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High Society: The Building Height Limitation on Baltimore's Mt. Vernon Place

GARRETT POWER

ON MARCH 15, 1904, MARYLAND'S GOVERNOR Edwin Warfield signed into effect a law which prohibited erection of buildings, other than churches, more than 70 feet high within one block of Baltimore's Washington Monument.¹ Three years later, in March of 1907, William F. Cochran, owner of the Washington Apartments, located at the northwest corner of the Monument, was denied a building permit for construction of an additional floor, which would have increased the apartment's height from 70 to 78 feet. Cochran sought a writ of mandamus ordering the issuance of these permits from the Court of Common Pleas of Baltimore on the grounds that the law was unconstitutional, but the Honorable Henry Stockbridge denied his petition on May 16, 1907. On June 24, 1908, the Maryland Court of Appeals affirmed Judge Stockbridge's decision, finding the 1904 statute a fire control measure which was within the police power of the city.²

This "anti-skyscraper" law is often described as Maryland's first zoning law and as one of the first zoning laws in the United States. But there is more. Behind this dusty statute is a story of speculation, selfishness, collusion, and changing social values, which takes a century and a half to unfold, and which has something to say about the role of government in regulating the use of land.

I

George Washington died a hero in 1799. By 1810, the Maryland General Assembly

had authorized a lottery designed to raise \$100,000 for construction of a monument to his memory in Baltimore. A design competition was held and Robert Mills, of Charleston, South Carolina, was the eventual winner. His design called for a massive column, 140 feet high on a vaulted base, with a statue of Washington at its summit. The Monument was to have been located at the site of the Baltimore Courthouse, which was then being razed, but the War of 1812 intervened and a "battle monument," commemorating those who had fallen in the defense of the City of Baltimore, was placed at the site originally intended for the Washington Monument.³

An offer of a new site came from Colonel John Eager Howard who had ridden with George Washington during the Revolution. Howard offered a plot, 200 feet square on a magnificent hill overlooking the City, densely covered with trees. It was carved out of the Belvidere estate he had inherited from his mother. Howard's offer was readily accepted and a cornerstone for the Monument was laid by Mayor Edward Johnson on the Fourth of July, 1815. A crowd, estimated at between 20,000 and 25,000 people, assembled for the ceremony. Bands played, orators and clergymen paid flowery and lengthy tribute to Washington.⁴

Construction proceeded slowly. It was not until 1824 that the column, which was to hold the statue, had been completed. During this period, the construction site had become a favored picnic site for Baltimoreans. They would pack a lunch and trek northward through the forest to watch the construction. Public meetings and military exercises were also held on the construction grounds. Colonel Howard offered to sell a sizeable tract of land surrounding the mon-

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ument (the tract bounded by what is now Centre, Madison, Cathedral, and St. Paul Streets) to the city for park-use in return for \$20,000 in city stock. The city refused, because of the anticipated operating and maintenance expenses.⁵

It was not until 1826 that a sculptor was selected to prepare the statue of Washington. For \$9,000 Enrico Causici of Verona, Italy, agreed to execute a fifteen foot statue and hoist it to the top of the column. John Eager Howard died before completion of the Monument in 1829.⁶

On Howard's death in 1827, the whole of the Belvidere estate passed to his heirs. His executors decided to capitalize on the Monument by selling the land around it in lots, rather than parcels. In 1831, they established four boulevard squares in the shape of a Greek cross. The north/south squares were called Washington Place, and the east/west squares were called Mt. Vernon Place. Lots were laid out around their perimeters. The whole neighborhood, which came to be popularly identified as Mt. Vernon Place, was Baltimore's first subdivision. The executors' marketing sense proved correct. Mt. Vernon Place became the finest residential neighborhood in Baltimore, and the boulevard squares became the most popular parks.⁷

Several houses in "Howard's Woods" as this portion of Belvidere was called, predated the laying out of the squares. A small house had existed for several years southwest of the Monument. During the construction period, it was occupied by Nicholas Hitzelberg, who was keeper of the Monument and foreman of the stonecutters. And, by 1829, Charles Howard, the youngest son of Colonel John Eager Howard, had built a great mansion northeast of the Monument.⁸ In 1835, the first house was built on the square by Edward McDonald Greenway, Sr. His house stood at the northwest corner of the Monument, at what is today 700 Washington Place. Soon thereafter, in 1842, William Tiffany built a Neoclassical house, which still stands, two doors west at 8 West Mt. Vernon Place. And Basil Gordon built a house across the street, on the other side of West Mt. Vernon Place, at what is today Number 7.⁹

West Mt. Vernon Place did not long re-

main public. In 1845, the Mayor and City Council appropriated \$600

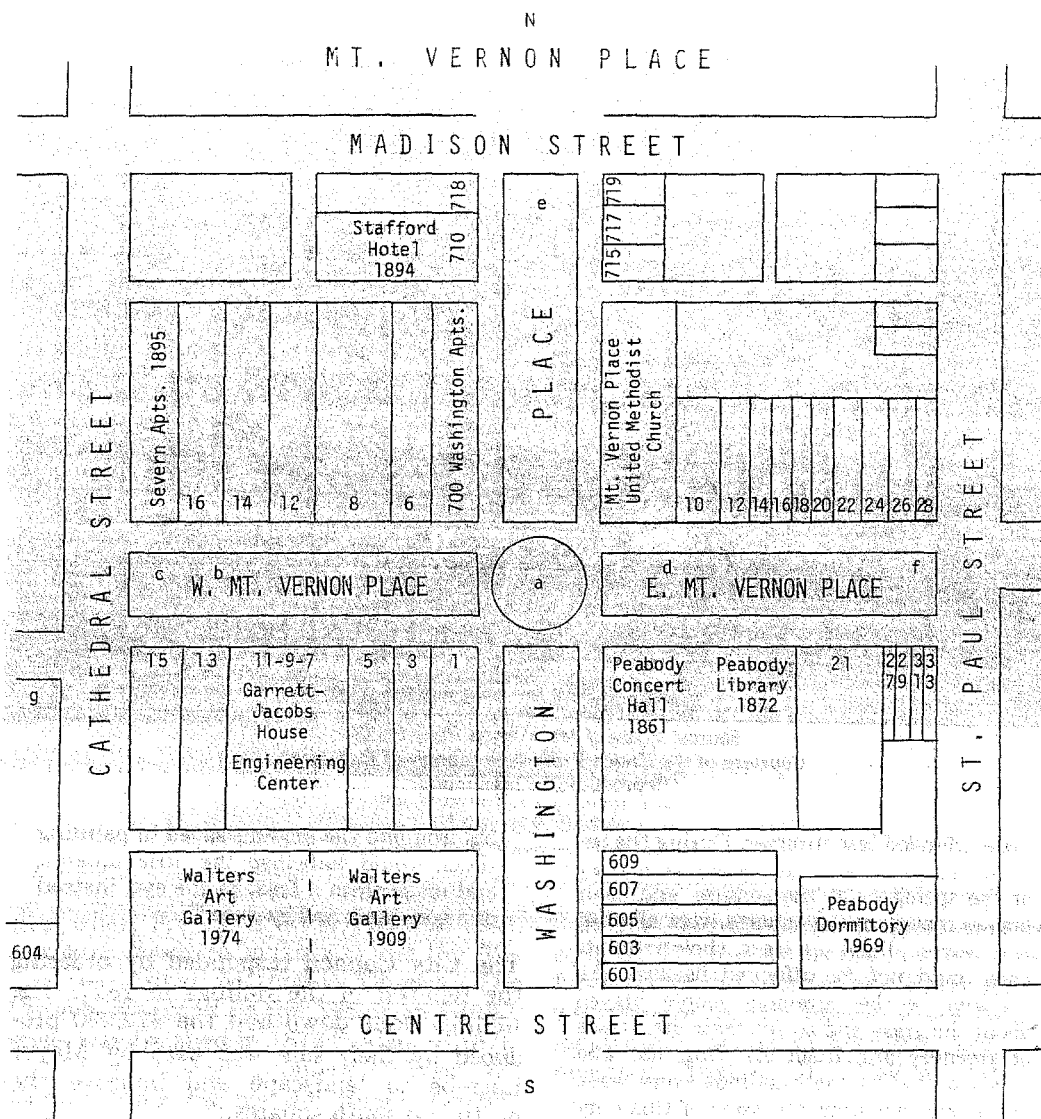
for the purpose of enclosing in a good and substantial manner, the western square opposite the Washington Monument, which sum shall be paid by the Register, to the order of William Tiffany, Edward M. Greenway, and Basil Gordon, to be applied by them, with such other sums as they and others may contribute to the improvement and embellishment of said square.¹⁰

