Stringing allowed Fell to obtain valuable water frontage at minimum cost. The land office had rules against the practice, but the surveyors knew who their friends were.⁸³

Once he perfected title to his tract, Edward Fell the younger wasted no time in putting lots on the market. In 1763 he laid out streets on a grid, except on the Point, where they followed the lay of the land (Map 10). Among the first purchasers in 1765 was Capt. Charles Ridgely who bought a waterfront lot. Edward Fell the younger died in 1766 leaving an infant son, William, as his heir. The task of marketing the family landholding fell to his wife and executrix, Ann Fell. Ann Fell so successfully marketed her land that Fell's Point soon rivaled Baltimore Town as a maritime center. It had a certain natural advantage— deep-water access attracted wharves, warehouses, and shipyards, which extended out into the North West Branch.⁸⁴

Newcomers to the region had a hard time deciding in which settlement to live. To attract them to the Point, Ann Fell advertised and provided no-downpayment financing; her advertisements dispelled rumors that the Fell title was unmarketable

and that the locale was unhealthy. The favorable financing took the form of ground rents.⁸⁵

The Fells borrowed this device from Thomas Harrison and perfected it for the sale of residential building lots. Ground rents were attractive to buyers in an era when money and credit were in short supply because they reduced the capital required for the purchase of land; since the leases were renewable the buyers could make improvements without much fear of forfeiture. Ground rents were attractive to sellers when securities were in short supply in that they provided a safe, passive investment; since the leases were renewable the sellers need not discount the price. By adding to the lease a covenant that a substantial dwelling or business would be built on the land within two years, Ann Fell ensured that property leased from her would either retain or increase its value, or revert to her.⁸⁶

In 1773 the assembly authorized the enlargement of Baltimore Town to include eighty acres of land on the east side of town including Plowman's Addition and Fells Point. Plowman's tract of land lay east of the Falls and ran along the waterfront down to Harford Run. It remained an open commons; improvement would not come until after the Revolution.⁸⁷

Fell's Point on the other hand was thriving. It contained fully one-quarter of the houses in the vicinity and a coffee house or hotel was open for business. It rivaled the waterfront west of the Falls as the town center. East Baltimore of that era is depicted in Map 10.⁸⁸

The American Revolution. Between 1752 and 1776 the number of houses in the greater Baltimore area had grown from twenty-five to five hundred sixty-four. By the time of the American Revolution, newcomers—artisans, mechanics and businessmen—swelled the population to over six thousand seven hundred inhabitants. Reviews were mixed. Some called Baltimore a “place of considerable and extensive trade,” others “a dirty, filthy place.”⁸⁹

The heat of the American Revolution served as the catalyst for further expansion of Baltimore's economy and population. Although British sea power cut off American trade, it indirectly benefitted Baltimore's merchants. The war freed them from the massive debt owed to English creditors and gave them a license to steal. Baltimore sent out nearly two hundred fifty privately armed vessels outfitted by Baltimore merchants. Samuel Smith and others made fortunes by capturing English merchant ships as prizes and by running the blockade to sell wheat and flour at wartime prices to Spanish forces in the West Indies.⁹⁰

The Revolution also stimulated the domestic market for wheat and iron ore. Flour milling expanded with the creation of new mills along the Jones Falls and the Gwynns Falls. The iron works on Whetstone Point became part of the war effort. The furnace, expropriated from the loyalist Principio Company, produced “red thunder-bolts of war” for the battery of guns placed on a hastily constructed fortification. When the shooting stopped in 1781, the Free State confiscated one hundred ninety-five acres belonging to the company and sold the land at auction.⁹¹

The Revolution also produced a new generation of leaders. Counted among the gentry were Charles Carroll of Carrollton and John Eager Howard. Carroll put the family fortune at risk by signing the Declaration of Independence; he subsequently succeeded to ownership of the family lands in 1782 upon the death of his father, Charles Carroll of Annapolis. Col. John Eager Howard, who fought with George Washington, inherited Lunn's Lott from his father, Cornelius, in 1777. Numbered among the new merchant-chiefs was Col. Samuel Smith, who resigned his commission in 1779 to rescue the moribund family mercantile firm of John Smith & Sons; this he did through privateering and government contracts. He was joined in these enterprises by his Scots-Irish Presbyterian co-religionists and relatives, the Steretts, the Spears, and the Buchanans, all of whom were heavily invested in slaves, ships, and waterfront property.⁹²

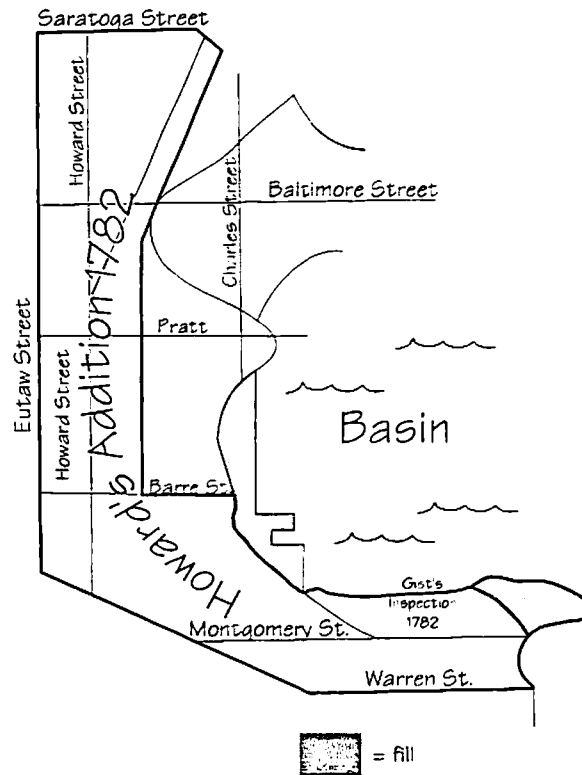
The Revolution also signalled a republican ideology that encouraged the break-up of ancestral estates. A favored technique of the landed aristocracy had been to strictly settle family lands so as to prevent any present generation from selling or subdividing the ancestral land. As we have already seen, John Moale employed this device when he devised Upton Court, resurveyed to include four hundred-acres (including several operating iron mines), to son Richard in 1740. Under the entailment the "dead hand" of John Moale dictated that enjoyment of the property would pass from Richard to Richard's children, and then to their children and their children's children, in perpetuity. Richard was denied the right to alienate his inheritance.⁹³

In 1782 the republican assembly passed a law which permitted the living beneficiary to "dock the entail." In 1783 Richard did so, conveying David's Fancy to a "strawman" who immediately reconveyed it to him, free and clear. Richard died in 1786, leaving the estate outright to his brother, John the younger, who was by then a town commissioner. In 1758 John the younger had married Helen North (who was the first female child born in Baltimore, having been delivered at her father's house on the northwest corner of Baltimore and Calvert streets) and they had six sons. John the younger died in 1797, dividing the estate among them. In the course of just one generation David's Fancy had split into six shares.⁹⁴

Post-Revolutionary Growth. In many ways 1782 was a pivotal year in Baltimore's history. In that year the once pre-eminent owner of Baltimore lands, Charles Carroll of Annapolis, died at the advanced age of eighty. Management of the Carroll estate passed on to his son Charles Carroll of Carrollton, at the age of forty-five already a mature man of affairs and a risk-taker who had put the family estate on the line by signing the Declaration of Independence.⁹⁵

Most of the approximately forty thousand acres Charles Carroll of Annapolis passed to his son Charles Carroll of Carrollton lay elsewhere, on the estates of Doughoregan and Carrollton. A large portion of the original Carroll family holdings in Baltimore had been sold off.⁹⁶

Seventeen eighty-two was also the year in which the town commissioners looked to expand all around the town. On the north side the obstacles to growth were



Map 11. Howard's Addition, 1782.

physical. The horseshoe bend in the Jones Falls stood in the path of Calvert Street. Projects were commissioned to provide a northward passage.

