

***Garitee v. Mayor and City Council of Baltimore:***  
**A Gilded Age Debate on the Role and Limits**  
**of Local Government**

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## I. Introduction

In 1877, William L. Garitee brought suit against the city of Baltimore in what would become a pivotal case in public nuisance for the state of Maryland. Four years earlier, Daniel Constantine, a city contractor, began dumping in the Patapsco River between Colgate Creek and Sollers Point. The dredge came from the excavation of Baltimore's Inner Harbor and improvements being made to the Jones Falls Canal. Constantine's dumping directly affected William Garitee's ability to conduct business from his wharf because the dumping reduced the depth of the river, making it impossible to access Garitee's dock by ship. After making several attempts to get the city to stop dumping, Garitee was forced to file suit against the city.

The Superior Court for Baltimore City decided the case in favor of the city, a decision Garitee appealed. The appeal was heard in the March term of 1880 by the Maryland Court of Appeals. Under Judge Richard Henry Alvey, the Court overturned the lower court's decision and remanded the case to allow Garitee to proceed with his public nuisance claim and award damages.

Politically, *Garitee v. Mayor and City Council of Baltimore* was part of the larger on-going debate on the role of government. During the Gilded Age, the Federal Government assumed a laissez-faire stance toward business, but the Progressive Era that immediately followed witnessed a restraint of business through the passage of the Sherman Antitrust Act and the trust-busting administration of President Theodore Roosevelt.

State and city government produced the same debate, but in a somewhat different fashion. Baltimore's government expanded in the 1870's with the creation of City Hall, the City Library, the harbor board and several other municipal services.<sup>1</sup> The health commissioners alone

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<sup>1</sup> Wilbur F. Coyle, "The Mayors of Baltimore," *The Municipal Journal of Baltimore* 7, no. 7 (April 11, 1919): 6.

hired as many as six hundred city employees after a single snowstorm.<sup>2</sup> The expansion of government brought about an era of economic liberalism under the Democratic mayoral administration of Joshua Vansant. Subsequent administrations were forced to curtail spending and restrict the expansion of government, bringing an economic depression to the city. William L. Garitee found himself caught in the middle of this debate. As a businessman, it would seem as if Garitee would hail the city's expansion; however, he seemed to endure the negative effects of the growth, including hosting a dumping ground for the city. His lawsuit, thus, became a microcosm of the power struggle between the objectives of the government and the individual businessman. Overall, *Garitee v. Mayor and City Council of Baltimore* challenged the role of and established limits on the powers of local government.

## II. Jones Falls and the Rise of a Lawsuit

### a. *Baltimore's Need to Renovate the Falls*

Following the Civil war, seasonal weather extremes and the continuation of an earlier population boom prompted the city of Baltimore to consider improvements to Jones Falls. The city eyed the falls, which branched off Baltimore's Inner Harbor,<sup>3</sup> as a source for the city's water supply until "a prolonged drought in the fall of 1869" proved that it was inadequate.<sup>4</sup> Regardless of this finding, the city needed to improve Jones Falls to both prevent further flooding of the downtown area near the mouth of the falls and to improve sanitation in and around the harbor.

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<sup>2</sup> Sherry H. Olson, *Baltimore: The Building of an American City* (Baltimore: Johns Hopkins University Press, 1997), 179.

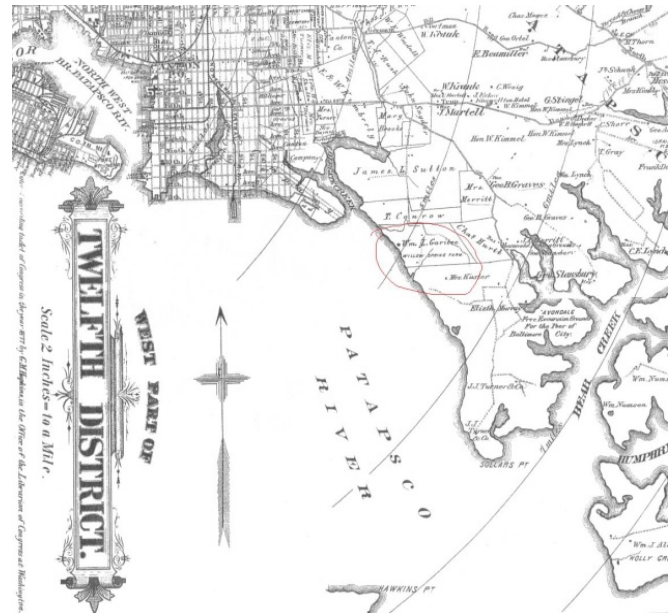
<sup>3</sup> Baltimore's Inner Harbor is a part of the Patapsco River.

<sup>4</sup> Department of Public Works, *The Story of Baltimore's Water Supply* (Baltimore: City of Baltimore, 1970), 7, as archived in Vertical File in Maryland Department of the Enoch Pratt Free Library under "Water Supply – Baltimore".

On January 31, 1870, Baltimore’s city council approved a plan to install sewers on both sides of the canal, while at the same time dredging the channel to deepen and widen its dimensions.<sup>5</sup>

*b. The Effect of the Construction on William L. Garitee*

Even though this project was intended to benefit the city, many Baltimore area landowners suffered detrimental effects to their property. In particular, William L. Garitee, who owned land on the banks of the Patapsco River, from which he shipped bricks into Baltimore and Annapolis,<sup>6</sup> fell victim to the repercussions of dredging. The Jones Falls dredging required the removal of several tons of silt and debris. The city’s contractor, Daniel Constantine, decided to dump the dredge debris in the adjoining Patapsco River along the Patapsco Neck between Colgate Creek and Sollers Point—the location of Garitee’s waterfront property. In addition to the brick manufacturing



**Figure 1.** Map of the 12<sup>th</sup> District showing Garitee’s *Willow Springs Farm*, 1877 (circled)  
**Source:** *Atlas of Baltimore County Maryland*, G.M. Hopkins: Philadelphia, 1877.

<sup>5</sup> Henry Tyson, *The Plan for the Improvement of the Channel of Jones’ Falls, and Drainage of Adjacent Portions of the City, with the Working Drawings and Specifications* (Baltimore: Kelly, Piet & Company, 1871), 1.  
<sup>6</sup> Baltimore City Superior Court, Court Papers, *Garitee v. Mayor and City Council of Baltimore, 1877*, “drawer R no. 4,” box no. 39[MSA T51-36, 2/20/7/9], 4 [hereafter, cited as Court Papers].

property.<sup>7</sup> With the dumping of the dredge material in front of his property, ships could not access his wharf and his two sources of income were interrupted.

Garitee made several attempts to stop the dumping by contacting both the city's contractor and city officials; however, he was promptly dismissed by each.<sup>8</sup> With no other lucrative options, Garitee filed suit against the mayor, the city council, and the city's contractor in 1877. He claimed that the city of Baltimore illegally interfered with his ability to ship bricks from his brickyard and to receive guests at his hotel, effectively putting him out of business. With this, *Garitee v. Mayor and City Council of Baltimore* was placed on the docket of the Superior Court for Baltimore City.

### III. The Growth and Development of 19<sup>th</sup> Century Baltimore

#### *a. The City's Tough Adaptation to America's Urban Expansion*

The 19<sup>th</sup> century was a period of phenomenal growth for the city of Baltimore, Maryland. This growth was most pronounced between the years of 1840 and 1880 when Baltimore's population more than tripled.<sup>9</sup> In fact, the population of Baltimore increased some 67 percent alone in the 1840's.<sup>10</sup>

Much of the growth in the latter half of the century could be attributed to "a large number of persons came from the southern states, the resources of which had been depleted, to seek

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<sup>7</sup> Ibid, 3.

<sup>8</sup> Ibid, 8-11.

<sup>9</sup> Campbell Gibson, "Population of the 100 Largest Cities and Other Urban Places in the United States: 1790 to 1990," (Washington: U.S. Census Bureau, 1998), under "Population," <http://www.census.gov/population/www/documentation/twps0027/twps0027.html> (accessed November 5, 2009).

<sup>10</sup> J. Thomas Scharf, *History of Baltimore City and County: From the Earliest Period to the Present Day: Including Biographical Sketches of their Representative Men* (Louis H. Everts: Philadelphia, 1881), 186.

employment,” after the Civil War.<sup>11</sup> In response to the migration, “Baltimore extended a hearty welcome to the thousands of refugees” who “flocked to the city, and assisted largely in the subsequent expansion of its enterprises.”<sup>12</sup> At the same time, European immigrants, particularly Germans, were flooding the city. By 1868, German immigration reached 12,000 individuals, exceeding all earlier rates.<sup>13</sup> Additionally, the “negro population of the city increased by the influx of newly emancipated slaves. As a result of these conditions, the census of 1870 showed a decided numerical gain.”<sup>14</sup>

Baltimore’s phenomenal growth became both a blessing and a curse. The city’s assessed value in 1839 stood at \$55,793,370 compared to the actual value of \$634,800,000 in 1880.<sup>15</sup> Taxation on the city’s assessed property values provided much revenue for the city coffers and allowed the city to expand municipal services such as rail transportation, port and harbor improvements, and city water and sewer services. These improvements were necessary to improve the health and well-being of the city and its inhabitants. Despite the city’s full coffers, Baltimore failed to provide enough in fighting disease, which ran rampant along Baltimore’s Inner Harbor. A comprehensive sanitation system did not become a reality until after the great Baltimore Fire in 1904. Prior to that, the city relied on private provision of sanitation services, which resulted in the dumping, or emptying, of raw sewage directly into the harbor. Thus, areas near the shore where water lay stagnant became a breeding ground for disease. The effect of this

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<sup>11</sup> Matthew Page Andrews, M.A., “History of Baltimore from 1850 to the Close of the Civil War,” in *Baltimore: Its History and Its People*, vol. I, edited by Clayton Hall Colman, (New York: Lewis Historical Publishing Company, 1912), 206.