An iron fence was erected around the west square and apparently around the other squares as well. According to the reminiscences of Mayor Ferdinand Latrobe, "[t]he origin of these enclosures was the fact that for many years—I can well recollect it as a boy—pigs were allowed to run at large."¹¹ The locked gates served the auxiliary purpose of preventing the rabble from recreation in Baltimore's finest neighborhood.

In the 1850s, lots bordering the squares filled with houses. The new residents were a Who's Who in Baltimore Society. Dr. John Hanson Thomas, a leading physician and politician, built a free standing Greek Revival house at 1 West Mt. Vernon Place; John Work Garrett, President of the Baltimore & Ohio Railroad, came to reside at 16 East Mt. Vernon Place; John Nelson, who served both as Secretary of State and Attorney General of the United States, constructed 3 West Mt. Vernon Place; William Walters, rapidly becoming one of the richest men in America, bought 5 West Mt. Vernon Place from John M. Duvall, who had built it in 1847.¹²

Mt. Vernon Place continued to change. By 1870, there was agitation to have the railings around the squares removed. A newspaper account from that era editorialized as follows:

The Mayor in his last message called the attention of the City Council to the consideration of the Mt. Vernon Squares. He says: "I would suggest the passage of an ordinance authorizing the appointment by the Mayor of three commissioners for the Mt. Vernon squares, giving them power to remove and sell, for the benefit of the squares, the iron railing now surrounding them, and appropriating a sum of money for the improvement and embellishment.



- a. Washington Monument
- b. Fountain "Boy and Turtle"
- c. "Military Courage" Statue
- d. George Peabody Statue
- e. John Eager Howard Statue
- f. Severn Teakle Wallis Statue
- g. First home of Baltimore Museum of Art

FIGURE 1.

As the work cannot be done before the commencement of the next fiscal year, the amount required would not be a burden on the present levy." This has been again and again urged by the public and the press, but it has been unwisely resisted by a few whose mansions front on the public squares, and who regard them as their front yard. It is said that they

oppose removal of the railings because the "common people" would make it a place of evening resort. But the common people have rights to those squares as well as those in the higher walk of life. The people pay the taxes to keep them up and actually paid for the painting of the railings that bar them from all enjoyment of them. The common people had the right to be a

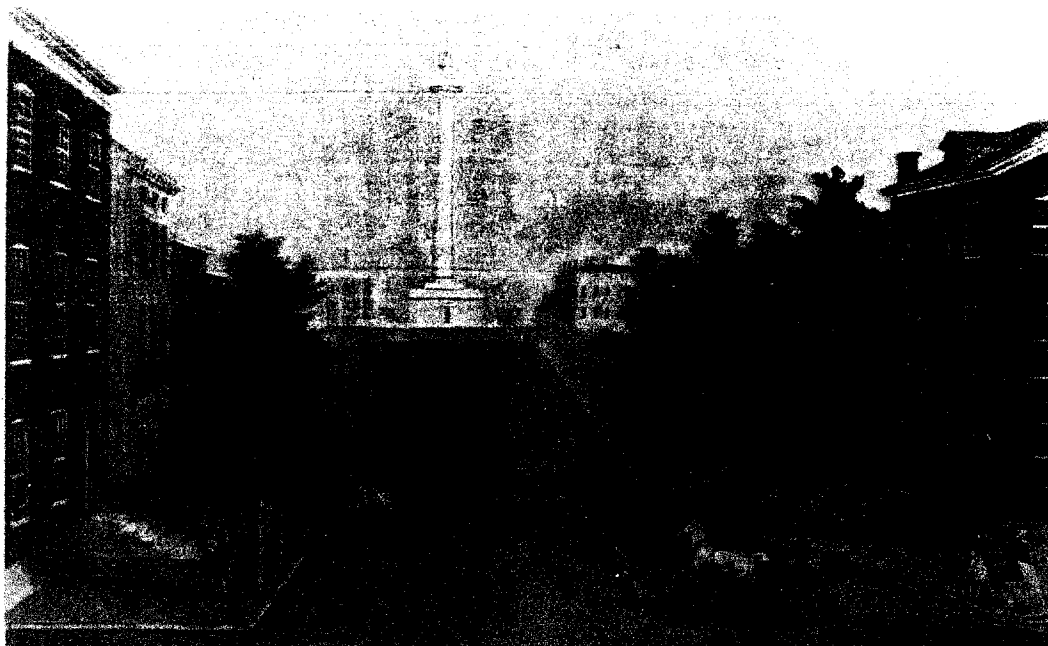


FIGURE 2.
Mt. Vernon Place Looking North in 1848.
Source: *Views of Mt. Vernon Place* (1925).
Courtesy of the Enoch Pratt Free Library of Baltimore.
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little offended last summer. During the intense heat, all the higher society were away at the spring or at the seaside, and their houses facing on the squares were all shut and barred. Then, at least, their inhabitants could not be offended because the children of the common people played about the grass and so got their little taste of greenery and fresh air. But, no. The children died by the hundreds every week of cholera infantum for want of this very thing; then, at last Mayor Latrobe ordered the gates to be opened, and the little girls and boys rushed in and filled those gloomy looking little jail-yards with life and freshness. A group of children of the common people when they are happy is a lovely sight.