In the plans for grading Calvert Street the bluff overhanging the falls was to be cut away, but the court house stood in the way. Projector Leonard Harbaugh persuaded the town fathers that he could preserve the building by excavating the earth from beneath it, leaving the court house twenty feet up in the air. In 1783 Harbaugh accomplished this incredible feat, and Calvert Street was extended thereunder to the very precipice of the Falls⁹⁷ (Map 9). And in 1786 Englehart Yeiser, with the consent of the proprietors of the adjacent land (Alexander Lawson to the south and Andrew Steiger to the north), cut a canal through Steiger's Meadow, diverting the Jones' Falls from its old horseshoe curve into a due southeast course⁹⁸ (Map 9).

Once the Falls' course had been diverted into the "canal of Jones' Falls" the bluff was naturally washed and artificially pushed into the precipice, thereby allowing new development and bringing into question ownership of the original bed of the Falls. Did this now valuable terrain belong to Lawson's heir, or to Andrew Steiger, or was it still vested in Charles Carroll of Annapolis? In an ejectment action decided thirty-five years after the fact, the Court of Appeals of Maryland discounted the

Carroll claim to the bed and split the difference between the heirs of Lawson and Steiger's successors in interest.⁹⁹

On the east side of town loose ends left over from before the Revolution impeded development. A 1773 assembly authorization to add eighteen acres owned by John Moale and Andrew Steiger to the Old Town section had never been formally acted upon. It was re-enacted in January 1782 by the General Assembly. That same law also provided for the addition to Fell's Point of as much of William Fell's Prospect as the town commissioners "may think necessary." Separate legislation authorized annexation of such portions of Parker's Haven and Kemp's Addition as would "contribute to promote the trade and commerce"; this authorization was not acted upon¹⁰⁰ (Map 10).

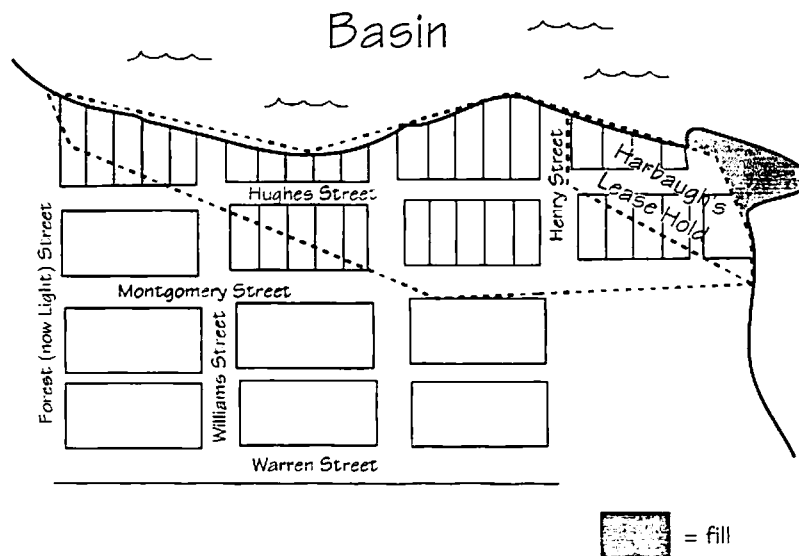
On the west side of town parts of Lunn's Lott had been annexed to Baltimore Town in 1753 and 1765, which Cornelius Howard had laid out into lots. After John Eager Howard succeeded to his father's estate in 1782 he persuaded the General Assembly to add the rest of Lunn's Lott. Howard took one hundred thirty-five acres of it and laid out approximately three hundred fifty lots along a grid from Warren Street up to Saratoga Street with the new Howard Street as the north-south axis. Howard's Addition, as it was known, was the largest single addition in the history of Baltimore Town¹⁰¹ (Map 11). The assembly also authorized the town commissioners to annex so much of Gist's Inspection and Howard's Timberneck as "well calculated for the purposes of commerce and navigation." Part of Timberneck was left outside the town limits, but all of Gist's Inspection was appended to Lunn's Lott and included.¹⁰²

The influx of the Acadian French from Nova Scotia and Scots-Irish from central Pennsylvania increased the population, from over six thousand in 1776 to more than thirteen thousand by 1790. These newcomers demanded affordable houses.¹⁰³

John Eager Howard and William Fell the younger were the primary suppliers of land, selling and leasing hundreds of acres within the town limits. They utilized Thomas Harrison's ninety-nine year lease plan to dispense most of the lots, retaining a ground rent. Typically, the lots were leased to speculative builders, who further subdivided the lots and built houses in block rows for sublease to artisans and mechanics and skilled workers.¹⁰⁴

Indeed the demand for housing close to the town center was great enough that in the 1780s developers began to fill the mud flats and fringing marsh to make building lots. They were encouraged in this practice by the 1745 act incorporating Baltimore. It provided: "[t]hat all improvements of what kind soever, Either Wharf, Houses, or other Buildings, that have, or shall be made out of the Water, or where it flows, as an Encouragement to such improvers, be forever deemed the Right, Title, and Inheritance of such Improver or Improvers, their Heirs and Assigns for ever." Waterfront owners had a license to fill.¹⁰⁵

Reclamation proceeded quickly. By 1786 Charles Street was extended south across land fill. Fifty new building lots were thereby created along the Howard's Addition waterfront.¹⁰⁶



Map 12. Detail of Gist's Inspection, 1783.

These additions came at a tumultuous time in Baltimore's economic history. It was an era of both boom and bust. In 1783 the real estate market crashed. Wartime demand for goods dropped, and exports were fewer now that merchants no longer had England to back them up. There was no national monetary and banking system. The fledgling nation went into a tailspin. As the depression deepened, the General Assembly inexplicably called in all Maryland currency, creating an impossibly tight money market. Interest rates soared; property values plummeted.¹⁰⁷

Entrepreneurs were caught in the middle. For example, ownership of Gist's Inspection in 1782 passed into the hands of Christopher Hughes, a silversmith and money lender. In 1783, before the crash, Hughes leased a portion of the parcel to Leonard Harbaugh (the same "sturdy carpenter" who previously arched under the court house so as to permit the extension of Calvert Street) for two hundred six pounds sterling per year, a substantial sum.¹⁰⁸

Harbaugh intended to take his profit by building and operating a maritime wharf and by subdividing and subleasing lots. Harbaugh received permission from the port wardens to wharf out into the basin from Montgomery Street. Harbaugh spent several thousand pounds improving the wharf site by extending logs into the water which eventually filled with soil above the ordinary tide. He also subleased seven or eight lots to speculative builders.¹⁰⁹

Then the bubble burst. The sublessees failed to pay Harbaugh the sub-rent, and Harbaugh failed to pay Hughes the rent. Harbaugh claimed that the parcel was not worth twenty dollars under the prevailing conditions and that he could not continue to pay an annual rent of over two hundred pounds.¹⁰⁰

When Hughes moved to repossess the partially improved land, Harbaugh took it personally and responded with a public airing of his grievances in the columns

of the *Maryland Journal and Baltimore Advertiser*. Harbaugh called Hughes a crocodile, made fun of his obesity, and questioned his honesty. In the midst of the dispute Harbaugh left town one step ahead of his creditors, leaving his improvement to go to ruin. Hughes retook possession of the land¹¹¹ (Map 12).