<sup>12</sup> Ibid, 214.

<sup>13</sup> Olson, 179.

<sup>14</sup> Andrews, 206.

<sup>15</sup> Scharf, 187. At the time of publication of Scarf’s book in 1881, the “census valuations of Baltimore property [in 1880] were not yet absolutely and exactly attainable.” Scarf approximated the actual value by the “addition of 70 per cent to the assessed valuations”, the addition of \$150,000,000 in unassessed and exempt property, \$30,000,000 for the city’s share in Baltimore County, and “100 per cent for real value [of Baltimore’s share in Baltimore County]” as estimated by the county clerk.

was seen as “150 cases of typhomalarial fever occurred in one block of Fells Point” in July of 1876 alone.<sup>16</sup> The situation declined so severely that the lack of a comprehensive sanitation system contributed to Baltimore “achiev[ing] the highest typhoid rate of any big city in the country” at that time.<sup>17</sup>

Baltimore was not alone in its vast growth during the nineteenth century. The Gilded Age was an era marked by exceptional growth. Other major metropolitan areas such as New York City, Philadelphia, Boston, and New Orleans experienced a similar increase in their populations. When the 19<sup>th</sup> century dawned on New York, the city’s population was over 60,000 inhabitants; by the next millennium, New York boasted almost 3.5 million residents. Philadelphia, home to 41,220 residents in 1800, grew in similar fashion to almost 1.3 million residents at the beginning of the 20<sup>th</sup> century. Overall, Boston’s growth most closely resembled that of Baltimore’s. The Massachusetts port expanded from 25,000 people to more than half a million people during the 19<sup>th</sup> century.<sup>18</sup> Indeed the urban centers of the United States were expanding and each of these cities experienced “growing pains” in managing the rapid population boom.

*b. The Growth’s Impact on Garitee*

1. Jones Falls

From the aforementioned statistics, it is clear that Baltimore experienced unprecedented growth during the 1800’s. Such expansion often helps local business; however, this growth actually hurt William L. Garitee. Baltimore’s growth provides the foundation for the stories

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<sup>16</sup> Olson, 162.

<sup>17</sup> Jane Tinsley Swope. “Stream that Shaped the City: The Jones Falls Story,” *Baltimore Sun*, September 1957, as archived in Vertical File in Maryland Department of the Enoch Pratt Free Library under “Jones Falls”, envelope #1.

<sup>18</sup> Gibson.

behind the lawsuit of *Garitee v. Mayor and City Council of Baltimore*.

The first story involves the Jones Falls, which seemingly has always been a source of problems for the city.<sup>19</sup> The rapid population growth of the 19<sup>th</sup> century and equally rapid rise in property values quickly led to the overdevelopment of the Jones Falls River basin. This overdevelopment, in combination with inclement seasonal weather patterns, resulted in the periodic flooding of the lower downtown city streets. The earliest of these floods was recorded in 1796, but the most disastrous floods occurred in 1837 and 1868. Both of these floods saw water from the Jones Falls rise to the second story of nearby buildings, claim a large number of



**Figure 2.** Jones' Falls, July 25, 1868.

**Source:** Vertical File, *Jones Falls File*, Envelope #1, Maryland Department, Enoch Pratt Free Library

lives, and cause millions of dollars in property damage.<sup>20</sup> In between these two major floods, the channel breached its banks on five different occasions. The death and destruction caused by the 1868 flood finally prompted the city to investigate options for improving the Jones Falls channel. Within a week of the flood, the City Council of Baltimore commissioned a study for plans to improve the falls.<sup>21</sup>

The resulting plans called for straightening, widening, and deepening Jones Falls. Additionally, the plan included the installation of sewers along both sides

of the channel and the raising of the channel walls to a height of thirteen feet and six inches

<sup>19</sup> George A. Gripe, "Baltimore's Vesuvius," *Sun Magazine*, April 29, 1973, as archived in Vertical File in the Maryland Department of the Enoch Pratt Free Library under "Jones Falls", envelope #1.

<sup>20</sup> Ibid. Swope. David F. Woods, "Jones Falls Floods Caused Deaths, Terrible Destruction Four Times," *The Evening Sun*, June 26, 1972, as archived in Vertical File in the Maryland Department of the Enoch Pratt Free Library under "Jones Falls", envelope #1.

<sup>21</sup> Tyson. The flood of July 24, 1868 was described as the worst flood in the history of the city. On July 31, 1868, Henry Tyson, civil engineer, along with several others submitted plans for the improvement of Jones Falls. Tyson's plans were ultimately the ones selected by the city.



above mid-tide.<sup>22</sup> In straightening the channel, the city hoped to improve access to the city dock, thereby increasing the economy of the downtown area. Straightening the channel would allow larger ships to sail further up the channel for loading and unloading; therefore the Jones Falls improvement plan also called for widening the channel to 125 feet.<sup>23</sup> Sewers were to be graded at one foot in seven hundred and fifty minimum. Such grading would “give a current, when the sewer is three-fourths full of water, of three feet per second” and have the ability to drain one thousand acres.<sup>24</sup> The plan was estimated to cost \$3,250,000 and be completed in eighteen months, but “renewed disputes soon interrupted the work.”<sup>25</sup>

The improvements also called for the dredging of the channel. Captain Daniel Constantine was awarded the contract to excavate the channel and appears to have taken it upon himself on where to dump the dredge material.<sup>26</sup> According to the court transcripts, Garitee claimed Constantine stated that “He was going to dump wherever he could find ground.”<sup>27</sup> Constantine began excavating the Jones Falls channel in 1873 and commenced dumping near Garitee’s property on the Patapsco River. Garitee claimed Constantine was still dumping in 1874 and that the dumping commenced again in 1876 after the appointment of new harbor officials.<sup>28</sup>

## 2. Bricks

The second story behind *Garitee v. Mayor and City Council of Baltimore* involves the manufacturing of brick. Baltimore’s brick industry can be traced back to the late 18<sup>th</sup> century

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid. Andrews, 225.

<sup>26</sup> Tyson’s plan called for “the material to be removed as fast as Excavated to some proper place provided for its reception by the contractor.”

<sup>27</sup> Court Papers, 8.

<sup>28</sup> Ibid, 9.

when Burns & Russell opened a brickyard in Carroll Park in 1790.<sup>29</sup> As Baltimore's population grew, so did the demand for brick. In 1826, the city passed an ordinance banning all wood structures and construction.<sup>30</sup> Brick instantly became the primary building material for the city and continued to be a profitable business for the rest of the 19<sup>th</sup> century and into the early 20<sup>th</sup> century.<sup>31</sup> Additionally, bricks were used for paving streets. Under the mayoral administration of Joshua Vansant, "the amount of street paving laid during this administration was greater than any previous period of the same length."<sup>32</sup>

Baltimore bricks in particular were in high demand for reproducing colonial style buildings because of the clay's distinguished scarlet and orange color.<sup>33</sup> Many of Baltimore's most prominent landmarks, including the Carroll House, Johns Hopkins Homewood Campus and the Shot Tower, were constructed of Baltimore brick.



**Figure 3.** A late 19<sup>th</sup> century brickyard near Garitee's *Willow Springs Farm* on the Patapsco River.

**Source:** *Dundalk: The First 100 Years 1895 – 1995*, Dundalk – Patapsco Neck Historical Society, 1997.

Garitee likely anticipated the increased demand in brick based on the city's growth when he attempted to lease all of the

<sup>29</sup> "Burns & Russell Co. of Dundalk," as archived in the Dundalk-Patapsco Neck Historical Society archives under "Burns and Russell."

<sup>30</sup> "Ordinance of the City Council of Baltimore, 1826," *Ordinances and Resolutions of the Baltimore City Council 1797 - 1863*, 57, RG16 S5 BCA 406-415, [http://mdhistory.net/msaref14/bca\\_m0406/pdf/bca\\_m0406-0057.pdf](http://mdhistory.net/msaref14/bca_m0406/pdf/bca_m0406-0057.pdf) (accessed November 29, 2009).

<sup>31</sup> Ralph J. Robinson, "Brick in Baltimore," September 1952 as archived in Vertical File in the Maryland Department of the Enoch Pratt Free Library under "Brick"

<sup>32</sup> Coyle, 6.

<sup>33</sup> Richard G. Collier, ed., "Early Use of Brick in Maryland," *Building Economy* 6, no. 12, January 1931, (Cleveland: Ralph P. Stoddard, 1931), 2, as archived in Vertical File in the Maryland Department of the Enoch Pratt Free Library under "Brick".

brickyards in Carroll Park.<sup>34</sup> His involvement in the building trade undoubtedly gave him firsthand knowledge of both the demand and the city's growth. Garitee, himself, even moved to the newly developed neighborhood near Lafayette Square shortly after the end of the Civil War.<sup>35</sup> Lafayette Square was the newest residential development for rising middle class businessmen. Garitee, in an apparent effort to elevate his social status, moved to the southeastern corner of the square and remained there for almost two decades.