Every passer along those squares has a right for the enjoyment of them. He ought not to be compelled to peep through a prison fence in order to get a glimpse of the greensward. The railings ought to come down. Franklin Square, Lafayette Square, and Perkins Springs have the railings down and the effect is lovely. It would be no experiment to remove the railings of the Monument Squares. The amount that those gloomy prison fences would sell for

old iron and the amount saved in painting them, would embellish the little squares, and make them a feast to the eye, instead of a weariness and eyesore.¹³

The City Council responded by ordering the removal of the railings in 1877. The railings came down and the \$12,000 produced by their sale was used by Mayor Latrobe to landscape and improve the north and south squares.¹⁴

Nor did Mt. Vernon Place remain exclusively residential. In 1857, international banker George Peabody gave an endowment of \$1,240,000 to found an institution consisting of a Library, Music Conservatory, and Art Gallery. In 1859 residences to the southeast of the Monument were razed to make way for the Peabody Institute. The Peabody Concert Hall, built at the southeast corner of Mt. Vernon Place, was its first structure. It was completed in 1861 and purposely kept to the height of two stories, to match the height of the Thomas House, opposite to the West.¹⁵ A library addition to the structure was completed in 1866. In 1870, the Charles Howard Man-

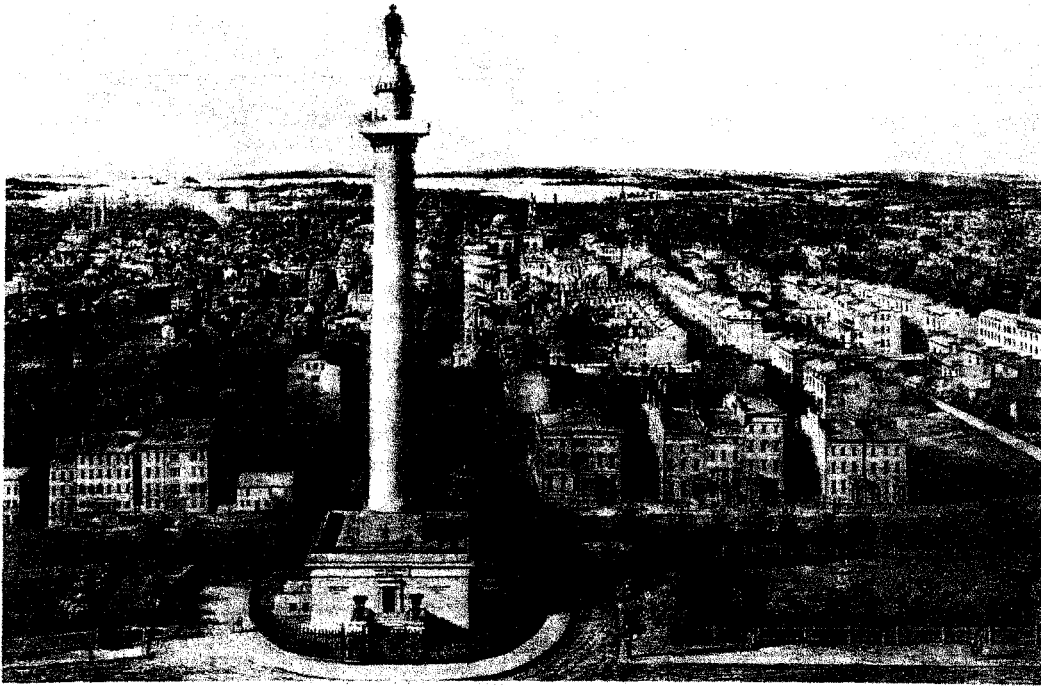


FIGURE 3.
View of Baltimore City in 1850.
Mt. Vernon Place Looking South.
Print by E. Sachse.
The Peale Museum, Baltimore.

sion, where Francis Scott Key died in 1843, was torn down to make way for the Mt. Vernon United Methodist Church. The Church, designed in the Victorian Gothic style, was finished in 1872.¹⁶ Also, in 1872, John Work Garrett acquired 11 West Mt. Vernon Place for his son Robert Garrett and the son's bride, Mary Frick. The elder Garrett presented the house which had originally been built by Samuel K. George, to his son and daughter-in-law, possibly as a wedding gift.¹⁷

Upon the death of John Work Garrett in 1844, Robert Garrett succeeded to the Presidency of the Baltimore & Ohio Railroad and a substantial portion of his father's fortune. Garrett and his wife set about living in a style befitting high position and great wealth. Indeed, Thorstein Veblen, who lived in Baltimore during this era, may have had the Garretts in mind when he coined the phrase "conspicuous consumption." The Garretts profoundly influenced Mt. Vernon Place.

Robert Garrett became a patron of the squares. He first contributed a basin and fountain, copied after one in Paris, for the west square of Mt. Vernon Place (which, incidentally, served as his front yard). His neighbor, William T. Walters, donated sculpture by Paul DuBoise and bronzes by Antoine Louis Barye to complement the fountain. Garrett also commissioned a copy of a statue of George Peabody, which had been erected in London; it was placed in the east square in front of the Peabody Institute.¹⁸

Mr. and Mrs. Garrett undertook to remodel their house so it would be more suitable for entertaining on a grand scale. They first purchased the house next door at 9 West Mt. Vernon Place and then commissioned Stanford White, of the New York firm of McKim, Mead & White and the leading "court architect" of the era, to turn their double house into a New York style "brownstone." White developed plans calling for a new brownstone facade with a

large entrance portico. The interiors of both houses were to be partially removed, creating a grand entrance hall by sacrificing a second floor bedroom, with the remaining space on the first floor serving as the "Red Room," dining room, and drawing room.¹⁹ These plans provoked controversy. The existing residences on the squares exemplified the styles that were successively popular in Baltimore: Greek Revival, Italian Renaissance, and Gothic Revival.²⁰ White's eclecticism struck Baltimore society as out of style and out of scale. The issue came to a head in 1884, when Henry Janes, who lived next door at 13 West Mt. Vernon Place, filed a suit in an effort to block construction. Janes' legal contention was that the portico violated set-back ordinances of Baltimore City, and constituted a nuisance, because it cut off his first floor view of the Washington Monument. Perhaps his real complaint was that the work of Stanford White was too modern for conservative Mt. Vernon Place.²¹

The evidence at the trial consisted of testimony by architects. Baltimore architects questioned the portico, while the New York architects labelled it a "handsome feature," which thoroughly harmonized with the design. The Circuit Court of Baltimore City enjoined construction; but, on appeal, the Maryland Court of Appeals determined that the portico might lawfully be built.²²

With the injunction dissolved, work on the house continued, but it was not finished until 1889. With Stanford White in New York, Mrs. Garrett took an active role in supervising construction. She was a perfectionist who demanded that results live up to her expectations. For example, the Tiffany glass window for the second floor front, entitled "The Standard Bearers" (measuring approximately eight feet by ten feet), was shipped back and forth to New York innumerable times.²³

The extended remodeling period posed no great hardship on the Garretts. They only resided at West Mt. Vernon Place during "The Season" (from November 1 until Easter). They would then adjourn to "Uplands," their country estate in Baltimore County near Catonsville, which Mary Frick Garrett had inherited from her father, William F. Frick, a Baltimore attor-

ney and a director of the Baltimore & Ohio Railroad, and stay there from Easter until June. Summer would be spent at "Whiteholme," their cottage in Newport, Rhode Island, which had been designed by John Russell Pope. This travel was complemented by frequent trips to Europe. Renovations to 11 West Mt. Vernon Place took place while the Garretts were living elsewhere.²⁴