Harbaugh's precipitous exit left unanswered a number of legal questions concerning the title to Gist's Inspection and to the shifting sands, marshes, and mud flats surrounding the basin. First were the lingering doubts as to the validity of proprietary patents to land submerged under navigable water. Some currents of the common law suggested that pursuant to Magna Charta such lands were held in public trust and could not be transferred to private ownership.¹¹²

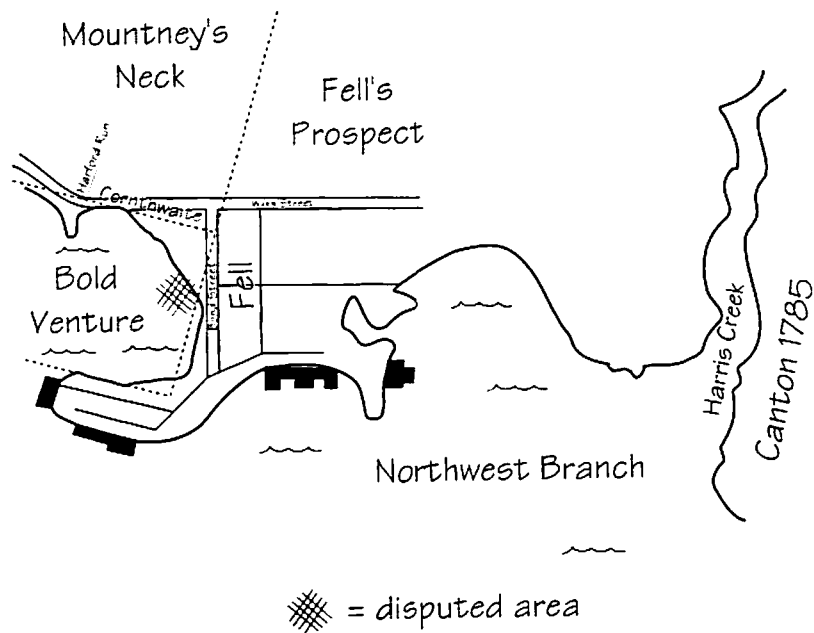
Next came the problem as to how riparian rights changed over time to take account of the shifting physical boundary between land and water. Blackstone said: "as to land gained from the sea . . . the law is held to be, that if this gain is little by little, by small imperceptible degrees, it shall go to the owner of the land adjoining." But suppose the gain was artificially induced, or the result of a sudden storm: what rules should then obtain?¹¹³

Waterfront development on the other side of town would bring these questions to court. East of Harford Run, between Plowman's Addition and Fell's Point, remained a mud flat, washed by the tides and ready to be wharfed out or filled in. Its potential for development had been recognized almost one hundred years before when, in 1695, John Oulton included the submerged land in his patent for Bold Venture.¹¹⁴ Title to the adjacent fast land had been settled in the 1750s and 1760s. Thomas Sligh consolidated ownership to what had once been Mountney's Neck to the west, and the Fell Family perfected their claim to Fell's Prospect to the east. John Cornthwaite succeeded Thomas Sligh's interest and in the 1770s was busily subdividing the waterfrontage into town lots. The Fell family was likewise selling ninety-nine year ground leases in lots along Bond Street on the western shore of Fell's Prospect.¹¹⁵

The lot holders were intent on improving over the wetlands into the navigable water. Such projects had the encouragement of the Act of 1745, which offered ownership of the improvement as a reward, but the plain geometry was such that there was bound to be conflict.

In 1786 developers undertook to extend the Mountney's Neck waterfront. In that year owners of lots along Wilks Street (successors in title to John Cornthwaite) received permission to extend their ground into the water to a line marked on the plats as the port warden's line, along which logs were planted. The area, however, also lay between Bond Street and the Basin, and lessees of the Fell lots on the west side of Bond were likewise expanding into the water. Logs were planted, fences were built, and the washing from Harford Run and Caroline Street was carried into the containment area.¹¹⁶

Eventually the cove south of Wilks and west of Bond filled up and became dry land. The filled area lay at the juncture— but outside the original boundaries— of Mountney's Neck and Fell's Prospect. It was in front of both the Cornthwaite lands and the Fell lands. The Act of 1745 provided no mechanism for dividing the space



Map 13. East Baltimore, 1785.

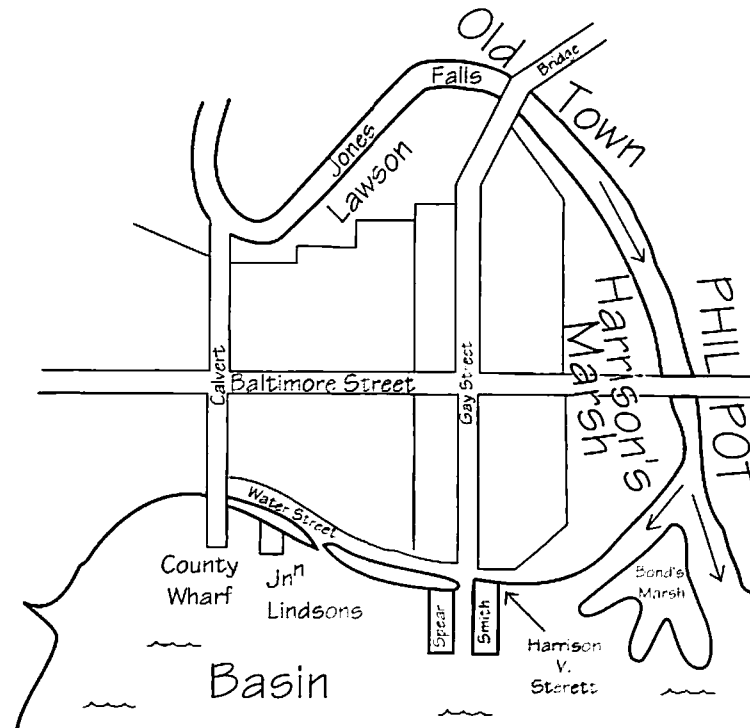
between them. A half-century later they would still be litigating entitlement to the landfill (Map 13).¹¹⁷

The arrival of Capt. John O'Donnell from China in 1785 indirectly worked to fix the Town's eastern boundary. He brought with him the first cargo of silks, tea, and spices ever imported to the port of Baltimore. It made his fortune, and he used part of it to buy twenty-five hundred acres of land. Essentially he bought all the Patapsco waterfront between Fell's Prospect and the Chesapeake Bay. O'Donnell called his huge estate Canton, after the Chinese port from whence he came¹¹⁸ (see Map 13).