Despite the growth of the city, Garitee's brick business was not prospering. Garitee's anticipation of the demand for brick and his speculation in brick manufacturing were thwarted by several key factors. First, shortly after Garitee leased the Creery Brick Machine Company on the Patapsco River, the demand for Baltimore's colored brick fell. Newer developments were designed in the shadow of Greek

revival. Along with this came the trend that "people [began to] prefer gray and white...over the natural colors of the local clay . . . By 1870,

color was under a pall in the American city."<sup>36</sup> Secondly, under Mayor Vansant, the city experimented with several



**Figure 4.** Manual loading of brick onto a barge in the Patapsco River near Garitee's *Willow Springs Farm*, circa 1885.

**Source:** Dundalk-Patapsco Neck Historical Society.

different paving methods. One of the more popular methods called for replacing brick and cobblestone streets with Belgian block paved streets. Garitee's clay pits only yielded clay for traditional Baltimore brick.

<sup>34</sup> Court Papers, 21. Garitee states that he would have "leased all the clay in that section of the city" if he could have.

<sup>35</sup> Andrews, 217. Andrews notes "Practically a new city had arisen in this section and along the avenues leading to Druid Hill Park."

<sup>36</sup> Collier, 2.

### 3. Economic Depression

Garitee's struggle to set up a brick manufacturing company was also hindered by the economic depression of the 1870s. In addition to unprecedented growth, the Gilded Age was marked by lavish displays of wealth and excess. Baltimore was no exception. However, City spending under Mayor Vasant proved to be "defective".<sup>37</sup> Although Mayor Vasant's initiatives were desperately needed, the costs of the projects outstripped the city's financial resources by more than \$13,000,000.<sup>38</sup> To pay for these excesses, the city was forced to use the "floating debt".<sup>39</sup> Smaller brick players like Garitee, "experienced the same cycles of lessened production and business prosperity as did the city itself."<sup>40</sup> Once Mayor Vasant was out of office, Mayor Ferdinand Latrobe worked quickly to curtail excessive spending and reduce the size of local government.<sup>41</sup>

Baltimore's financial troubles were part of a larger national depression that lasted much of the 1870s. Several national events sparked the economic downturn, including the Great Chicago Fire of 1871, but the culmination of the depression can rest squarely on the financial practices of Jay Cooke & Company and the federal monetary policy.<sup>42</sup> Jay Cooke & Company, a Philadelphia investment house, was one of the nation's premier financial institutions in the mid-19<sup>th</sup> century. Cooke's firm held most of the federal war bonds and was commissioned as the government's agent in financing the expansion of the transcontinental railroad.<sup>43</sup> By the early 1870s, most railroads had overbuilt and investments in the railroad soured. In September 1873, Jay Cooke & Company collapsed, setting off a string of bank failures. Although the depression

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<sup>37</sup> Olson, 166.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Robinson.

<sup>41</sup> Scharf, 181.

<sup>42</sup> Drew VandeCreek, "Gilded Age: 1873-1876: Panic of 1873," *Illinois During the Gilded Age* (Northern Illinois University Libraries, 2003), <http://dig.lib.niu.edu/gildedage/narr3.html> (accessed December 11, 2009).

<sup>43</sup> Ibid.

was felt nationally, eastern cities such as New York, Philadelphia, and Baltimore were hit the hardest because the financial markets were so closely tied to the railroad.<sup>44</sup>

Federal monetary policy following the Civil War compounded the economic crisis. President Grant's administration demonetized silver and placed the United States on the gold standard with the passage of the Coinage Act of 1873. This act depressed silver values and tightened the nation's money supply. Grant's administration furthered the problem by releasing gold from government stores to prevent speculators from taking control of the gold market, which caused a collapse in gold prices. These actions, combined with the over-investment in the railroad industry, ruined many speculators.

Locally, businessmen like William Garitee felt the hardship through the tightened money supply. Like most manufacturers, Garitee sold his bricks on advance.<sup>45</sup> Builders would pay for the bricks when they received payment for their own services. In a time of economic depression, Garitee's customers were not able to pay their bill once they took possession of the bricks, leaving Garitee holding an empty bag. Buying and selling on advances was the common practice of the day in the building trade industry:

“It is a well known fact among builders that when they lease ground and build on advances, they have to pay a much higher rate for the ground, sometimes double what they would have to pay if they would lease without advances being made.” In addition, the landowner was protected by a mortgage on the property as of the date of the sale. If the builder failed, the landowner foreclosed, getting the whole property for the value of the prior claim, or about half its cost. The mechanics and materials men were left without any security for their outlays, although their investment of labor and materials had supplied the other half the working capital.<sup>46</sup>

Had Garitee been able to set up his brick company and later hold on to his Willow

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<sup>44</sup> Ibid.

<sup>45</sup> Court Papers, 24-5.

<sup>46</sup> Olson, 168-9.

Springs Farm, his speculation might have paid great dividends. In 1885, Burns & Russell purchased 125 acres of land adjacent to Garitee's Willow Springs Farm for \$15,000.<sup>47</sup> This was almost double the amount Garitee paid Sophia Reed for the Willow Springs Farm sixteen years earlier.<sup>48</sup> In 1899, competition in the Baltimore brick industry forced many small players to merge. The merger resulted in the formation of the Baltimore Brick Company, the single largest brick maker in Baltimore.<sup>49</sup> Having gone out of business almost two decades earlier, Garitee was never presented with the opportunity to merge with the other small brick-makers.<sup>50</sup>

#### **IV. The Major Participants of *Garitee v. Mayor and City Council of Baltimore***

##### *a. The Plaintiff*

At the time the Williams L. Garitee filed his lawsuit in 1877, he was a 57 year-old, middle-class brick manufacturer.<sup>51</sup> In addition to his business life, Garitee was a family man; married and a father of seven children.<sup>52</sup> In the years prior to his suit against the City of Baltimore, Garitee had fallen on hard times. Although he continued to “climb” society's ladder and give the appearance that he belonged amongst the city's elite, his financial affairs told a

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<sup>47</sup> “Burns & Russell Co. of Dundalk.”

<sup>48</sup> Court Papers, 2.

<sup>49</sup> Robinson.

<sup>50</sup> Garitee is listed as “Out of Business” in the 1880 Census. Garitee loses the Willow Springs property in 1888 for failure to pay his mortgage. The property is sold at auction the following year.

<sup>51</sup> “Died,” *The Sun (1837-1985)*, March 14, 1892, 2, <http://www.proquest.com/> (accessed November 7, 2009). 1870 United States Federal Census (Population Schedule), Baltimore (Independent City), Ward 19, Baltimore County, Maryland, Page 287, Dwelling 1851, Family 2111, Wm L. Garitee household, jpeg image, (Online: The Generations Network, Inc. 2009) [Digital scan of original records in the National Archives, Washington, DC], subscription database, <http://www.ancestry.com/>, (accessed November 7, 2009). Both sources place Garitee's birth year as 1820. Using this year as the base, Garitee would have been 57 when he filed his original case and 60 when the appeals case was heard. Other sources place Garitee's birth year between 1816 and 1822.

<sup>52</sup> 1850 United States Federal Census (Population Schedule), Baltimore (Independent City), Ward 8, Baltimore County, Maryland, Page 200, Dwelling 1348, Family 1572, William Garritey household, jpeg image, (Online: The Generations Network, Inc. 2009) [Digital scan of original records in the National Archives, Washington, DC], subscription database, <http://www.ancestry.com/>, (accessed November 7, 2009). The census for 1850 shows William Garitee and his wife Hannah with an infant son named William. William the younger is not listed in the 1860 census when he would have been 10 years old, but six other children are named.

different story.

Through census records and newspaper articles, Garitee is shown as having a variety of occupations. In 1850, Garitee listed himself as a plasterer living in Baltimore's 8<sup>th</sup> ward.<sup>53</sup> A classified ad in *The Baltimore Sun* around that same time indicates Garitee was also a building materials vendor, selling white pine lumber and shingles.<sup>54</sup> By the middle of the decade, he had begun selling real estate.<sup>55</sup> Garitee's shift in employment focus is the source of both his social "climb" and his financial downfall. In 1855, Garitee began acquiring properties, including a brickyard in Carroll Field, but within the year lost a wooded country estate of 168 acres for failure to make payment on his mortgage.<sup>56</sup> However, by the outbreak of the Civil War, Garitee had amassed an estate of properties valued at \$53,790.<sup>57</sup>

After the War, Garitee continued to elevate his social status; moving to the 19<sup>th</sup> ward on the corner of Lafayette Square.<sup>58</sup> He also continued to deal in real estate. In 1868, Garitee purchased an auctioned lease of the Creery Brick Company on the Patapsco River presumably because the clay at his Carroll field plant was running low.<sup>59</sup> The following year, Garitee

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<sup>53</sup> Ibid.

<sup>54</sup> "Classified Ad 9 – No Title," *The Sun (1837-1985)* May 25, 1848, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>55</sup> Various classified ads in *The Sun (1837-1985)* beginning January 22, 1855, <http://www.proquest.com/> (accessed November 7, 2009)

<sup>56</sup> "Classified Ad 25 – No Title," *The Sun (1837-1985)* August 25, 1856, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>57</sup> 1860 United States Federal Census (Population Schedule), Baltimore (Independent City), Ward 8, Baltimore County, Maryland, Page 393, Dwelling 2367, Family 2668, William L. Garrity household, jpeg image, (Online: The Generations Network, Inc. 2009) [Digital scan of original records in the National Archives, Washington, DC], subscription database, <http://www.ancestry.com/>, (accessed November 7, 2009).

<sup>58</sup> 1870 United States Federal Census.