Although the remodeled 11 West Mt. Vernon Place had been intended for lavish entertaining, Robert Garrett had little opportunity to use it for this purpose. Times were tumultuous at the B & O. Negotiations were underway to establish a line into Philadelphia and thence to New York City. William H. Vanderbilt, of the New York Central Railroad, died in the middle of these talks. Meanwhile, financial panic shook the investment firm of Robert Garrett and Sons, which had been founded by his grandfather and namesake.²⁵

On doctors' orders, Robert Garrett took a trip around the world accompanied by his wife. First, they visited King Kalakua in Hawaii and later he shot lions on safari in Africa. On his return, he learned of the death of his brother, Thomas Harrison Garrett. And in 1887 Robert Garrett suffered a nervous breakdown from which he was never to recover.²⁶

Mrs. Garrett hired Dr. Henry Barton Jacobs, a 1887 graduate of Harvard Medical School to serve as her husband's personal physician.²⁷ During the course of her husband's illness, Mrs. Garrett carried on alone as Baltimore's social leader. Some of the city's most elaborate social events were held at the refurbished Number 11. At a dinner in 1892 ninety Maryland terrapins were used in the soup course and the New York Philharmonic performed.²⁸ Functions were elaborate and formal.²⁹

Robert Garrett died at the age of 49 in 1896. Dr. Jacobs left the employ of Mrs. Garrett and was appointed instructor in medicine at the Johns Hopkins Medical School and, in 1901, was promoted to Associate Professor.³⁰

II

Mt. Vernon Place was undergoing further changes. On the north square in 1894, Dr. William A. Moale tore down the man-

sion at 710 North Washington Place and built the Stafford Hotel, 130 feet high. Many years before, Chancellor Johnson had built the first house at 18 West Mt. Vernon Place. Modest and beautiful, it was subsequently owned by William Murdoch and Henry White. In 1895, the house was demolished and the Severn Flats were built in its stead. The Severn, ten stories (115 feet) in height, yet only four bays deep, stood awkwardly at the western entrance to Mt. Vernon Place. The Society writer for the *Baltimore Sun* nicely captured its aesthetic when she, in 1907, referred to it as "huge," and "ungainly."³¹ Mt. Vernon Society was upset by the arrival of this gawky newcomer.

Baltimore's Municipal Art Society was inspired by The Chicago World's Fair of 1893. The Fair's "White City" on Lake Michigan, built pursuant to a landscape

plan by Frederick Law Olmsted, created nationwide interest in beautifying cities with art and parks. The Society was incorporated January 18, 1899, "to provide adequate sculptured and pictorial decorations and ornaments for public buildings, streets and open spaces in the City of Baltimore, and to help generally in beautifying the City."³² It was the initiative of Theodore Marburg, a thirty-three year old society millionaire who had run unsuccessfully as a reform candidate for Mayor in the Republican primary of 1897. Its founding members constituted Baltimore's social and business elite. Eighty-seven percent were listed in the Baltimore Social Register; by occupation they were largely business and professional men.³³ Among its officers, in addition to Vice President Marburg, were Daniel C. Gilman, President of the Johns Hopkins University as well as of



FIGURE 4.

The Severn Flats.

The North Side of West Mt. Vernon Place Looking East.

Source: *Baltimore City, The Liverpool of America* (1898).

Courtesy of the Enoch Pratt Free Library of Baltimore.

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the Society; architect Josias Pennington, first and long-time Secretary; Vice President Henry D. Harlan, later a judge on the Baltimore Supreme Bench; and attorney John N. Steele, the Society's Counsel. Mrs. Robert Garrett became a member of the Society in March of 1899, when women were first admitted to membership, and subsequently became a life member in 1902 (at a cost of \$100).³⁴

The Municipal Art Society embarked on a program of city-wide embellishment. At its first meeting in 1899, \$5000 was appropriated for decoration of the new courthouse with a mural; the gift was conditioned upon an undertaking by the City Council to provide \$10,000 for two other murals. This offer was accepted, and the first painting, Charles Yardley Turner's "Treaty of Calvert with the Indians," was unveiled on June 2, 1902. The two works subsequently provided by the City were Edwin Howland Blashfield's "Religious Toleration" and Turner's "The Burning of the Peggy Stewart."³⁵ In 1900, the Board of

Directors commenced consideration of purchase by the city of a belt of suburban property with a view towards acquiring parkland at a low price and directing growth in the suburbs. This initiative eventually led, in 1902, to the hiring of the most distinguished firm of landscape architects in the country, Olmsted Brothers, to prepare park plans for greater Baltimore. The Society was also the earliest proponent of the formation of an art museum for Baltimore.³⁶

During these early years the Society also took a particular interest in Mt. Vernon Place. Mt. Vernon was the neighborhood in which most of the Society's leaders lived. For thirty years most of its Board meetings were held at the home of Theodore Marburg, the Society's long-term President, who resided at 14 West Mt. Vernon Place. The buildings of Gilman's Johns Hopkins University were but two blocks to the west. John Nelson Steele's grandfather, John Nelson, had built the house at 3 West Mt. Vernon Place. Other Society members re-



FIGURE 5.

The South Side of West Mt. Vernon Place Looking East with the Portico of the Garrett-Jacobs House in the Foreground.

Source: *Baltimore City, The Liverpool of America* (1898).

Courtesy of the Enoch Pratt Free Library of Baltimore.

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siding immediately on the Place were Francis Jencks of 1 West, and, of course, Mrs. Robert Garrett at 11 West. Society members who did not reside on the Place lived nearby. Hence, it was no surprise that when the Society raised a fund of \$30,000 to be used for public statues, it placed them in Mt. Vernon Place—a bronze equestrian statue of John Eager Howard by Emanuel Fremiet, dedicated in 1904 and placed at the north entrance to Mt. Vernon Place, and a bronze statue of Severn Teackle Wallis by Laurent Honore Marguete, installed in East Mt. Vernon Place.³⁷

The Municipal Art Society's concern for the aesthetic of Mt. Vernon Place extended beyond statuary. As the nineteenth century ended, Mt. Vernon Place remained a neighborhood of stately townhouses. But, its two newest structures portended change—the Stafford Hotel built in 1894 and the ugly Severn Apartments in 1895 were not single family residences, and they were not to scale. They cast a shadow over nearby residences and detracted from the neighborhood's centerpiece, the Washington Monument. The Municipal Art Society determined to stop any further construction of "skyscrapers." The Directors reported, on December 31, 1900, that they had created a committee "To Urge the Passage of a City Ordinance to Limit the Height of Buildings to be Hereafter Erected Within One Block of Washington Monument." John N. Steele, the Society's Counsel, was named chairman of the committee.³⁸

No historical record has been found of the course of this legislation during the ensuing two years. From today's perspective, however, it would seem that John N. Steele faced three difficulties in having it taken seriously. First, in 1901, there was no new construction going on in Mt. Vernon Place. The threat of change did not seem imminent. Second, the proposal was patently parochial, it only affected four city blocks. It might prove difficult to attract the attention of the Baltimore City Council to such a local problem. Third, the proposed legislation was of very dubious legality. It was a widely accepted constitutional precept of that era that government did not have the power to act for purely aesthetic purposes. These obstacles were to be overcome.