On the Waterfront. The commercial zone of expansion was on the waterfront. Cole's Harbour was not deep. If the shipping merchants were to do business they had a choice either of dredging a channel in or building a wharf out. Otherwise, all of the merchantmen would dock at Fells Point.¹¹⁹

Consideration was given to deepening the basin. The assembly pondered construction of two enormous ox-driven dredges on the Dutch plan which could cut a channel. But, all things considered, wharfing out seemed a more practical solution than such a "mud machine."¹²⁰

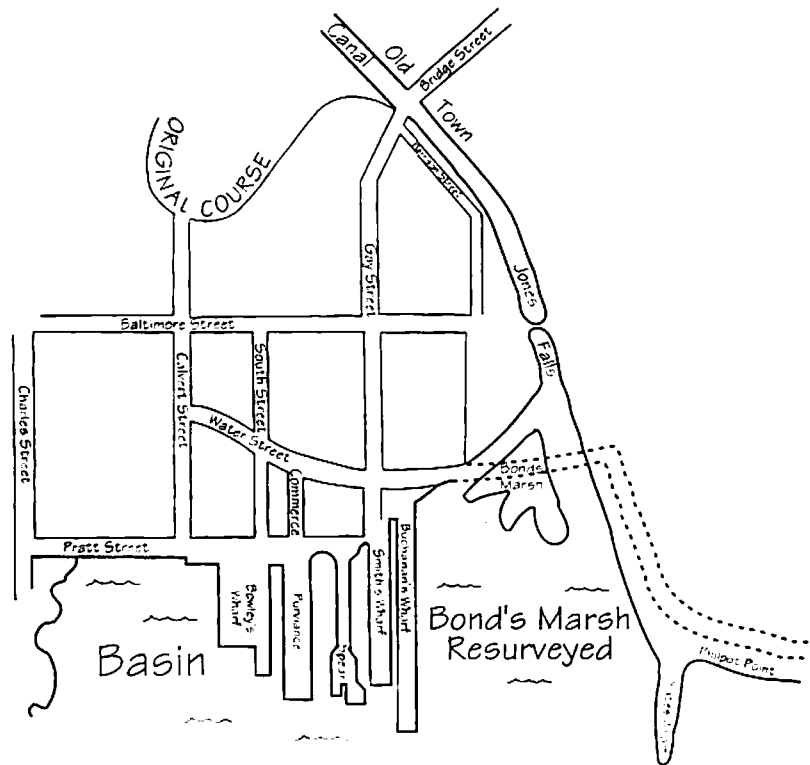
The first projects were modest in size. A county wharf had existed at the foot of Calvert Street since before mid-century. Thereafter a bulkhead was constructed along the waterfront, and behind it was dedicated a Water Street which followed the meander of the shoreline between Calvert and Gay streets. East of Calvert, Jonathan Lindson had added a short pier¹²¹ (see Map 14).



Map 14. Baltimore Waterfront, 1780.

In 1771 brewer James Sterett, a newcomer from Carlisle, Pennsylvania, who owned a waterfront lot at the corner of Water Street and Gay Street, looked to take advantage of the Act of 1745 on a larger scale. He deposited five hundred scow loads of sand in the navigable water and marsh which abutted his property while wharfing out into the basin. Sterett considered his project authorized by the Act of 1745, but the Maryland Court of Appeals disagreed. The court affirmed recovery by Thomas Harrison in a nuisance action for damages for the diminution in value of his adjacent land and ruled that the Act of 1745 did not justify interference with Harrison's access to navigable water.¹²² A settlement was reached following the litigation. Harrison agreed to release his claim to damages in return for Sterett's vacation of the site. Soon thereafter the properties passed into the hands Sterett's Presbyterian co-religionists, Col. Samuel Smith and William Spear, who by 1780 developed on the site two wharves projecting two hundred feet out into the basin from Water Street¹²³ (Map 14).

Larger projects were to follow in the 1780s. The Scots-Irish were cornering the market on the waterfront. At the southeast corner of Water and Commerce streets Samuel Purviance built a wharf that served his distillery. William Spear extended his wharf one thousand feet out to a small island, where he erected a bakery. Daniel Bowley placed his dock at the foot of South Street. And Col. Sam Smith built two one-thousand-foot-long wharves out into the basin. Gradually fill was placed



Map 15. Baltimore Waterfront, 1787.

between the land ends of the wharves. Tree trunks were used, and when the tide fell it exposed a slime that gave off foul-smelling vapors. A causeway took Water Street across the Falls, and the waterfront moved a block south to the newly extended Pratt Street, which ran an east-west route¹²⁴ (see Map 15).

When Thomas Harrison died in 1782 he left the land bordering the mouth of the Falls, still undeveloped and still a nuisance. But economic conditions had changed; the marsh was now ripe for reclamation. All that was needed was a clear title.¹²⁵

The assembly in 1782 confounded the problem of clearing titles with an act providing that the land office should no longer issue fresh patents for lands "reserved for the use of the late Lord Proprietor." In 1768 the Lord Proprietor had reserved all land within five miles of the town of Baltimore. Hence it seemed that private development of the mouth of the Falls was foreclosed.¹²⁶

There were, however, some pre-existing private claims. John Bond had obtained a patent to the island delta itself in 1766; he called it Bond's Marsh. And Thomas Yates, as the successor in title to William Rogers (who had obtained an escheat patent to Bold Venture in 1759) had a plausible claim to the mouth's lower lip, called Philpot's Point. Yates had plans to wharf out into the basin, and to extend Wilks Street so that it connected his tract to the causeway leading to Baltimore

Town.¹²⁷ The configuration of Bond's Marsh and Philpot's Point is shown on Map 15.

Developmental pressure on the port prompted a legislative initiative. In 1783 the General Assembly appointed ten wardens for the port of Baltimore and charged them with the task of preserving the "navigation of the basin and harbour." Samuel Smith, Daniel Bowley, John Sterett, and Samuel Purviance were among the first appointees; the establishment of a "line . . . beyond which improvements shall not extend" was among their first actions. The port wardens retained the power to grant or deny permission for wharves or other beneficial improvements within or without the line.¹²⁸

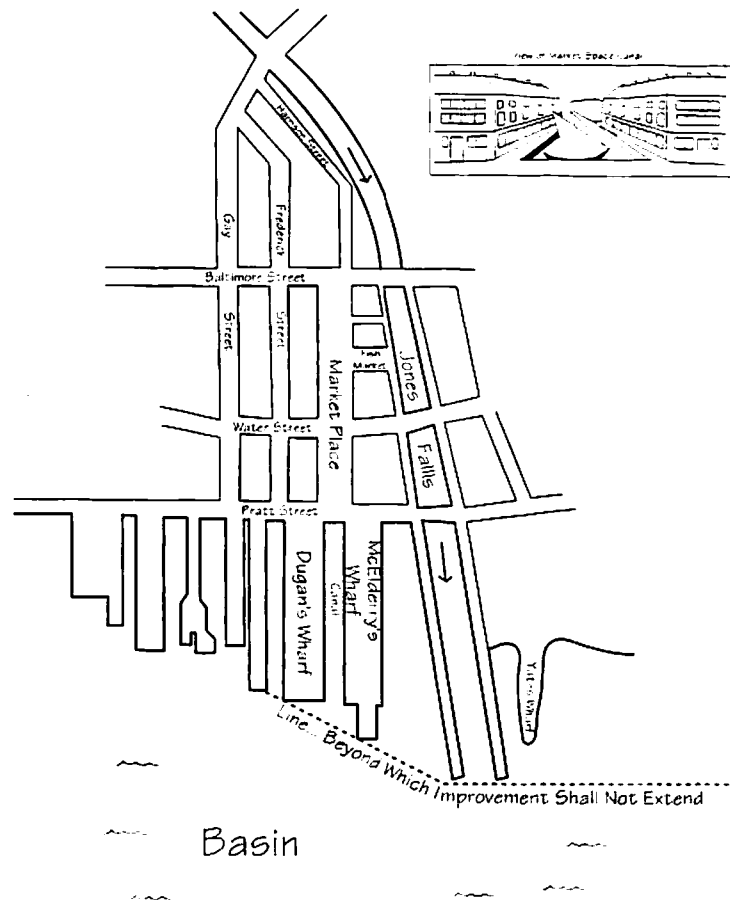
Samuel Purviance, who was named president of the port wardens, immediately seized the opportunity to capture a monopoly on the mouth of the Falls. His trading partner, Nathaniel Smith, had already obtained a warrant of resurvey (1783) to Bond's Marsh. Not satisfied with the four-acre island contained within the ancient metes and bounds, they added to it seventeen and one-half acres of vacant land contiguous thereto and within the Port Warden's line, so that the 1783 patent to Bond's Marsh Resurveyed embraced twenty-one acres, covered and uncovered by the confluence of the Jones Falls and Northwest Branch.¹²⁹