<sup>59</sup> Court Papers, 14-5. Transcripts from *Garitee v. Mayor and City Council of Baltimore* refer to the leased property as the Creery Brick Machine Company. An article in *The Baltimore Sun* cites Garitee's lease of the Crary Brick Company for \$4,000. "Local Matters," *The Sun (1837-1895)* May 23, 1868, <http://www.proquest.com/> (accessed November 7, 2009). Burns and Russell, one of Baltimore's oldest and most prominent brick manufacturers also had a brick operation at Carroll field. Burns and Russell moved their operations to the property adjacent to Garitee's Willow Springs Farm in 1885 citing an exhaustion of the clay. It seems plausible that Garitee's Carroll field operations may have been experiencing the same exhaustion some years earlier.

purchased 156 acres adjacent to the brickyard, known as the Willow Springs Farm.<sup>60</sup> In the court transcripts, Garitee admitted that he was holding the land for a better price and that he purchased the Willow Springs Farm for the clay and water rights.<sup>61</sup> According to the court proceedings, the Willow Springs Farm also included a hotel that William L. Garitee leased out to church groups for day excursions.<sup>62</sup>

Despite the acquisition of land, Garitee's financial troubles escalated after the war. In 1870, Garitee's estate was valued at \$25,000, less than half the value declared in 1860.<sup>63</sup> At the foundation of Garitee's financial troubles were several lawsuits between 1869 and 1877 costing Garitee more than \$3,000 in judgments and an unknown amount more in attorney fees and court costs.<sup>64</sup> Garitee's financial troubles forced him to sell almost half of the Willow Springs Farm in 1877.<sup>65</sup> Later, he renamed the Willow Springs Farm "The Hope," reflecting his desire to reverse his financial downfall.<sup>66</sup> Garitee's "hope" would never materialize. The city's dumping put him out of business, and eight years later he lost what remained of the Willow Springs Farm. Garitee moved to Philadelphia where he died in 1892.<sup>67</sup>

### *b. The Defendants*

When Garitee sued the mayor and city council of Baltimore, he sued the offices and not

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<sup>60</sup> Court Papers, 14-5.

<sup>61</sup> Ibid.

<sup>62</sup> Court Papers, 16.

<sup>63</sup> 1870 United States Federal Census.

<sup>64</sup> Various articles in *Baltimore Sun (1837-1985)* beginning August 13, 1871, <http://www.proquest.com/> (accessed November 7, 2009). Garitee's losses include: John Bechtel more than \$665.07 (\$310.34 on two Lanvale Street dwellings and \$354.73 on a mechanics lien), Dodge & Worley \$1680, and Thomas Cunningham \$757.20.

<sup>65</sup> Court Papers, 3. Trial proceedings are dated March 13, 1879. Garitee states he sold the 75 acres of the Willow Springs Farm "about a year ago, or a little over."

<sup>66</sup> Court Papers, 14-5. "Baltimore County," *Baltimore Sun (1837-1985)*, August 22, 1889, <http://www.proquest.com/> (accessed November 7, 2009). In a classified ad of William Seemuller & Company for the auction of William L. Garitee's former property, the Willow Springs Farm is referred to as "The Hope".

<sup>67</sup> Mortuary Notice, *Baltimore Sun (1837-1985)*, March 14, 1892, <http://www.proquest.com/> (accessed November 7, 2009)



the individuals. It must also be noted that Garitee's suit spanned the administrations of two different mayors.

### 1. Mayor Joshua Vansant

When the dumping at Garitee's property began, Joshua Vansant was in office. Vansant served two terms as mayor for the Democratic Conservative Party from 1871 to 1873 and 1873



**Figure 5.** Joshua Vansant, Mayor 1871-1875.

**Source:** Maryland State Archives - MSA SC 3520-2148

to 1875. He was born in Kent County, Maryland in 1803, and was of Dutch ancestry.<sup>68</sup> Under Vansant's administration, the city saw rapid expansion in the areas of education and public works. Twelve new schools were built including the City College on North Howard Street, which was the first German-English school and "the first school house for colored children."<sup>69</sup> In the area of public services, new police and fire stations were constructed, Port Warden lines were established, several storm sewers were built, and the Gunpowder Falls was approved for use as the city's water supply, replacing the inadequate Jones Falls.<sup>70</sup> Additionally, as previously mentioned, Vansant's administration was committed to

opening and paving streets using a variety of new methods. All of this expansion, however, came at a large cost: a \$1,500,000 dollar loan for the Jones' Falls improvement, a \$4,000,000 dollar loan for the Gunpowder River project, and \$320,000 loan for the Western Maryland Railroad.<sup>71</sup> Vansant's fiscal policies resulted in a financial downturn for the city and prevented

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<sup>68</sup> Coyle, 7.

<sup>69</sup> Ibid, 6.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid, 7.

his re-election in 1875.<sup>72</sup>

Prior to his election as mayor of Baltimore, Vansant held a variety of leadership positions in public and private enterprises. Notable among these positions, Vansant was Postmaster from 1839 to 1841 and in 1845 was elected to the Maryland House of Delegates.<sup>73</sup> He also served a single term in the United States Congress from 1853 to 1855 and represented Baltimore at the State Constitutional Convention in 1867. In the private sector, Vansant served as President of the Liberty Fire Company for twenty years and as a director in the Baltimore and Ohio Railroad for a six year span. After his time as Mayor, Vansant served as City Comptroller from 1876 until his death in 1884.<sup>74</sup>

## 2. Mayor Ferdinand C. Latrobe

In 1877, when Garitee actually filed his lawsuit, Ferdinand Claiborne Latrobe was Mayor of Baltimore. Latrobe, born October 14, 1833, was the nephew of American engineer and architect Benjamin Henry Latrobe, who built the B. & O. Railroad through the Allegheny Mountains.<sup>75</sup> His father was the well-respected attorney John H.B. Latrobe. In 1860, Ferdinand Latrobe married the daughter of Thomas Swann, former Mayor of Baltimore and future Governor of Maryland.

Mayor Latrobe was educated at the College of Saint James in Washington County, Maryland and studied law under his father.<sup>76</sup> As member of the Democratic Party, he was elected mayor of Baltimore seven times, but only twice succeeded himself.<sup>77</sup> Mayor Latrobe's administration was marked by rapid expansion with a focus on education and public service

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<sup>72</sup> Olson, 166. Olson stipulates that finance reform was a major campaign issue in the mayoral election of 1875. Mayors overestimated tax revenues and used the "floating debt" to pay for long term obligations.

<sup>73</sup> Coyle, 7.

<sup>74</sup> Ibid.

<sup>75</sup> Wilber F. Coyle, "The Mayors of Baltimore," *The Municipal Journal of Baltimore* 7, no. 8, (April 25, 1919): 4 [hereafter cited as Coyle, April 25].

<sup>76</sup> Scharf, 180.

<sup>77</sup> Coyle, April 25, 3.



**Figure 6.** Ferdinand Claiborne Latrobe, seven term Mayor 1875 – 1895. **Source:** *The Municipal Journal, Volume 7, No. 7*, April 25, 1919, 3

works, while holding the line on fiscal expenditures. Under Mayor Latrobe, the city saw the construction of twenty-nine schools, including Johns Hopkins University, and the opening of the Enoch Pratt Free Library.<sup>78</sup> In 1877, his administration settled the Camden Yards Railroad Strike and in 1880 his administration celebrated the sesquicentennial anniversary of Baltimore. Latrobe retired from the mayor’s office at the end of his term in 1895. In his twenty years of service, intermittently, to the city, Latrobe was more than merely a mayor, “he was an institution.”<sup>79</sup>

Outside of the mayor’s office, Latrobe led the Park Board, the Industrial Exposition, the Musical Festival Association, and the Consolidated Gas & Electric Company. He served as a director for both the American Union Telegraph Company and the American District Telegraph Company. While serving as Judge Advocate General under Governor Swann during the War of the Rebellion, Ferdinand Latrobe organized eleven militia regiments.<sup>80</sup> Latrobe passed away on January 13, 1911.

### 3. The City Council of Baltimore

The Baltimore City Council consisted of two separate branches. Members of the lower chamber, or first branch, were required to possess \$1,000 of assessed property and were

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid, 4.

<sup>80</sup> Ibid.

popularly elected on an annual basis.”<sup>81</sup> Initially, the first branch had two members for every ward with eight separate wards. By the time Garitee filed suit against the council, the city contained 20 wards and the first branch had one council member from each.<sup>82</sup> The upper chamber, or second branch, comprised the social and political elite. Members of the second branch were elected to two year terms by an electoral system and were required to own a minimum of \$2,000 in real property.<sup>83</sup> Initially, each ward was represented by a single member; however, members of the second branch began representing two wards in 1846.<sup>84</sup> When Garitee filed suit against the city in 1877, there were thirty members on the city council. Twenty members comprised the First Branch and ten members composed the Second Branch. The city charter of 1796 gave the mayor and the city council the authority to regulate “markets, streets, lots, bridges, police, fire companies, sewers, public health, and the harbor.”<sup>85</sup> Because of the specific powers granted to both the mayor and the city council, Garitee had to name both in his suit against the city; however, it appears neither the mayor nor the city council authorized Daniel Constantine to dump in any specific location. The location chosen for dumping was solely the work of Daniel Constantine.

#### 4. Daniel Constantine

The only individual named in Garitee’s suit was Daniel Constantine, the city’s contractor. Born in 1826, Constantine was a devout Catholic and father of five who took pride in his civic

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<sup>81</sup> William G. LeFurgy, Susan Wertheimer David, and Richard Cox, *Governing Baltimore: A Guide to the Records of the Mayor and City Council at the Baltimore City Archives*. Baltimore City Archives and Records Management (Baltimore: Office Department of Legislative Reference, 1985), 3, [http://www.msa.md.gov/megafile/msa/speccol/sc5300/sc5339/000097/000000/000021/restricted/bca\\_mayors\\_records.pdf](http://www.msa.md.gov/megafile/msa/speccol/sc5300/sc5339/000097/000000/000021/restricted/bca_mayors_records.pdf) (accessed November 18, 2009).