III

Mrs. Robert Garrett and Dr. Henry Barton Jacobs had remained friends in the years since the death of her husband. In April of 1902 they were married; she was 51 years of age and he was 43. They entered into an antenuptial contract, pursuant to which their personal estates were to remain separate (her net worth was then \$200 million); once married, she adopted the name of Mary Frick Jacobs.³⁹

Shortly afterwards, Mrs. Jacobs acquired 7 West Mt. Vernon with a view towards further expansion of 11 West Mt. Vernon. 7 West was demolished and architect John Russell Pope was hired to create an addition. He designed a facade in harmony with the western two-thirds previously designed by Stanford White and created a library, theater, and art gallery, as well as a grand

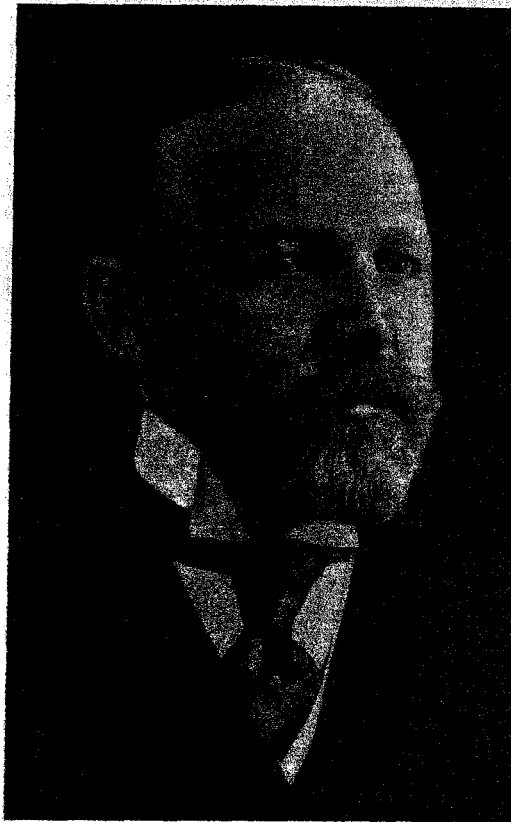


FIGURE 6.
Dr. Henry Barton Jacobs.
Courtesy of the Enoch Pratt Free Library of
Baltimore.

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marble staircase leading down to the supper room.⁴⁰

The resulting mansion, which came to be called the "Garrett-Jacobs House," had 40 rooms and was lavishly appointed. It was the largest and most costly townhouse ever built in Baltimore; estimates of its overall cost range from \$1.5 million to \$6 million.⁴¹ And the Pope addition was the first change to Mt. Vernon Place in the twentieth century. Since Baltimore society had had an opportunity to adjust to "New York Style" brownstones and since Mrs. Jacobs had become the Society's leader, this addition was less controversial than the remodeling of twenty years before. But this addition did remind Mt. Vernon residents that other less desirable changes might be in the offing.

When John N. Steele was made Chairman of the Municipal Art Society's committee to limit building height around Mt. Vernon Place, he was urged to secure passage of a "city ordinance." When the legislation next appears in the historical record on February 27, 1904, it is being considered as state legislation by the Senate of the Maryland General Assembly.⁴² The reason for this change of direction can be guessed at if not proven.

The Baltimore City Council was bicameral. The First Branch consisted of twenty-four members, one from each of the City's wards. From 1900 through 1904, there was a Democratic majority controlled by the Democratic political boss Isaac Freeman Rasin. The Second Branch consisted of four members, one from each of the City's districts. It was presided over by a popularly elected President. The Mayor during that period was Reform Democratic Thomas Hayes. Rasin had a deep-seated hatred for Hayes and, throughout Hayes' term, Rasin sought to embarrass and discredit him.⁴³ Machine Democrats in campaign after campaign had blamed the Republican residents of Mt. Vernon Place for the City's woes. The average Baltimorean had come to believe:

that the folk of Mt. Vernon Place have no hearts, that their one aim in life is to prevent the paving of Fort Avenue, that they wear silk stockings, that they try to hog all the more dignified and remunerative public

offices, that they keep pauper hounds to harass the poor, that they eat nothing but terrapin and drink nothing but champagne.⁴⁴

It is not surprising that the City Council was unresponsive to Steele's lobbying.

Moreover, there was a cogent legal reason for avoiding the City Council. In 1889, the City Council had passed an ordinance which empowered the judges of the Appeal Tax Court to issue building permits. One section of that ordinance provided:

that no permit shall be granted unless in the judgment of the said Judges of the Appeal Tax Court, or a majority of them, the size, general character and appearance of the buildings or buildings to be erected will conform to the general character of the buildings previously erected in the same locality, and will not in any way tend to depreciate the value of surrounding improved or unimproved property.⁴⁵

It was not until 1902, however, that this ordinance was tested in the Maryland Court of Appeals.

A case arose when the Appeals Tax Court, an administrative agency, denied a permit for a building at the northeast corner of Mt. Royal and Maryland Avenues on the grounds that the building did not "conform to the general character of the buildings in the same locality," since it would be used "for the purposes of a 'zoo' . . . to show wild animals . . . upon one of the most beautiful streets in the city of Baltimore."⁴⁶ The Maryland Court of Appeals overturned the permit denial, finding the ordinance void. The Court reasoned that, while the Maryland General Assembly had authorized the City of Baltimore to regulate building from the standpoint of safety and fire protection, it had not authorized the city to pass ordinances which required buildings to conform to the general character of buildings in the neighborhood. This decision created significant doubt as to whether the City had the power to pass an ordinance limiting building heights around Mt. Vernon Place.

It was open season in the Maryland General Assembly, however. Baltimore City's Charter placed no limit on state legislative interference in City affairs. The legislature

had a long tradition and well-established procedures for enacting local legislation. At the 1904 session, 56 percent of the bills enacted were local in nature, applying only to particular localities. By custom, laws for a given locality were enacted by the legislature if supported by the legislative delegation from that locality. And, a contemporaneous report lamented that: "As local bills are now passed, they may or may not be acceptable to the localities affected."⁴⁷ John N. Steele must have recognized that the General Assembly was likely to approve height limitations for Mt. Vernon Place if he received the support of key members of the City delegation.

The bill might never have passed, however, if it had not been for the happenstance of the Baltimore Fire. On February 7, 1904, seventy commercial blocks and 1,545 buildings burned. Control of the fire was complicated by high winds, tall buildings, and low water pressure. The fire raged for thirty hours, approaching, but never reaching, residential neighborhoods, including Mt. Vernon Place.⁴⁸

The fire galvanized Baltimoreans into action. Newly-elected Mayor Robert McLane appointed sixty-three professional and business leaders to a Citizens' Emergency Committee (approximately one-half of the committee members were also members of the Municipal Art Society).⁴⁹ The Committee subdivided into subcommittees, one of which was designated the "Subcommittee on Height of Buildings and Building Laws." The various subcommittees immediately set about considering ordinances to be introduced into the City Council which might facilitate the government's response to fire.