Since the patent was a resurvey, it was arguably exempt from the legislative prohibition against new grants within five miles of Town. Since the patentees did not disclose that the seventeen and one-half acre contiguous vacancy was beneath navigable water, the land office had no qualms about issuance of the patent. It appeared as if Purviance and his partners had finagled exclusive rights on the entrance to the Jones Falls (Map 15).

It was not to be. In 1783 Thomas Yates applied to the Port Wardens for permission to wharf out from Philpot's Point into the basin. Over president Purviance's objections, Yates was granted a license. Purviance claimed title to the land beneath Yates' wharves and fought Yates' plans every step of the way. The issue was finally resolved in Yates' favor when the Court of Chancery found the patent to Bond's Marsh Resurveyed had been obtained through misrepresentation, fraud, and deceit; it was annulled as contrary to the rules of the land office.¹³⁰

In 1784 the General Assembly made yet another effort to promote the improvement of Harrison's Marsh on the lip of the Falls. In that year it passed an act providing for the establishment of a new city market "opposite Harrison Street, beginning in Baltimore Street, and running thence south, parallel with Gay Street, of the width of one hundred and fifty feet to Water Street, with the privilege of extending the same to the channel." The market houses were constructed forthwith, but they remained unconnected with the basin and the marsh fringing the mouth of the Jones Falls remained a nuisance.¹³¹

In 1794 Thomas McElderry and Cumberland Dugan proposed to make a canal and to extend the market space to the basin at their own expense. The Baltimore town commissioners accepted on "[e]xpress condition that the said Canal, wharves and streets on Each side of the said Canal be a Common high way and free for the Public use."¹³²



Map 16. Baltimore Waterfront, 1797.

In 1795 Dugan and McElderry built sixteen hundred-foot-long wharves out to the very limits of the pier line established by the port wardens. Between them ran a canal that connected to the market center. The design was modeled after the docks of Liverpool with rows of three-story brick warehouses fronting on the enclosed water. The port wardens set the width of the Falls at eighty feet south of the Baltimore Street Bridge and sixty feet to the north¹³³ (Map 16).

In 1796 the General Assembly passed a law authorizing the extension of Light Street to the south so as to join it with Forest Street into one, new Light Street. Once extended and filled behind, Light Street would be the second leg in the conversion of the harbor basin into a rectangle. Venture capital to accomplish this was not forthcoming until after Baltimore was incorporated as a city.¹³⁴

The Incorporation of Baltimore City. The Maryland General Assembly incorporated Baltimore City in 1796. The mayor and city council became the governing body, assuming control over matters of sanitation, and police and fire protection for the

twenty thousand inhabitants. The port wardens were abolished as the municipal corporation took charge over port development.¹³⁵

By 1796 there were about three thousand five hundred dwellings. Yellow fever epidemics in Fell's Point determined that original Baltimore Town would be the preferred residential growth area.¹³⁶

Once builders discovered the excellence of local clay, Baltimore became a bricks and mortar town. Wealthy merchants constructed distinctive townhouses along Calvert and Gay streets, and speculative builders built rowhouses all around the basin. Economies of scale and of space saved rowhouse builders up to 25 percent of the construction cost. The ground upon which most of the new middle-class and working class houses were built was leased for ninety-nine years, renewable forever, subject to an annual rent. Thomas Harrison's innovation had taken root.¹³⁷

John Eager Howard, still the largest landholder in town, owned hundreds of ground rents and continued to develop lands west of town. Governor of the state between 1786 and 1792, he lived in his Belvidere mansion, built between 1786 and 1792 on his Howard Park estate. The estate was located on a hill north of town in the farthest reach of the parcel that had been patented to Edward Lunn in 1673 as Lunn's Lott.¹³⁸

NOTES

41. *Casey's Lessee v. Inloes*, 1 Gill 430, 437-39 (Md. 1844); J. Thomas Scharf, *History of Baltimore City and County* (1881; [repr.] 2 vols: Baltimore: Regional Publishing Co., 1971). 1:54-55.

42. 1732 Md. Acts (July) ch. XIV [W. Kilty, vol. 1], *Archives of Maryland*, 37:533. *First Records of Baltimore Town and Jones' Town 1729-1797* (Baltimore: 1905), pp. xiii-xv; Scharf, *History*, 1:54-57; Clayton Colman Hall, ed., *Baltimore: Its History and Its People* (3 vols.; Baltimore, 1912), 1:15.

43. Scharf, *History*, vol. 1, p. 55; Hall, *History*, 1:15.

44. *First Records*, pp. 11-17; Scharf, *History*, 1:55-56; Hall, *History*, 1:15.

45. *Casey's Lessee v. Inloes*, 1 Gill 430, 437-39, 451-57 (Md. 1844); Clarence P. Gould, *The Land System in Maryland 1720-1765* (Baltimore: Johns Hopkins Press, 1913), pp. 28-31. William Fell, Island Point, 1734: Baltimore County Land Records (Patents) Liber 56 folio 203. Maryland State Archives (hereafter MdSA).

46. *Casey's Lessee v. Inloes* 1 Gill 430, 453-54, 459-60 (Md. 1844); J. Thomas Scharf, *The Chronicles of Baltimore*, (1874; [repr.] 2 vols; Bowie, Md.: Heritage Books, Inc., 1989). 1:18; Scharf, *History*, 1:59-60; Olson, *Baltimore: The Building of an American City* (Baltimore: Johns Hopkins University Press 1980), p. 8.

47. 1745 Md. Acts (August) ch. IX [W. Kilty, vol. 1]. *Archives of Maryland*, 44:214. *First Records of Baltimore Town*, pp. xvii-xxiii; Scharf, *History*, 1:54-56; Scharf, *Chronicles*, 1:32-37; Hall, *History*, 1:16.

48. The other commissioners were Dr. George Buchanan, Col. William Hammond, Capt. Robert North, and Capt. Darby Lux. See *First Records*, p. 20.

49. Scharf, *Chronicles*, 1:36–37; Harrison, Thomas, biofile 00653, MSA SC 1138-001-610, Maryland State Archives; Charles Carroll of Annapolis to Thomas Harrison, Records of the Provincial Court (Deeds) Liber EI no. 8, folio 293, MdSA.