<sup>82</sup> Scharf, 187-91.

<sup>83</sup> LeFurgy, 3.

<sup>84</sup> Scharf, 192-3.

<sup>85</sup> Lefurgy, 3.

duties.<sup>86</sup> He served the Catholic faith as a delegate and leader of the city's annual St. Patrick's Day Parade.<sup>87</sup> As a ship's captain, Constantine was politically connected, making his fortune dredging the waters in and around Baltimore.<sup>88</sup> From 1870 to 1872, Constantine served the first and second wards of Baltimore as a member of the Second Branch of the City Council.<sup>89</sup>

Through this socially and politically elite position, Constantine made the necessary connections to secure the contract for dredging Jones Falls in 1873. Later, the city would award Constantine contracts for dredging the harbor basin and the Middle Branch of the Patapsco River.

Constantine's contracts could bring as much as 16 cents per cubic yard.<sup>90</sup> At the beginning of November in 1876, Daniel Constantine reported that "150,000 cubic yards of sediment were removed during [October] in the formation of [Jones Falls]."<sup>91</sup> After contracting with the city for many years, Captain Constantine served as special inspector of foreign steam vessels at the port, Superintendent of the Bayview Asylum, and Warden of the city jail.<sup>92</sup> Daniel Constantine died

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<sup>86</sup> 1870 United States Federal Census (Population Schedule), Baltimore (Independent City), Ward 1, Baltimore County, Maryland, Page 141, Dwelling 858, Family 1058, Daniel Constantine household, jpeg image, (Online: The Generations Network, Inc. 2009) [Digital scan of original records in the National Archives, Washington, DC], subscription database, <http://www.ancestry.com/>, (accessed November 7, 2009).

<sup>87</sup> "St. Patrick's Day Parade," *Baltimore Sun (1837-1985)*, March 7, 1879, 1, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>88</sup> Constantine's political connections are noted by his later positions for which he appears not the least qualified and acknowledged in his death notice which stated "The funeral was largely attended, many of Captain Constantine's political friends and his associates in the different societies to which he belonged being present." "Capt. Daniel Constantine," *Baltimore Sun (1837-1985)*, September 2, 1899, 7, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>89</sup> Scharf, 193.

<sup>90</sup> "Brief Locals," *Baltimore Sun (1837-1985)*, April 6, 1883, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>91</sup> "Harbor Improvement," *Baltimore Sun*, November 2, 1876, <http://www.genealogybank.com/gbk/newspapers> (accessed November 7, 2009).

<sup>92</sup> "Capt. Daniel Constantine 'Dropped,'" *Baltimore Sun (1837-1985)*, April 19, 1889, 4, <http://www.proquest.com/> (accessed November 7, 2009). "Superintendent Martini of Bayview," *Baltimore Sun (1837-1985)*, November 18, 1890, 6, <http://www.proquest.com/> (accessed on November 7, 2009). "Officers of the City Jail Re-Elected," *Baltimore Sun (1837-1985)*, March 3, 1893, 8, <http://www.proquest.com/> (accessed November 7, 2009).

on August 29, 1899 leaving an estate valued at almost \$15,000.<sup>93</sup>

*c. The Litigators*

1. The Attorneys for the Plaintiff<sup>94</sup>

George Hawkins Williams is listed as the lead attorney for the plaintiff. Williams was born in Baltimore and graduated from Harvard Law School in 1839.<sup>95</sup> He studied under the practice of William Schley and was admitted to the Maryland State Bar in 1843.<sup>96</sup>

George Hawkins Williams may be best known for his service to the Maryland House of Delegates and Maryland State Senate. He served one term in each house, including a time as President of the Senate. Williams did not wish to serve in the state legislature, but decided to run for office

“to use his influence to defeat the proposed extension of the city limits into his county.”<sup>97</sup> Williams also used his

influence to ensure that the Eastern Shore would always have one of Maryland’s two United States Senators.<sup>98</sup> In his private life, George Hawkins Williams married Ellen Gittings, daughter of one of Baltimore’s first bankers. With help from the Gittings family, George Hawkins



**Figure 7.** George Hawkins Williams  
**Source:** Maryland State Archives - MSA SC 3520-1615

<sup>93</sup> “Died,” *Baltimore Sun (1837-1985)*, September 1, 1899, 4, <http://www.proquest.com/> (accessed November 7, 2009). “Wills in Court: Those of Daniel Constantine and George W. Hill Filed,” *Baltimore Sun (1837-1985)*, June 11, 1900, 10, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>94</sup> The Maryland Court of Appeals Docket lists three attorneys representing William L. Garitee. Those attorneys were George Hawkins Williams, Charles Joseph Bonaparte, and Charles Garitee. Charles Garitee was William L. Garitee’s second and eldest living son. Charles Garitee did not represent his father in the original trial and his role in the appeals case is unclear. Although listed on the Court of Appeals docket, his name does not appear in the briefs, opinions, or judgment of the Court of Appeals.

<sup>95</sup> *The Biographical Cyclopedia of Representative Men of Maryland and District of Columbia*, (Baltimore: National Biographical Publishing Company, 1879), 248-9 [hereafter cited as *Biographical Cyclopedia*].

<sup>96</sup> *Ibid.* *The Legislative Directory of the State of Maryland 1878*. (Annapolis: George Colton, 1878).

<sup>97</sup> *Biographical Cyclopedia*.

<sup>98</sup> *Ibid.*

Williams paid for the complete restoration of St. Luke's Episcopal Church at Church Hill in Queen Anne's County, Maryland in 1881.<sup>99</sup>

Charles J. Bonaparte assisted George Williams in representing William Garitee. Bonaparte was born on June 9, 1851 in Baltimore, Maryland, the son of Jerome N. Bonaparte and Susan May (Williams). Charles' father Jerome was the brother of Napoleon Bonaparte, making Charles the nephew of the French emperor.<sup>100</sup> Representing William L. Garitee in his suit against the Mayor and City Council of Baltimore hardly warrants a footnote in Bonaparte's



**Figure 8.** Charles Joseph Bonaparte  
**Source:** United States Library of Congress Prints and Photographs Division, Digital ID cph.3c02547

distinguished career. Charles Bonaparte graduated from Harvard University in 1871 and later enrolled in Harvard Law School. He graduated from the law school in 1874 and was admitted to the Maryland State Bar that same year.<sup>101</sup> In Baltimore, Bonaparte served his civic duty presiding over the Civil Service Reform Association of Maryland and chairing the Baltimore Reform League. Charles' other civic appointments included running the Charity Organization Society, vice president of the Society for the Suppression of Vice, and trusteeships with the Catholic University of America and the Enoch Pratt Free Library Association.<sup>102</sup> Charles also served on the Board of Overseers for Harvard University.

<sup>99</sup> Helen West Ridgely, *The Old Brick Churches of Maryland*, (New York: Anson D.F. Randolph & Company, 1894) [http://www.archive.org/stream/oldbrickchurches1894ridg/oldbrickchurches1894ridg\\_djvu.txt](http://www.archive.org/stream/oldbrickchurches1894ridg/oldbrickchurches1894ridg_djvu.txt) (accessed November 21, 2009).

<sup>100</sup> Conway W. Sams and Elihu D. Riley, *The Bench and the Bar in Maryland: A History, 1634 to 1901, vol. II*, (Chicago: The Lewis Publishing Company, 1901), 523.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid, 524.

Bonaparte's career outside of Baltimore is even more distinguished. From 1902 to 1904, Charles served as a U.S. Official to the Board of Indian Commissioners. In 1905, President Theodore Roosevelt nominated Bonaparte as the United States Secretary of the Navy, and he was promptly confirmed by the United States Senate. A year later, Charles was appointed to the highest legal post in the nation, the United States Attorney General. Under Bonaparte's direction, the United States Department of Justice organized the first force of special agents commonly known today as the Federal Bureau of Investigation (FBI).<sup>103</sup>

Charles Bonaparte married Ellen Channing Day in September 1875. The two had no children. Bonaparte was a prolific writer, penning essays on social and political issues and against public and private sin, which were consistent with his Republican views. The *Washington Star* described him as "one of the sharpest wits of his day and yet was one of the most humorless of men."<sup>104</sup> After graduating law school, Bonaparte's grandmother left him \$1.5 million dollars. Bonaparte used that money litigating public cases and lost much of it before he died at the age of 70 in 1921.<sup>105</sup>

## 2. The Attorneys for the Defendants

Baltimore City was represented by three attorneys. The first, James Latimer McLane served as city counselor from 1878 to 1881 and again from 1884 to 1885.<sup>106</sup> James McLane was born in Wilmington, Delaware in 1834 and was privately educated at M. R. McNally in Baltimore. He was the son of Louis McLane, a United States Congressman, Senator, and

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<sup>103</sup> Don Bloch, "Bonaparte Founded G-Men," *Washington Star*, August 18, 1935, [http://www.fbi.gov/libref/historic/history/historic\\_doc/docstar.htm](http://www.fbi.gov/libref/historic/history/historic_doc/docstar.htm) (accessed November 21, 2009). A G-man is an agent of the United States Federal Bureau of Investigation (FBI). The term stands for "government man."