Attorney John E. Semmes was chairman of the Subcommittee on Height of Buildings and Building Laws. Coincidentally, he was the law partner of John N. Steele, the Chairman of the Municipal Art Society's long standing committee on limiting building heights around Mt. Vernon Place. On February 15, 1904, Semmes described his subcommittee's task as follows:

... [i]t is a very difficult point to decide upon. Some cities do not permit buildings any higher than the width of the streets in

which they stand. In Boston, I think buildings are limited to 120 feet. Personally, I think 10 stories under ordinary circumstances, are sufficient for any building. But even though it should be decided not to limit the height of buildings, a still more important thing—the method of their construction will be insisted upon.⁵⁰

On February 17 the subcommittee reported back to the Citizens' Emergency Committee. It found existing building laws and regulations allowed "non-fireproof" buildings to be built to the height of 100 feet. It recommended that non-fireproof buildings be limited in height to 85 feet and that fireproof buildings be limited to 175 feet. (Josias Pennington, an architect and a member of the subcommittee, commented that the height of fireproof buildings had little significance since the danger of fire was practically eliminated. The Citizens' Emergency Committee adopted the report of its subcommittee and on March 1, 1904 an implementing ordinance was introduced in the City Council.⁵¹

While the Building Height Limitations were being hotly debated in the Baltimore City Council,⁵² the proposal before the General Assembly to limit the height of buildings in Mt. Vernon Place was receiving scant attention. The "Anti-Skyscraper Bill" was passed by the Senate on February 27, 1904 and by the House on March 3, 1904.⁵³ And, on March 17, 1904, Governor Warfield signed into law the bill "prohibiting the erection of buildings, other than churches, more than 70 feet high within one block of Washington's Monument in Baltimore." On March 28, 1904, John N. Steele submitted the following report to the Board of the Municipal Art Society:

As Chairman of the Committee on Height of Buildings, I take pleasure in reporting that the bill to limit the height of buildings in the territory bounded by the north side of Centre Street, the east side of Cathedral Street, the south side of Madison Street, and the west side of St. Paul Street to a point not exceeding 70 feet in height above the baseline of the Washington Monument, was passed by the legislature, signed by the Governor and is now law.

The passage of this bill was largely due to the efforts of John N. Gill, Jr. in the Senate

and Mr. J. Charles Linthicum in the House.⁵⁴

Lobbyist Steele had found the influential legislators he needed to secure passage of the bill. Both Gill and Linthicum were Democrats from Baltimore's Third Legislative District, the District in which Mt. Vernon Place was located. While not clearly identified with the reform element, they were politically independent and ambitious. Later, in 1904, Gill successfully ran for Congress and Linthicum, with Gill's support, staged an upset victory to fill Gill's state Senate seat to the chagrin of Boss Isaac Rasin.⁵⁵ Years later, in 1911, Linthicum succeeded to Gill's seat in Congress. Whether their support of the Mt. Vernon Place height limit garnered them support in subsequent elections is unknown. The most obvious reason why they supported the law is because they lived in the neighborhood. Linthicum lived in the 700 block of St. Paul Street at the easterly perimeter of the Place; Gill lived on Charles Street, three blocks north of the squares.

The City Ordinance limiting the height of buildings throughout Baltimore took effect March 18, 1904, one day after the state law took effect.⁵⁶

Even though lawfully enacted, there was still a question as to the effectiveness of the 70 foot height limitation; its constitutionality had not yet been sustained. And John N. Steele, the Counsel of the Municipal Art Society who had been successful in getting the law enacted, would not be available to defend it. He resigned from the Society on April 25, 1906, before moving to New York City to become a General Counsel to the American Smelting & Refining Co. and M. Guggenheim's Sons.⁵⁷ Not long after he left, a test case developed.

Indirectly the fire had brought change to Mt. Vernon Place. Standard Oil Company, burned out of its downtown offices, took temporary quarters in the vacant Greenway Mansion. The mansion had been built by Edward McDonald Greenway in 1835 at 700 Washington Place (the first house constructed on the Place). When Standard Oil moved into its new office building, the mansion was again vacant.⁵⁸ On April 10, 1905, it was sold to William F. Cochran for \$160,000. Cochran, who already owned the

adjoining house at 6 West Mt. Vernon Place, was a New York native who had moved to Baltimore when he married Annie Lorraine Gill in 1902. In explaining the purchase, Cochran said: "a strong desire of property holders on Mt. Vernon Place to control the kind of building to be erected on this site led me to purchase it to prevent anyone from building a skyscraper."⁵⁹

William F. Cochran was a different sort of millionaire. His father had amassed a great fortune as a carpet manufacturer and Cochran found his inherited wealth troubling. He once told a church group at Baltimore's Westminster Church that money made him feel immoral, the joy of abundance mitigated by the sight of people living under opposite conditions. He said: "It seems all wrong. I have come to the point where if a new social order were to be brought about thereby, I would gladly give up my comfortable country home and occupy the humble house of an overseer."⁶⁰ He was a member in good standing of Baltimore Society and an Episcopal Churchman, but throughout his life supported various unpopular causes. Among his charities were the Anti-Saloon League; he also contributed to the Work Alliance of America (the Wobblies), and Norman Thomas, a socialist candidate for President. William F. Cochran was a "Christian Socialist Socialite"—a man devoted to proving that great wealth, a position in Society, and a Christian social consciousness were compatible.

Cochran employed architect Edward H. Glidden, who designed a fashionable Beau Arts apartment house in the northwest corner of Mt. Vernon Place and Washington Place on Charles Street, which took the address of 700 Washington Place and was called the Washington Apartments. It was built during 1906 at a cost of \$300,000 and had twenty-eight apartments, and twenty-nine rooms designed for use by servants. The structure was six stories, or 69 feet 8 inches in height, just under the legally mandated 70 foot limit.⁶¹

Once the Washington Apartments were completed, Cochran, on March 13, 1907, applied for a "Permit to Build" an additional story upon the roof. It would be set back twenty feet from the building line to be eight feet in height. It was to contain



FIGURE 7.
View of the Washington Monument Looking to the Northwest before construction of the Washington Apartments.

Source: *Baltimore City, The Liverpool of America* (1898).
Courtesy of the Enoch Pratt Free Library of Baltimore.
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nineteen rooms so as to enlarge the servants' quarters for the apartment. Cochran asserted that it was impossible to derive sufficient revenue to yield a fair return on his investment without the addition. The permit was denied because the addition would have resulted in violation of the Mt. Vernon building height restriction.⁶²

Three quarters of a century later, this turn of events seems curious. Why did Cochran spend \$300,000 on a handsome new structure which he claimed to be economically obsolescent and then immediately seek a permit for its expansion?