50. *First Records*, p. 22 indicates that the bluff overlooking the bend in the Jones Falls was the property of Alexander Lawson in 1747; documentary evidence in *Browne v. Kennedy*, 5 H. & J 195 at 196 shows that Carroll did not transfer title until 1757. Likewise the *First Records* attribute ownership of the Jones' Town waterfront to Sligh and Sheredine in 1747, while the case of *Casey's Lessee v. Inloes*, 1 Gill 430, 438–39, shows the partnership formally taking title in 1750.

51. *First Records*, p. 22.

52. *Casey's Lessee v. Inloes*, 1 Gill 430, 438–40 (Md. 1844); Scharf, *History*, 1:57. Scharf erroneously indicates that only eighteen acres were purchased by Sligh and Sheredine; the original documents abstracted in *Casey's Lessee v. Inloes* show that the transfer was for what was left of the three hundred acres which Hurst had acquired from James Todd in 1701. See Map 3.

53. Scharf, *History*, 1:57; 1750 Md. Acts (May) ch. XI [W. Kilty, vol. 1]; *Archives of Maryland* 46:463.

54. Scharf, *Chronicles*, 1:46; Lewis Mayer, *Ground Rents in Maryland* (Baltimore: Press of Isaac Friedenwald, 1883), pp. 49–51; Harrison lease to Commissioners of Baltimore Town, Baltimore County Land Records (Deeds) Liber B no. L, folio 253 (1763) [Maryland State Archives]; 1773 Md. Laws (November) ch. VIII [W. Kilty, vol. 1], confirms the validity of the lease.

55. Edward Lunne to George Eager, Lunn's Lott, Baltimore County Land Records (Deeds) Liber RM no. HS, folio 254, MdSA; Robert W. Barnes, *Baltimore County Families, 1659–1759* (Baltimore: Genealogical Publishing Co., 1988), pp. 194–95.

56. Barnes, *Baltimore County Families*, pp. 194–95, 342–43; George Eager's Power of Attorney to Cornelius Howard, Baltimore County Land Records (Deeds) Liber TB no. C, folio 674, MdSA; Cornelius Howard, Lunn's Lott Enlarged, 1763: Baltimore County Land Records (Patents) Liber BC&GS no. 18, folio 28, MdSA; Helm's Lessee v. Howard, 2 H. & McH. 57, 59, 79–81 (Md. 1784); John Eager Howard: "Deduction of Title" (personal note) and John Eager Howard: "Sketch of Life" (first draft): Bayard Papers, MS # 109, MdHS; Map 277, "Baltimore 1600's–1759," Prints and Photographs, MdHS; "John Eager Howard," Vertical File, Maryland Department, Enoch Pratt Free Library.

57. Harry W. Newman, *Anne Arundel Gentry: A Genealogical History of Some Early Families of Anne Arundel County, Maryland* (3 vols; Annapolis: 1971), 2:250–54; see Map 226, "Ridgely's Addition, 1783: Part of Howard's Timber Neck," Prints and Photographs, MdHS. It is important to note that there were several distinct families of Howards in the region. While Timber Neck adjoins Lunn's Lott, owned by the Eager - Howard clan, this John Howard was not directly related to these Howards. Further connections between Howards may be found in genealogical records in Newman, *Anne Arundel Gentry*, Barnes, *Baltimore County Families*, or the Bayard Papers (MS # 109), Howard Papers (MS # 469), Howard Family Collection (MS # 2232), and Howard-Gilmor Papers (MS # 2619), MdHS.

58. Scharf, *History*, 1:290.

59. John Giles, Upton Court, 1731: Baltimore County Land Records (Patents) Liber PL no. 8, folio 97; Scharf, *History*, 1:290; Scharf, *Chronicles*, 1:239; Howard v. Moale, 2 H. & J. 250, 254 (Md. 1801); Map 277, "Baltimore 1600's-1759," Prints and Photographs, MdHS.

60. Scharf, *History*, 1:290.

61. Scharf, *History*, 1:290; Scharf, *Chronicles*, 1:8, 188-89, 239; Howard v. Moale, 2 H. & J. 250, 254 (Md. 1801); Map 277, "Baltimore 1600's-1759," Prints and Photographs, MdHS.

62. Richard Gist, Gist's Inspection, 1732: Baltimore County Land Records (Patents) Liber PL no. 8, folio 540, MdSA; Giraud's Lessee v. Hughes, 1 G. & J. 249, 255-56 (Md. 1829). It is unclear why the concurrent owners of Lunn's Lott did not challenge the Gist claim to this valuable waterfront property. We do know, however, that in 1732 George Eager owned Lunn's Lott; that in 1738 Cornelius Howard married George's sister, Ruth (who presumptively inherited Lunn's Lott from George when he disappeared at sea); and that three of Cornelius' sisters married three of Richard Gist's sons. See Barnes, *Baltimore County Families*, pp. 257-58, 342-43.

63. Howard v. Moale, 2 H. & J. 250, 253-54 (Md. 1801); Scharf, *History*, 1:50; Olson, *Baltimore*, p. 5; Scharf, *Chronicles*, 1:19, 188-89.

64. Howard v. Moale, 2 H. & J. 250, 254-55 (Md. 1801). See also Stanley N. Katz, "Republicanism and the Law of Inheritance in the American Revolutionary Era," *Michigan Law Review*, 76 (1977): 9-11; Richard B. Morris, "Primogeniture and Entailed Estates in America," *Columbia Law Review*, 27 (1927), passim.

65. Scharf, *History*, 1:57-58.

66. Casey's Lessee v. Inloes, 1 Gill 430, 437-42, 493-94 (Md. 1844). In this instance and many others there are discrepancies when working with the number in the "ancient metes and bounds." An original call in the patent for Mountney's Neck in 1663 was for "a line drawn north-north-east running into the woods, for length, three hundred and twenty perches. . . ." In the 1734 deed from Carroll to Sligh the overall length of Mountney's Neck unaccountably has shortened to three hundred perches.

67. Scharf, *History*, 1:59. Scharf suggests that the streets were built in the 1760s, but the best evidence is George Gouldsmith Presbury's "A New and Accurate Map of Baltimore Town" (1786), figure 201, in John W. Reps, *Tidewater Towns* (Williamsburg: Colonial Williamsburg Foundation, 1972), p. 288. See Figure 8.

68. Scharf, *History*, 1:59; Helms v. Howard, 2 H. & McH. 57, 59 (Md. 1784).

69. *Helms v. Howard*, 2 H. & McH 57 (Md. 1784).

70. Scharf, *History*, 1:59. The original spelling of Camden Street is taken from Presbury, "A New and Accurate Map of Baltimore Town" (1786), figure 201, in Reps, *Tidewater Towns*, p. 288. On A. P. Folie's, "Plan of the Town of Baltimore and its Environs" (1792) [Figure 202 in Reps, *Tidewater Towns*, p. 291], the spelling was changed to Cambdon. It has long since been standardized as Camden.

71. Raphael Semmes, *Baltimore as Seen by Visitors: 1783-1860* (Baltimore: Maryland Historical Society, 1953), p. 4; Scharf, *Chronicles*, 1:66-67.