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> Sams, 572-3. Dan Friedman, "The History of the Baltimore City Solicitors," (Annapolis: Maryland State Archives, 2003) under "Special Collections" <http://www.msa.md.gov/msa/speccol/sc2600/sc2685/text/solicitors.pdf> (accessed November 21, 2009). Sams notes that McLane was City Counsellor from 1878 to 1880. Friedman notes the years as 1880 to 1881. Both authors agree on the years 1884 to 1885.



Foreign Minister to Great Britain. After spending six years at McNally, James entered the Maryland Military Academy in 1849 where he studied Latin, Greek, and French, among other subjects. In 1855, McLane was admitted to the Maryland State Bar after studying law under Severn Teackle Wallis. His brother was the Honorable Robert Milligan McLane. In addition to his tenure as city counselor, McLane served on the city's Water Board from 1867 to 1874. In 1870, he served as a member of the House of Delegates. After his service to the city, James held positions at the head of the North Baltimore Passenger Railway Company, the Western Maryland Railroad Company, the National Bank of Baltimore, and the board of trustees for Johns Hopkins University and Johns Hopkins Hospital.<sup>107</sup>

Outside of his professional and civic duties, James McLane was a family man. He married Fanny King, the great-granddaughter of Rufus King who is well-known as a member of the Continental Congress and Constitutional Convention of the United States.<sup>108</sup> Together, James and Fanny had eight children, equally divided between sons and daughters.<sup>109</sup> McLane was a member of the Protestant Episcopal Church.<sup>110</sup>

Assisting James McLane was Edward Otis Hinkley, who was one of the most distinguished lawyers in Baltimore. At the time of his death in 1896, Hinkley had been a member of the Maryland State Bar for more than half a century.<sup>111</sup> He was educated under Dr. John Prentiss and later attended the University of Maryland School of Law. Professionally, Hinkley never entered politics but was a strong advocate for civil service reform. Civically, he

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<sup>107</sup> Sams, 572-3.

<sup>108</sup> Ibid.

<sup>109</sup> W.W. Spooner, "The King Family," *The American Historical Magazine*, vol. 2 (New York: Publishing Society of New York, 1907), 403 <http://books.google.com> (accessed November 24, 2009). Two of the elder children may have died young. They are mentioned in the article here, but not mentioned in Sams' *The Bench and the Bar* published six years earlier. Sams' biographical sketch leaned more towards McLane's life while Spooner's leaned more towards family heritage.

<sup>110</sup> Sams, 572-3.

<sup>111</sup> Ibid, 517.

served as secretary of the American Bar Association, an organization he helped found, for fifteen years and was a member of the committee that helped establish the United States Circuit Courts of Appeal. In addition, Hinkley took active roles in numerous religious and charitable organizations, serving many as either director or president.<sup>112</sup> Hinkley's colleagues and peers, whether consenting or opposing, often acknowledged his intellectual skill and ability, firmness of principle, honesty and sincerity of purpose.<sup>113</sup>

Thomas William Hall Jr. served as the city solicitor and the final attorney defending Baltimore against William Garitee. Hall was born in Baltimore and educated under the Reverend Pendleton. He attended the Episcopal High School in Virginia and the University of Virginia Law School. In 1854, at the age of 21, Hall was admitted to the Maryland State Bar. In the years leading up to the Civil War, Hall was the editor of the *Baltimore Daily Exchange* and *The South*, two newspapers with sympathetic views to the Confederacy. Hall was imprisoned at the beginning of the war for his role as editor of *The South*, but was released after a year.<sup>114</sup> Upon his release, Thomas Hall Jr. joined the Confederate army and was commissioned as a captain. He served under General John Gregg and led troops in campaigns from Virginia to Mississippi. Upon the death of General Gregg, Hall was promoted to Major.<sup>115</sup> After the War,



**Figure 9.** Thomas William Hall Jr., Baltimore City Solicitor. **Source:** Cordell, Eugene Fauntleroy, MD, *University of Maryland, 1807 – 1907, vol. II*. New York: Lewis Publishing Company, 1907, 12.

<sup>112</sup> Ibid, 519-20.

<sup>113</sup> Ibid, 521.

<sup>114</sup> Eugene Fauntleroy Cordell, MD, *University of Maryland, 1807 – 1907, vol. II* (New York: Lewis Publishing Company, 1907), 12-3.

<sup>115</sup> Bradley T. Johnson, Brig. Gen., *Confederate Military History, vol. II* (Atlanta: Confederate Publishing Company, 1899), 292-4.

Hall remained in the Deep South until the Maryland State Constitution of 1867. Upon his return to Baltimore, Hall joined the editorial staff of *The Sun* and served as a professor of law at the University of Maryland.<sup>116</sup>

*d. The Judge and the Jury*

Judge Richard Henry Alvey presided over Garitee's appeal. Born in St. Marys County as the eldest of eight children and having no opportunity to attend law school, Judge Alvey studied law under a local practitioner before being admitted to the bar in 1849.<sup>117</sup> Although a staunch democrat and



**Figure 10.** Judge Richard Henry Alvey  
**Source:** Gates, Merrill Edwards. *Men of Mark in America*. Washington D.C.: Men of Mark Publishing Co., 1905.

opponent of the Civil War, Judge Alvey was arrested in February 1861 on charges of

communicating with the Confederate Army. He spent the following year in prison between three different Union forts.<sup>118</sup> After prison, Alvey was able to reestablish his name; in fact, he was even sent as a delegate to the Maryland constitutional convention in 1867. Additionally, the new state constitution made Judge Alvey a candidate for chief justice of the fourth judicial circuit. His election to that post inaugurated him as a member of the Maryland Court of Appeals.<sup>119</sup>

After presiding over *Garitee v. Mayor and City Council of Baltimore*, Judge Alvey was re-elected and served faithfully until the retirement of Chief Justice Bartol. He was then appointed as Bartol's successor. In 1893, President Cleveland selected Judge Alvey as the chief justice of

<sup>116</sup> Cordell, 14.

<sup>117</sup> Sams, 474.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

the Court of Appeals for the District of Columbia.<sup>120</sup> Because of his reputation, Judge Alvey was later selected “as one of the commissioners to settle the boundary dispute between Venezuela and British Guiana in South America.”<sup>121</sup>

Colleagues of Judge Alvey noted that he was an honest man with great sympathy for human rights. His preparation and integrity set him apart from the majority of his peers; many witnesses agree that “his searching eye and his complete preparedness to deal with every situation, without the slightest hesitation or effort, made him an absolute master of his courtroom.”<sup>122</sup> Alvey supposedly would not tell a lie, even for a position on the United States Supreme Court.<sup>123</sup>

Judge Alvey was also a noted family man; he had nine children by his second wife, Julia I. Hays, whom he married in 1862.<sup>124</sup> Alvey held his family as his highest priority. Even newspapers noted his dedication to his family:

Despite the fact that for a period of 37 years Judge Alvey sat in courts located either in Annapolis or Washington, he never failed to return to his home in Hagerstown every Friday evening and to remain there until the following Monday morning. There his family life and family ties were always centered.<sup>125</sup>

The jury for Garitee’s remanded case appears quite different from that of his original trial. In his original trial, the jury was made up mostly of businessmen, many of whom operated

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<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> “Portrait of a Judge,” *Baltimore Sun (1837-1985)*, July 23, 1957, <http://www.proquest.com/> (accessed November 7, 2009).

<sup>123</sup> Ibid. Judge Richard Henry Alvey was discussed as a candidate for the nation’s highest court, but his birthday made him one month too old to be considered. He was urged to falsify his date of birth in order to be eligible and he refused.

<sup>124</sup> Sams, 479. Judge Alvey’s first wife, Mary Wharton, died in 1860, four years after their marriage. *Baltimore Sun* states Judge and Mrs. Alvey had ten children. *Baltimore Sun*, July 23, 1957.

<sup>125</sup> *Baltimore Sun*, July 23, 1957.

businesses along or near the Jones Falls.<sup>126</sup> Improvements to the Jones Falls included deepening and widening the channel to allow larger ships access to the docks. Merchants along the Jones Fall may have sided with the mayor and city council given that they would directly benefit from the improvements to the channel. The jury for Garitee's retrial, however, had members who would have been more sympathetic to a brick-maker. About half of the members of the appeals jury were laborers, including two bricklayers. Others included merchants with businesses closely related to Garitee's profession as a brick-maker.<sup>127</sup>

## V. The Case

### a. *Garitee's Defeat in the Trial Court*

As Garitee began his trek through Maryland's court system, he quickly witnessed the bias toward government achievements. He was defeated not only in the Superior Court for Baltimore City, but by the Court itself. Moreover, Judge George W. Dobbin, presiding over the trial, did not even require the defendants to proceed. After the closing of the plaintiff's case, the court issued a directed verdict and instructed the jury that Garitee did not provide evidence from which they could find that the plaintiff had sustained injury or damage for which he could recover in this action.<sup>128</sup> Because of this early result, it is evident that Garitee not only had to show that he

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<sup>126</sup> John W. Woods, ed., *Woods Baltimore City Directory 1880*, (Baltimore: John W. Woods, 1881), pp 114,163, 240,242, 564, 763, 776, 806, and 1018. Nine of the twelve jurors were identified in the directory. They included two real estate agents, two cigarmakers, two distributors, a boxmaker, a carpenter, and a clerk.

<sup>127</sup> *Ibid*, 54, 64, 194, 297, 621, 639, 675, 702, 720, and 816. Ten of the twelve jurors were identified in the directory. They included two bricklayers, a builder, an engineer, a stovemaker, a bookseller, a foreign correspondent, a restaurateur, a tobacconist, and an upholsterer. Of these jurors, the builder, the engineer and the stovemaker had businesses that were closely related to brickmaking. Each of these businessmen could have engaged in business or required the services of a brickmaker such as William Garitee.