Perhaps Cochran was a speculator. When he bought the lot at 700 Washington Place (at a discount due to the height lim-

itation which reduced the potential yield from the property), he may have already had in mind a lawsuit which would constitutionally challenge the limitations and produce a windfall. If this were Cochran's primary goal, however, it seems he would have brought suit prior to the start of construction. The completed six-story Washington Apartments hurt rather than helped the suit by suggesting that the problem was of Cochran's own making. Moreover, this strategy seems inconsistent with everything we know of Cochran's personality. When he bought the property, he publicly announced his commitment to height limits around the squares. It seems unlikely that a man of Cochran's Christian character and

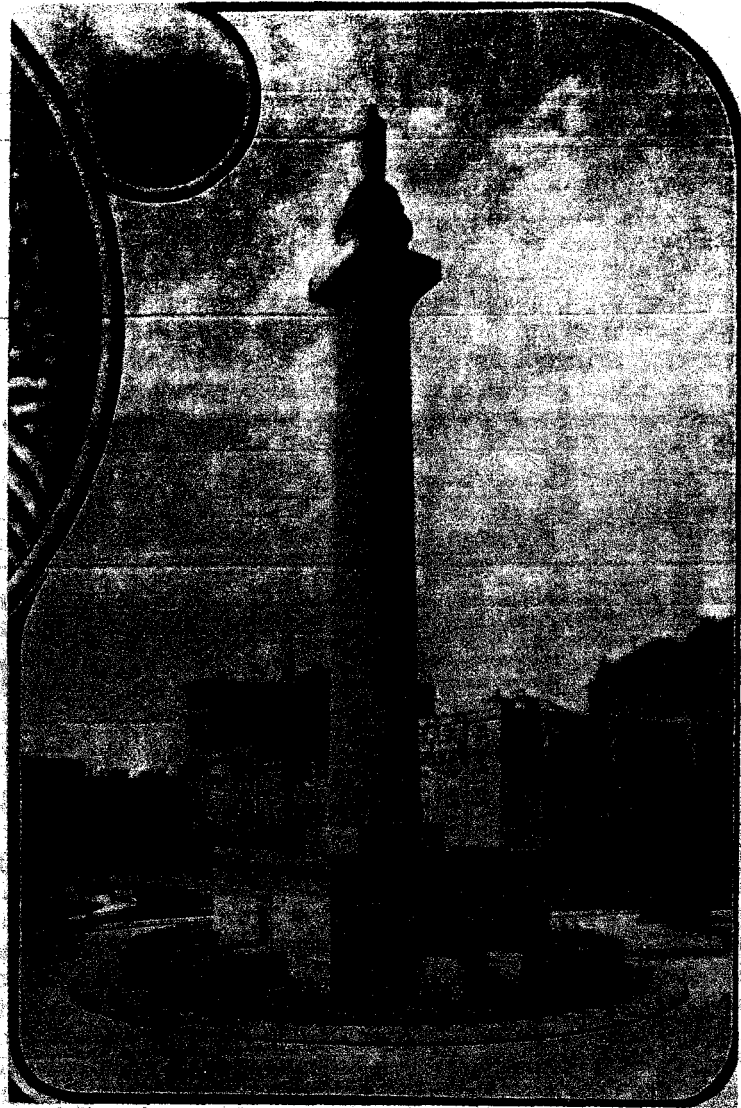


FIGURE 8.
View from the Washington Monument Looking to the Northwest after construction of the Washington Apartments.

Source: *Groeninger's New Baltimore* (1906).
Courtesy of the Enoch Pratt Free Library of Baltimore.
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social standing would desert his moral rectitude and endanger his position in Baltimore Society in order to turn a quick dollar.

A more likely explanation is that William F. Cochran was recruited by the Municipal Art Society to bring the lawsuit. As previously mentioned, John N. Steele must have had serious doubts concerning the constitutionality of the Mt. Vernon building height limitations. Professor Ernest

Freund, in his authoritative work of 1904, *The Police Power: Public Policy and Constitutional Rights*, had spoken to the question directly:

In America buildings have never been controlled by law with a view to securing beauty or symmetry, whereas such regulations are not unknown in European cities. It may be conceded that the restrictions

imposed rarely inflict actual damage, nevertheless they constitute a substantial impairment of the right of property, and the maintenance of an official standard of beauty would not easily be recognized under our theory of constitutional law as a sufficient warrant for the exercise of the police power.⁶³

Moreover, the Maryland Court of Appeals, in its 1902 decision in *Bostock v. Sams*, had intimated that when regulating the construction of buildings, the State's regulatory powers were limited to providing for the public safety, safeguarding the health or morals of the community, and preserving the public order.⁶⁴ Hence, a case was needed to test whether the 70-foot height limitations could pass constitutional muster in the Maryland high court.

From the perspective of the Municipal Art Society there were significant advantages to having the test case brought by a friendly plaintiff. The obvious litigation strategy was to attempt to justify the height limitation as a fire control measure within the traditional concept of the police power. Whether the statute was intended to assist in the control of fires is a question of fact. The plaintiff and the defendant together have control over the facts which the reviewing court will consider.

Justification of the Mt. Vernon building height limitation as a fire control measure had a certain superficial plausibility. It was indisputably the case that the bill had been passed by the Maryland General Assembly in the immediate aftermath of the Baltimore Fire; it was enacted by both houses less than one month thereafter. Moreover, there is an obvious relationship between building heights and fire control: the taller the building the more difficult the control. On the other hand, the statute had been conceived several years before the fire by the Municipal Art Society with a view toward preserving the aesthetic of the Place. Since the 70-foot height limit was measured from the base of the Washington Monument, buildings downhill from the Monument could be many stories higher than those atop the hill. For example, a building erected at the corner of St. Paul and Centre Streets (the lowest elevation within the regulated district) might lawfully be built

to the height of 120 feet. In addition, the Baltimore City Council had passed a comprehensive ordinance limiting the height of buildings on March 18, 1904 (just one day after the Governor signed the Mt. Vernon bill into law). This ordinance applied city-wide and distinguished between non-fireproof and fireproof buildings; nonfireproof buildings were limited to 85 feet in height, while fireproof buildings were limited to 175 feet. It is hard to conceive of any special justification for more stringent height limitations around Mt. Vernon Place. Hence, if the Mt. Vernon law was intended as a fire control measure, it seems erratic and arbitrary.

The Municipal Art Society was in a position to offer Cochran something in return for his institution of a test case. The six-story apartment house which Cochran had under construction was an architecturally handsome addition to the square; even with a seventh story added (according to the plans which Cochran proposed) the resulting structure would blend harmoniously with its surroundings. The Municipal Art Society might offer to support Cochran in his efforts to obtain a variance from the statute's application in return for Cochran undertaking a test case which would sustain the constitutionality of the building height limitations. If all worked out, both sides would win. The Municipal Art Society would have a statute preserving the character of Mt. Vernon Place and William F. Cochran would be permitted to construct the additional floor on the Washington Apartments.