72. *First Records*, p. 22; *Browne v. Kennedy*, 5 H. & J. 195, 196-99 (Md. 1821).
73. *Browne v. Kennedy*, 5 H. & J. 195, 196-99 (Md. 1821); Scharf, *History*, 1:54. Scharf indicates that the 1759 grantor to Steiger was Dr. William Taylor. This is assumed to be a mistake since *Browne v. Kennedy*, the earlier, more primary source, fixes ownership in 1757 in Dr. William Lyon, and a search suggests the non-existence of a Dr. William Taylor.
74. *First Records*, pp. 39-40; Scharf, *History*, 1:60-61; Scharf, *Chronicles*, 1:62.
75. 1766 Md. Laws (November) ch. XXII [W. Kilty, vol. 1]; *Archives of Maryland*, 61:253.
76. Plats of Harrison's Marshes, Baltimore County Land Records (Plats), 1784, MdSA.
77. 1766 Md. Laws (November) ch. XXII (secs. III, IX) [W. Kilty, vol. 1]. *Archives of Maryland*, 61:253.
78. 1766 Md. Laws (November) ch. XXII (sec. VII) [W. Kilty, vol. 1], *Archives of Maryland*, 61:253.
79. Mayer, *Ground Rents*, pp. 49-51; 1766 Md. Laws (November) ch. XXII (preamble) [W. Kilty, vol. 1], *Archives of Maryland*, 61:253.
80. 1779 Md. Laws (November) ch. XX [W. Kilty, vol. 1]; Sherry Olson, *Baltimore*, pp. 12-13; see Plats of Harrison's Marshes, 1784, note 76.
81. Scharf, *History*, 1:59-60; *Casey's Lessee v. Inloes*, 1 Gill 430, 452-55, 494 (Md. 1844).
82. *Casey's Lessee v. Inloes*, 1 Gill 430, 460-64 (Md. 1844).
83. Gould, *Land System in Maryland*, pp. 10, 24-25; J. Kilty, *Land-holder's Assistant*, pp. 232, 271-72.
84. Scharf, *History*, 1:59-60.
85. *Ibid.*
86. Mayer, *Ground Rents in Maryland*, pp. 49-53; *Casey's Lessee v. Inloes*, 1 Gill 430, 464-65 (Md. 1844); Scharf, *Chronicles*, vol. 1, p. 71. See, e.g., Ann Fell to John Bond: Baltimore County Land Records (Deeds) Liber AL no. A, folio 186, MdSA.
87. 1773 Md. Laws (June) ch. IV. [W. Kilty, vol. 1]; Scharf, *Chronicles*, 1:71-72; Scharf *History*, 1:59-60.
88. Scharf, *History*, 1:59-60; Olson, *Baltimore*, p. 12.
89. Scharf, *History*, 1:59-60, 185; Olson, *Baltimore*, p. 12; Paul Kent Walker, "The Baltimore Community and the American Revolution: A Study in Urban Development, 1763-1783" (unpubl. Ph.D. diss., University of North Carolina 1973), pp. 91-94, 119.
90. Frank Cassell, *Merchant Congressman in the Young Republic: Samuel Smith of Maryland, 1752-1839* (Madison: University of Wisconsin Press, 1971), pp. 35-40; Olson, *Baltimore*, pp. 13-15.
91. Olson, *Baltimore*, pp. 14-15; Scharf, *History*, 1:290-91.
92. Mason, "Charles Carroll of Carrollton," pp. 9-14; "John Eager Howard," Vertical File, Maryland Department, Enoch Pratt Free Library; Cassell, *Samuel Smith*, pp. 4-11, 35-42; Olson, *Baltimore*, pp. 10-16.
93. *Howard v. Moale*, 2 H. & J. 250, 255 (Md. 1801); Olson, *Baltimore*, p. 16; Katz, "Republicanism," pp. 14-25.

94. 1782 Md. Laws (November) ch. XXIII [W. Kilty, vol. 1]; Howard v. Moale, 2 H. & J. 250, 254-57 (Md. 1801). See also Katz, "Republicanism," pp. 14-25.

95. Mason, "Charles Carroll of Carrollton," pp. 9-14.

96. As previously detailed, in 1711 the grandfather, Charles Carroll the Settler, sold thirty-one acres to Jonathan Hanson; in 1729 the father, Charles Carroll of Annapolis, subdivided sixty acres for the establishment of the first Baltimore Town; in 1734 he apparently quitclaimed his interest in fifty submerged acres to William Fell; in 1757 he sold seven and one-half acres bordering the Falls on the south to Alexander Lawson, thirteen and one-half acres north of the Falls to Dr. William Lyon, and thirty-two acres on the western outskirts of town to Joshua Hall; in 1759 the northeasternmost one hundred fifty acres of the tract were transferred to Thomas Sligh. Taking into account the inadequacy of descriptions and the vagaries of surveys, it is impossible to say for certain, but virtually all of the parcel first transferred from James Todd to the Settler in 1701 (recall Map 3) seems to have been disposed of prior to the death of Charles Carroll of Carrollton's father, Charles Carroll of Annapolis, in 1782.

97. Scharf, *Chronicles*, 1:62-63.

98. Browne v. Kennedy, 5 H. & J. 195, 197, 198 (Md. 1821); Scharf, *History*, 1:61. Scharf dates the diversion of the Jones Falls to 1781, but the 1786 date taken from Browne v. Kennedy seems more reliable.

99. Browne v. Kennedy, 5 H. & J. 195, 199 (Md. 1821).

100. 1773 Md. Laws (November) ch. XXI [W. Kilty, vol. 1]; 1781 Md. Laws (November) ch. XXIV [W. Kilty, vol. 1]; 1782 Md. Laws (November) ch. VIII [W. Kilty, vol. 1]. Though the legislation spells the name "Stigar," all other sources conclude the proper spelling to be "Steiger."

101. "Historical Growth of Baltimore," Map of Baltimore City (Bureau of Plans and Surveys, 1933); 1782 Md. Laws (April) ch. II [W. Kilty, vol. 1].

102. 1782 Md. Laws (November) ch. VIII [W. Kilty, vol. 1]; 1782 Md. Laws (April) ch. II [W. Kilty, vol. 1].

103. Olson, *Baltimore*, pp. 1, 10-11, 18-19, 25.

104. Natalie Shivers, *Those Old Placid Rows: The Aesthetic and Development of the Baltimore Rowhouse* (Baltimore: Maclay & Associates, 1981), p. 21; Scharf, *Chronicles*, 1:288-90; "John Eager Howard's Addition; Part of Lun's Lot," Map 209 (1782), Prints & Photographs, MdHS.

105. 1745 Md. Laws (August) ch. IX [W. Kilty, vol. 1], *Archives of Maryland*, 44:214.

106. Compare "John Eager Howard's Addition; Part of Lun's Lot" Map 209 (1782), with "Land Transaction Between John E. Howard, Hans Morrison, John Meckle, and John McDonough" [on reverse] Map 246 (1786), Prints and Photographs, MdHS.

107. Sidney Homer, *A History of Interest Rates* (New Brunswick, N.J.: Rutgers University Press, 1963), p. 278; Gary Browne, *Baltimore in the Nation, 1789-1861* (Chapel Hill: University of North Carolina Press, 1980), p. 12. See also John Fiske, *The Critical Period of American History* (New York: Houghton, Mifflin & Co., 1899), pp. 163-68.

108. Porter to Hughes, Baltimore County Land Records (Deeds) Liber WG no. K, folio 3, MdSA; Hughes to Harbaugh, Baltimore County Land Records (Deeds) Liber WG no. L, folio 500, MdSA.

109. Giraud's Lessee v. Hughes, 1 G. & J. 249, 252-55 (Md. 1829).

110. *Maryland Journal and Baltimore Advertiser*, 14 December 1789.