<sup>128</sup> *Garitee v. Mayor and City Council of Baltimore*. 53 Md. 422, 7 (1880). (opinion)



**Figure 11:** Judge George W. Dobbin.

**Source:**

<http://www.marylandlife.com/img/story/med/Judge-Dobbin.jpg>

case is known as one of the ‘Dumping Cases,’ and the decision of the Court of Appeals will be looked for with much interest.”<sup>131</sup>

should recover under the law, but he also had to get past the bias that the dredging project would help advance Baltimore and the state of Maryland as a whole.

Garitee immediately appealed the ruling to the Maryland Court of Appeals and was granted certiorari.<sup>129</sup> One of the main reasons that the Appeals Court decided to hear the case is because this was one of many in Maryland where a riparian land owner had endured the negative effects of dredging.<sup>130</sup> With this

unprecedented decision to hear the case, there was certainly much hype produced by local newspapers. For example, the *Baltimore*

*Sun’s Letter From Annapolis* on January 23, 1880 read, “This

*b. The Appeal*

Garitee claimed that his rights were being violated under public nuisance law.<sup>132</sup>

Specifically, he was trying to recover through a private action, which created an extra hurdle for Garitee to overcome. Judge Alvey, who wrote the opinion for the case, clarified Garitee’s burden for his claim under public nuisance:

The general rule doubtless is, in regard to which there is but little disagreement among the authorities, that no person can maintain a private action for injuries resulting from a common nuisance, unless he can show that he has sustained some

<sup>129</sup> Certiorari means that the higher court decides to review a case from a lower court

<sup>130</sup> “Letter from Annapolis.” *The Baltimore Sun*. Jan. 23, 1880.

<sup>131</sup> Ibid.

<sup>132</sup> *Garitee*, 1.

special damage therefrom different from that sustained by the public generally.<sup>133</sup>

Because of this, Garitee brought four distinct grounds to recover for a special damage in order to show that he suffered differently than the other landowners affected by the dumping.<sup>134</sup> He effectively argued that he endured:

- Loss of custom to his hotel as a pleasure resort
- Depreciation in the value of his land
- Loss of lucrative sale
- Discomfort from foul odors to occupants of his premises

Garitee's witnesses provided the support for these claims in their trial court testimonies. They stated that the dumping caused a terrible odor, shallower water depths in front of his property, and a decrease in the amount of fish in the area. In addition, Garitee was also able to show, via witness testimony, the cost of a new wharf,<sup>135</sup> the city's *mens rea*,<sup>136</sup> and his failure to deliver on contracts. He chose captains and crewmembers of dredging vessels, neighboring property owners, employees, potential brick-buyers, and engineers to put on the stand, as they were eyewitnesses to the dumping.

At the center of the testimony, an observer could tell that Garitee was trying to tell the story of continuous, deliberate dumping by the City in front of his property. James Legg, a tugboat captain, testified that he deposited mud in front of Garitee's property two or three times a day.<sup>137</sup> When asked where he put the dredge debris, Legg answered that the scows "went in as near as [they] could."<sup>138</sup> A. Dodge, a dredger, stated that a city official was on board with him

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<sup>133</sup> Ibid, 8.

<sup>134</sup> Ibid, 2.

<sup>135</sup> Court papers, 84 (William Shoemaker, an engineer, said it would cost \$10,800 for the wharf to reach deep water)

<sup>136</sup> i.e. the city knew full well that it was dumping in front of Garitee's property

<sup>137</sup> Court Papers, 30.

<sup>138</sup> Ibid., 31.

the whole time and that they “dumped all along the front of [Garitee’s property].”<sup>139</sup> Garitee was able to effectively show that these scows, carrying forty to sixty tons of debris each, dumped continuously in front of his property in 1874 and 1875. On top of this, Garitee wanted to show that there was nothing that he could do to stop the dumping. He yelled from his property and even chased after the dredging ships at one point.<sup>140</sup> When he tried to discuss the matter with Mayor Vansant, he was shunned away.<sup>141</sup>

Garitee also attempted to demonstrate that he was suffering on a personal level due to the City’s dumping. His son, Charles E. Garitee, testified that there were no more excursions to the hotel because steamboats could not come close enough to drop people off on the shore.<sup>142</sup> In his own testimony, Garitee revealed that his brick business had been declining for the past couple of years.<sup>143</sup> He had to make enough bricks to pay off his rent; however, his financial situation declined so extensively that he did not make any bricks the couple of years that preceded the beginning of the lawsuit in 1877.<sup>144</sup> He claimed that there were three or four hundred thousand bricks just sitting on the property.<sup>145</sup> On cross-examination, the defendant’s attorney was able to force Garitee to admit that the reason that he has not made any bricks is because he lost all of his capital.<sup>146</sup> In the end though, Garitee was able to show that his business located on the land was struggling at the same time that the dumping was taking place. By telling the story of a business struggling concurrently with deliberate and continuous dumping in front of it, Garitee was able to show that the City’s actions were damaging.

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<sup>139</sup> Ibid., 41.

<sup>140</sup> Ibid., 8.

<sup>141</sup> Ibid., 10.

<sup>142</sup> Court Papers, 60.

<sup>143</sup> Ibid., 14.

<sup>144</sup> Ibid., 14.

<sup>145</sup> Ibid., 67.

<sup>146</sup> Ibid., 25.



*c. The Defendant's Argument*

The City wasted no time and conceded that Garitee had rights as a riparian owner for the full property, even though much of it was leased.<sup>147</sup> However, the City contended that their dumping project was completed by competent authority under the Act of 1872. The defendants further argued that although Garitee may have been injured by the dumping, this was a case of *damnum absque injuria*, or “loss without injury,” and therefore could maintain an action.<sup>148</sup> The city meant that even though Garitee was damaged, he could not recover under the law. In order to receive a judgment in his favor, Garitee would have to prove that the City was not given the authority to dump in front of his property by the Act of 1872.

*d. The Act Debate*

Much of the argument on appeal focused on the Act of 1872, which the City contended that it gave them authority to dump in front of Garitee's property. The defendants cited that chapter 246, approved April 1st, 1872, allows the City to keep the ship channel, from the mouth of the Patapsco River up through the Inner Harbor, “in proper condition in respect to width and depth.”<sup>149</sup> On the other hand, Garitee argued that the City improperly interpreted the Act. He suggests that it gave:

the city the right to preserve, not to obstruct, the navigable channel. Its duty is to do precisely the opposite of what it has done, and, far from being exempted from liability for an obstruction placed by its agents in the channel, it would be responsible for such a nuisance, even if created by other persons.<sup>150</sup>

To further combat this issue, Garitee stated that the City was still governed by the Act of 1796.

This Act states that “No person, his servant, etc., shall put or throw into the Patapsco river, or

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<sup>147</sup> *Garitee*, 4.

<sup>148</sup> *Ibid.*

<sup>149</sup> *Ibid.*

<sup>150</sup> *Ibid.*, 1.

any of the navigable branches thereof, any earth, sand, or dirt, or lay out on the beach or shore of said river below common high water mark.”<sup>151</sup> The only exception to this provided by the Act was that debris could only be dumped if it was secured by stone walls or dovetailed log pens to keep it from moving into any navigable branches of the Patapsco.<sup>152</sup> Garitee therefore stated that “These provisions manifest the care with which the Legislature has guarded this river and harbor against deposits and obstructions of all kinds, not only the main channels thereof, but every part of them.”<sup>153</sup> The City countered by arguing that the Act of 1796 is amended by 1870 again by 1872.<sup>154</sup> In other words, “If these Acts conflict, then [the Act of 1872], being the later, must prevail.”<sup>155</sup>

*e. The Decision*

In his decision, Judge Alvey decided two questions before the Court. First, he asked whether Garitee actually retained the rights of a riparian owner. Taking into account that the City conceded that he had full riparian rights, Judge Alvey quickly conferred that Garitee possessed full riparian rights even though one of his lots was under lease.

Next, Judge Alvey asked, “to what extent, if at all, the appellees were authorized to make the deposits in front of the appellant's property, with proper legal regard to his rights as riparian owner.”<sup>156</sup> This requires one to look directly at the two laws that are supposedly in conflict. Judge Alvey held, “Here there is no sort of conflict between the later and previous statutes; the

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<sup>151</sup> Md. Code of Pub. Loc. Laws, Art. 4, sec. 794.

<sup>152</sup> *Garitee*, 1.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*, 4 (ch. 58, approved March 1st, 1872).

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*, 6.

later statute simply conferring additional power in affirmative terms, without at all undertaking to regulate or touch upon the subject-matter of former statutes.”<sup>157</sup> He continued:

The [Act of 1796], being therefore still in force, the appellees were not only without authority for what they did, but their acts were in plain violation of the terms of the statute. And that being so, all the authorities agree in holding that the obstructions complained of, placed in a public navigable river, without competent authority; would constitute a public nuisance.<sup>158</sup>

After this ruling in Garitee’s favor, Judge Alvey remanded this case back down to the lower court so that a jury could calculate damages. He further instructed the lower court that the City of Baltimore (mayor and city council) were dismissed from the case and that all damages were to be paid by Daniel Constantine.<sup>159</sup> In the Superior Court for Baltimore City, the jury awarded Garitee \$10,000 in damages.<sup>160</sup>

## VI. The Aftermath

### *a. A Small Victory For a Defeated Businessman*

By focusing solely on the opinion, an observer can see a man who was unfortunately wronged by the inevitable side-effects of an expanding city, but was nonetheless awarded damages by using the law to make him whole again. One may even consider Garitee fortunate, considering that this was the first dumping case to ever reach the Maryland Court of Appeals. Though, despite this victory, Garitee was nowhere near “whole again;” but this was not due to any shortcomings of the court system. Rather, there were three aforementioned storylines that surrounded the case of *Garitee v. Mayor and City Council of Baltimore*: the dredging of Jones

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<sup>157</sup> Ibid, 8.