111. Giraud's Lessee v. Hughes, 1 G. & J. 249, 252 (Md. 1829); *Maryland Journal and Baltimore Advertiser*, 14 December 1789.

112. The question of whether land under navigable water could be transferred by the proprietor was eventually settled in *Browne v. Kennedy*, 5 H. & J. 195, 203 (Md. 1821). There the court determined that the 1700 transfer of Todd's Range effectively transferred the bed of the navigable stretches of the Jones Falls to Charles Carroll, the Settler, subject to the right of the public to fish and navigate.

113. Such questions were still before the Maryland Court of Appeals two hundred years later. See *Board of Public Works v. Larmar Corp.*, 277 A. 2d 427 (Md. 1971).

114. Attorneys were still fact-finding concerning Bold Venture one hundred fifty years after the fact. In *Peterkin v. Inloes*, 4 Md. 175, 177-78 (Md. 1853) probate records were belatedly rediscovered which indicated that John Oulton and his wife Mary died in 1709. The court left it an open question as to whether an escheat had occurred, however.

115. See *Peterkin v. Inloes*, 4 Md. 175, 177 (Md. 1853); *Wilson v. Inloes*, 6 Gill 121, 147 (Md. 1847); *Casey's Lessee v. Inloes*, 1 Gill 430, 442-45, 465 (Md. 1844).

116. *Wilson v. Inloes*, 11 Gill & J. 351, 352-54, 359-60 (Md. 1840).

117. In its final analysis, the Maryland Court of Appeals avoided the issue. It refused to grant ejectment to either the successors in interest to Mountney's Neck or Fell's Prospect reasoning that title was apparently in a third party, the unknown heir to Bold Venture. *Wilson v. Inloes*, 11 Gill & J. 351 (Md. 1840); *Casey's Lessee v. Inloes*, 1 Gill 430 (Md. 1844); *Wilson v. Inloes*, 6 Gill 121 (Md. 1847); *Hammond v. Inloes*, 4 Md. 138 (1853); *Peterkin v. Inloes*, 4 Md. 175 (1853).

118. Scharf, *History*, 2:928; Scharf, *Chronicles*, 1:238; Semmes, *Baltimore as Seen by Visitors*, p. 15.

119. Semmes, *Baltimore as Seen by Visitors*, p. 26. When Chancellor James Kent, a distinguished jurist from New York visited in 1793, he estimated that the harbor was only five or six feet deep.

120. *First Records*, p. xxii; Scharf, *Chronicles*, 1:208.

121. Presbury, "A New and Accurate Map of Baltimore Town" (1780), figure 201, in Reps, *Tidewater Towns*, p. 288. The name of the pier owner is difficult to decipher; "Jnn. Lindson" is a best guess but since that name does not otherwise appear in Baltimore history it may be in error. The wharves are described in *Baltimore as Seen by Visitors*, p. 5.

122. *Harrison v. Sterett*, 4H. & McH. 540 (Md. 1774); Cassell, *Samuel Smith*, pp. 4-11.

123. Provincial Court Records (Judgments) Liber DD no. 19, folio 594 (1774), MdSA; Scharf, *Chronicles*, 1:207-8; Presbury, "A New and Accurate Map of Baltimore Town" (1792), figure 201, in Reps, *Tidewater Towns*, p. 288.

124. Scharf, *Chronicles*, 1:52–53, 56–57; Semmes, *Baltimore as Seen by Visitors*, p. 5. In his *Chronicles*, 1:207–8, Scharf dates the first long piers to the 1760s, but a review of the maps from that era suggests that construction began about 1781.

125. Scharf, *Chronicles*, 1:206.

126. 1782 Md. Laws (April) ch. XXXVIII (sec. VI) [W. Kilty, vol. 1]; State of Maryland ex rel. Yates v. Nathaniel Smith, Robert Purviance and Samuel Purviance, Chancery Court (Records) 1668–1807, Liber 14, folio 357 (1784); Smith and Purviances v. Maryland, 2 H. & McH. 244, 246 (Md. 1788).

127. Smith and Purviances v. Maryland, 2 H. & McH. 244, 244–46 (Md. 1788); *First Records*, p. 48; Richard and Elizabeth Cromwell to Thomas Yates, Baltimore County Land Records (Deeds) Liber WG no. T, folio 363; Bryan Philpott to Thomas Yates, Baltimore County Land Records (Deeds) Liber WG no. T, folio 366.

128. 1783 Md. Laws (April) ch. XXIV [W. Kilty, vol. 1]; Giraud's Lessee v. Hughes, 1 G. & J. 249, 258 (Md. 1829); Caritee v. Baltimore, 53 Md. 422, 434–35 (Md. 1880); A.P. Folie, "Plan of the Town of Baltimore and its Environs" (1792), figure 202, in Repts, *Tidewater Towns*, p. 290.

129. Smith and Purviances v. Maryland, 2 H & McH. 244, 247–52 (Md. 1788); Scharf, *Chronicles*, 1:207–8.

130. Smith and Purviances v. Maryland, 2 H & McH. 244, 250–52 (Md. 1788).

131. Scharf, *History*, 1:206.

132. Dugan v. Baltimore, 5 G. & J. 357, 358–61 (Md. 1833); *First Records*, pp. 88–89.

133. Scharf, *Chronicles*, 1:287; Olson, *Baltimore*, p. 38; Dugan v. Baltimore, 5 G. & J. 357, 358–61 (Md. 1833).

134. 1796 Md. Laws (November) ch. XLV [W. Kilty, vol. 2]; Warner & Hanna's "Plan of the City and Environs of Baltimore" (1801), figure 203, in Repts, *Tidewater Towns*, p. 291.

135. 1796 Md. Laws (November) ch. LXVIII [W. Kilty, vol. 2].

136. Olson, *Baltimore*, pp. 35–36, 52.

137. *Ibid.*, pp. 35–36; Shivers, *Those Old Placid Rows*, p. 21.

138. Scharf, *Chronicles*, 1:238–42

MAP REFERENCES

Map 2. Contiguous Tracts claimed by James Todd in 1701. Adapted from Baltimore County Land Records (Plats), no. 217, "Elizabeth Casey's Lessee v. William Inloes et al.," MdHS.

Map 4. Baltimore Town 1729, Jones Town 1737. Adapted from George Gouldsmith Presbury, "A New and Accurate Map of Baltimore Town," 1780, MdHS.

Map 6. Additions to Baltimore Town 1729–1766. Adapted from Bureau of Plans and Surveys, "Historical Growth of Baltimore," 1933, Enoch Pratt Free Library.

Map 11. Howard's Addition, 1782. Adapted from Baltimore County Land Records (Plats), no. 16, "Part of Lunn's Lot: John Eager Howard's Addition," n.d. MdSA.

Map 12. Detail of Gist's Inspection, 1783. Adapted from Baltimore County Land Records (Plats), no. 17, "Plats of Howard's Addition," 1783, MdSA.

Map 14. Baltimore Waterfront, 1780. Adapted from Presbury, "A New and Accurate Map of Baltimore Town," 1780, MdHS.

Map 15. Baltimore Waterfront, 1787. Adapted from A. P. Folie, "Plan of the Town of Baltimore and its Environs," 1792, Baltimore City Life Museums.

Map 16. Baltimore Waterfront, 1797. Adapted from Warner and Hanna, "Plan of the City and Environs of Baltimore," 1801, Library of Congress.