<sup>158</sup> Ibid.

<sup>159</sup> “Local Matters,” *The Baltimore Sun*, (1837-1985), Mar. 31, 1880, <http://www.proquest.com/> (accessed November 17, 2009).

<sup>160</sup> Baltimore City Superior Court, Retrial Record, Box #627 [MSA C1497-30, 2/17/11/15].

Falls, the brick industry, and the economic depression. All of these were affected by the unprecedented growth of Baltimore during the 19<sup>th</sup> century. Unfortunately for Garitee, he found himself on the negative side of the three storylines. The goals of the city cut off his means of business; moreover, the city's notion of progress included such projects as expanding its ability to harbor the largest ocean-going trade ships and using new technology to rebuild its roads. Such improvements would seem to benefit the local businessman, but Garitee had trouble with adapting to Baltimore's progress. The economic depression only made matters worse for him, including not being able to sell his bricks on advance. Putting this all together, Garitee may have won his case, but the changing conditions of Baltimore outside of court were dragging him down.

*b. The Case's Effect*

*Garitee v. the Mayor and City Council of Baltimore* sparked an onslaught of lawsuits against Daniel Constantine from property owners who were also damaged by the Jones Falls project. Justice William H. Richardson, of Baltimore County, issued 141 warrants due to 54 illegal dumping cases coming before him within one month of the *Garitee* decision.<sup>161</sup> After reviewing the evidence, Judge Richardson awarded the plaintiffs a total of nearly \$3000 and imposed a fine of \$50 on Constantine.<sup>162</sup> Justices of the Peace also imposed one to two hundred \$20 fines on Constantine.<sup>163</sup> In addition, *The Baltimore Sun* reported that this decision would

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<sup>161</sup> "Local Matters," *The Baltimore Sun*, (1837-1985), April 23, 1880, <http://www.proquest.com/> (accessed November 17, 2009).

<sup>162</sup> "Dumping in the Patapsco—A City Contractor Heavily Fined," *The Baltimore Sun*, (1837-1985), April 27, 1880, <http://www.proquest.com/> (accessed November 17, 2009).

<sup>163</sup> *Baltimore Sun*, Mar. 31, 1880.

also most likely overturn numerous cases in Anne Arundel County, which would only spell more trouble for Constantine.<sup>164</sup>

Even though the City was let off the hook, *Garitee* held that the city is only allowed to dump its dredge material if it is engaged in an improvement project and if it does not cause injury to the rights of private property.<sup>165</sup> This would signify that it cannot continue to dump in the same manner or else the city would find itself in Constantine's position. Even though the government was expanding the city at a significant rate, it still had a responsibility towards its inhabitants; the decision in *Garitee* by the Maryland Court of Appeals highlighted this responsibility and forced the City to reconsider where it would allow its contractors to dump dredge material in the future.

### *c. Baltimore's Enthusiasm Towards Progress*

The decision in *Garitee* is remarkable considering the positive attitude of Maryland towards dredging projects in the latter half of the 19<sup>th</sup> century. It is clear that a major point of emphasis during this era for Baltimore was expansion. Therefore, when *Garitee* filed his lawsuit, he was essentially fighting against Baltimore's progress. The Jones Falls project, in fact, was not a landmark project as it was only one of several dredging efforts during the 1870's. By the beginning of the decade, Baltimore was already receiving the benefits of having one of the best harbors in the country. The city saw domestic foreign exports rise, despite the economic depression, from a value of \$15 million in 1871 to \$40 million in 1877.<sup>166</sup> The city government, in conjunction with the Army Corps of Engineers, was achieving immense success by dredging

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<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Harold Kanarek, *The Mid-Atlantic Engineers: A History of the Baltimore District, U.S. Army Corps of Engineers, 1774-1974*, (Washington GPO, 1978), 50.

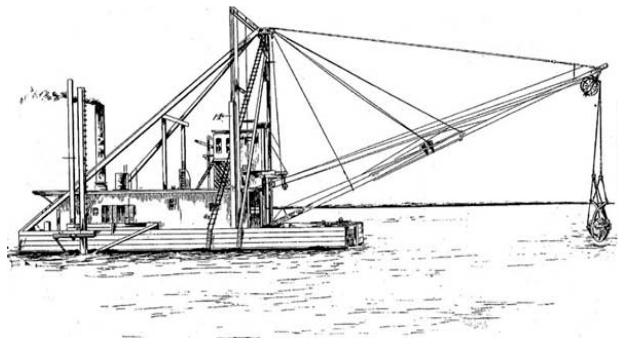
the Patapsco River and Inner Harbor even before they started dumping in front of Garitee's property. The completion of the Brewerton and Craighill channels in 1870 made Baltimore's harbor comparable to the very best in the United States.<sup>167</sup> Because of this, the general majority saw the Jones Falls project as necessary for further progress for the city.

An example of Baltimore's enthusiasm toward the dredging can be exemplified through the further expansion of the Brewerton and Craighill channels. The success of the first Brewerton and Craighill project caused local businessmen to use the success for lobbying purposes. Baltimore and the Army Corps of Engineers were even able to revamp their dredging equipment after the channel project left

their old equipment in need of costly repair.<sup>168</sup> Initially, the Army decided that it would be more cost-effective to sell their old dredges and conduct future work by contract.<sup>169</sup> They started selling the

equipment just a few months before they started phase II of the channel expansion.<sup>170</sup> By the time they began, the

combination of contracted dredging companies and purchases by the army actually increased its force of dredges to thirteen.<sup>171</sup> Three of these were the brand new clamshell models that were



**Figure 12.** Clamshell dredge circa 1880.

**Source:** [http://www.staugustinelighthouse.com/images/lamp/florida\\_dredge/1903\\_dredges.jpg](http://www.staugustinelighthouse.com/images/lamp/florida_dredge/1903_dredges.jpg)

<sup>167</sup> Ibid., 48.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid., 50.

three times as quick as the old dipper model and were also better for the winter months.<sup>172</sup> The thirteen dredges set a record as the most ever to be used for a single project.<sup>173</sup>

Before further dredging could continue, Baltimore needed funding. Since the city prospered significantly from the clearing of the Brewerton and Craighill channels, this was not too difficult. Such entities as the Corn and Flour Exchange began the lobbying efforts and urged the City to expand its dredging projects.<sup>174</sup> *The Baltimore Sun* joined in by stating that it would make sense to conduct further dredging to attract more ships to Baltimore since the city is located two hundred miles closer to St. Louis than New York City.<sup>175</sup> For this reason, other grain producers joined the lobbying effort. *The Sun* additionally pushed the city to ask the federal government to appropriate at least \$300,000 for the project.<sup>176</sup>

As a free-spender, it did not take much to persuade Mayor Joshua Vansant. He took it a step further and stated that the City should move on even without help from the federal government. Vansant stated that the “matter of sea navigation is too important to all the great producing and commercial interests of Baltimore to be allowed to depend on the contingency of national aid.”<sup>177</sup> The mayor took the next step and formed a Board of Improvement in 1872. The board, nevertheless, was able to receive \$100,000 from the national government.<sup>178</sup> After appropriating \$200,000 of municipal money, the Board placed William Craighill, who worked for the Army Corps of Engineers and successfully completed the Brewerton and Craighill channels, in charge of the project.<sup>179</sup>

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<sup>172</sup> Ibid. The clamshell design featured two jaws.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid., 49.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid., 50.

<sup>178</sup> Ibid., 49.

<sup>179</sup> Ibid., 50.

By 1874, the Brewerton and Craighill channels were further dredged to twenty-four feet in depth throughout and expanded from 250 feet to 400 feet in width.<sup>180</sup> They also expanded the turn from the Brewerton Channel to the Craighill Channel to 1,000 feet so that the largest of ocean-going ships could make it to the harbor with ease.<sup>181</sup> The project was deemed a success as the dredge material was removed at twenty-two cents per cubic yard.<sup>182</sup> Much of this was due to the new dredges, which dropped this price by fifteen cents per cubic yard from the previous channel project.<sup>183</sup> Many railroad companies were in admiration, and *The Baltimore Sun* summed up the effort as “one of the most important to the present and future of Baltimore occurring in many years . . .”<sup>184</sup> The City even invited sixty of Baltimore’s most prominent citizens for a tour down the channel in July of 1874.<sup>185</sup>

#### *d. Conclusion*

Overall, the people of Baltimore approved of the dredging projects and the expansion of their city.<sup>186</sup> Also previously mentioned was the fact that the people involved in this case were very familiar with Maryland, including Judge Alvey. He was fully aware that these dredging projects were enhancing the city of Baltimore and helping the state. It is commonly assumed that in order to win a case, the plaintiff has to meet the burdens set out by the law. Many times, though, this is simply not enough as bias can lead to subjective fact-finders. Judge Alvey strictly applied the law and did not allow outside factors affect his opinion in *Garitee*. In the end, *Garitee* had a significant effect on dredging customs in Maryland. No longer could contractors

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<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> There are even instances when property owners actually want contractors to dump in front of their land in order to add to the boundaries of their property.



and municipalities get away with irresponsible dumping. Even though the role of government in the expansion of the city overwhelmed William Garitee to the point that not even a court victory could save his business, this case would help a countless number of waterfront property owners for years to come.

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