Too many years have passed to determine whether William F. Cochran and the Municipal Art Society colluded to sustain the constitutionality of the Mt. Vernon height limitation ordinance. The case arose on a petition for a mandamus against the Inspector of Buildings, Edward D. Preston, to require him to issue Cochran a building permit in the Court of Common Pleas of Baltimore City. Judge Henry Stockbridge, a member of the Municipal Art Society, heard the case sitting as judge and jury; no testimony was taken, but an agreement of counsel was reached, whereby the facts in the plaintiff's petition were accepted as true. The petition alleged that the entire

purpose of prohibition of erection of buildings over 70 feet was "to carry out certain artistic conceptions of the Legislature which in no way involved the safety, health or the welfare of the public . . . ;" the petition made no mention of the facts that the prohibition had been conceived by the Municipal Art Society to preserve the aesthetic value of Mt. Vernon Place or of the comprehensive building code which limited the height of fireproof and nonfireproof buildings throughout the City. Judge Stockbridge dismissed Cochran's petition on May 16, 1907.⁶⁵

On July 5, 1907, William F. Cochran filed an Order of Appeal with the Maryland Court of Appeals.⁶⁶ While that appeal was pending, Cochran joined the Municipal Art Society. The Minutes for November 19, 1907 note that he was elected to membership. At that same meeting, the Society's Board of Directors took the following action:

the question of changing the law regulating the height of buildings to be erected in proximity of the Washington Monument was considered and, after a full discussion, on motion duly seconded, it was resolved that this Society recommend a change of height limit of buildings to 80 feet, in place of the 70 feet that is now covered by this said law.⁶⁷

The appeal was heard by the Maryland Court of Appeals at its 1908 April Term. The Court affirmed the decision below with the conclusory determination that the statute "was no doubt passed" to protect against "the increased danger from fire attendant" to tall buildings.⁶⁸ In a fanciful aside, the Court explained the reasonableness of measuring the height limitation from the base of the Washington Monument, the highest point within the district.

. . . [V]ery tall buildings on the highest part of the ground would be more difficult to deal with in case of fire than such buildings lower down. . . By opening from the higher portion of ground, water might be thrown on tall buildings further down the hill, and reach the top, while the tops of buildings of the same height on the higher ground would be wholly out of the reach of the fire apparatus.⁶⁹

Hence it came to pass, on June 24, 1908, that the Act of 1904, ch. 42, which prohibited the erection of buildings exceeding seventy feet in height in proximity to the Washington Monument was found to be constitutional.

This 70 foot statute continues in effect today;⁷⁰ the Washington Apartments remain six stories; an additional floor was never added. A question remains as to whatever became of the Municipal Art Society's undertaking to have the limit raised to 80 feet. Despite diligent search, no record has been found of either a city ordinance or an act of the General Assembly raising the height limit to 80 feet; indeed, it seems logically impossible for the height limit to be effectively raised so long as the 70 foot limitation continues in force. A minor mystery derives from the fact that various secondary sources suggest that the height limitation was raised to 80 feet.⁷¹ The source of this confusion seems to be Warren Wilmer Brown's 1929 pamphlet *The Municipal Art Society of Baltimore City: Its Aims and Accomplishments*. Therein he states:

. . . the Society, twenty-five years ago, was also interested in . . . the regulation of building heights. John N. Steele was the Chairman of that committee and as such he recommended the passage of a Bill to regulate the height of all buildings in the territory bounded by Centre, Cathedral, Madison and St. Paul Streets to a point not over 70 feet above the baseline of Washington's Monument. *Several years later the height was raised to 80 feet.*⁷²

Apparently Mr. Brown lost sight of the fact that the Municipal Art Society could not enact legislation, only recommend it.

With the 70 foot height limitation constitutionality in place, the threat to Mt. Vernon Place became commercial intrusions rather than tall buildings. The razing of residences to make way for institutional buildings was, of course, nothing new. In the latter part of the nineteenth century, Charles Howard's mansion had been demolished to make room for the Mt. Vernon Place Methodist Church, and George Peabody's Institute had razed two residences at the southeast corner of the Monument to construct a concert hall and li-

brary. And this institutionalization process continued on into the twentieth century when Henry Walters, who lived at 5 West Mt. Vernon, bought the four residences southwest of the Monument at 600-606 Washington Place to build the Walters Art Gallery. Henry Walters was a reclusive magnate who owned most of the railroads of the Southern United States; he had inherited the business, and a love of art, from his father, William Walters. Together they had acquired one of the largest private art collections in the country.⁷³

Henry Walters had purchased the four structures by 1903; but following the Baltimore Fire of 1904, he allowed them to be used to provide needed office space, so they were not torn down until 1905. The Gallery designed by Warren Delano (Walters' brother-in-law and Franklin Delano Roosevelt's uncle) was completed in 1909. It was periodically opened to the public and when Walters died in 1931 he left both gallery and collection with an endowment to the City of Baltimore.⁷⁴

The office space shortage resulting from the Baltimore Fire created pressures for other commercial intrusions into Mt. Vernon Place. With John N. Steele having left Baltimore for New York to serve as General Counsel for the American Smelting & Refining Co., there was no obvious spokesman in the Municipal Art Society for preservation of the Place. Henry Barton Jacobs filled this void.

Dr. Jacobs had become a member of the Municipal Art Society shortly after he married Mary Frick Garrett in 1902. He had served on the Committees on Exhibition and Lectures, but had not otherwise been active in the Society.⁷⁵ He was kept busy with his extensive travel and charitable work, particularly as president of the Hospital for Consumptives of Maryland. Meanwhile, Mrs. Jacobs had continued her endless remodeling of 11 West Mt. Vernon Place. In 1913, she demolished the stables, and built an art gallery and glass domed conservatory on the site. In 1915, she acquired 13 West Mt. Vernon Place from Henry P. Janes (they had not been on speaking terms since the 1885 lawsuit), and tore down the rear of that building so as to provide closet space and light to the west

side of 11 West Mt. Vernon Place. The light filtered through Tiffany windows on the spiral staircase.⁷⁶ One report has evangelist Billy Sunday staying in what was left of 13 West Mt. Vernon Place in 1916, while he led his crusade to save Baltimore's sinners from perdition.⁷⁷

In 1915, Dr. Jacobs stepped out of his drawing room and into the political fray. He appeared before the Baltimore City Board of Estimates at City Hall and warned that Mt. Vernon Place would eventually become a business district if appropriate steps were not taken.⁷⁸ For the next twenty-five years Henry Barton Jacobs was to be the spokesman for the preservation of Mt. Vernon Place.

His preservation efforts got off to a good start. In 1916, the City hired Thomas Hastings, of the New York firm of Carrere and Hastings, to re-landscape the squares. Marble balustrades, a new fountain, and an ornamental stairway were installed in the southern square at a cost of \$80,000.⁷⁹

Over the long term, however, Dr. Jacobs was destined to fight a holding action. The advent of the automobile made suburban living practical; autos roared around the Washington Monument, through the heart of Mt. Vernon Place, on their way to the outlands. Baltimore's grandest residential neighborhood entered a period of seemingly inexorable decline. Old families moved away and boarding houses and businesses replaced them.

In 1923, a restaurant was proposed at 702 Cathedral Street. Dr. Jacobs appeared before the Board of Estimates in opposition. A compromise was reached permitting the restaurant but limiting the exterior lighting. Dr. Jacobs got in the last word in a Letter to the Editor of the Baltimore Sun:

It must be the aim of the State, the City, and every inhabitant to guard and preserve these squares. The City has ample room for extension of its business district. Shall it not be the care of all these to see that these quiet spots shall be passed by and allowed to remain the peaceful abiding place of the great Washington, standing so majestically when he overlooked the City which honored him so highly?⁸⁰

In 1924, the newly formed Baltimore Museum of Art established temporary quarters

on the edge of Mt. Vernon Place at the southwest corner of Monument and Cathedral Street in what had previously been the home of Miss Mary Garrett, Robert Garrett's sister. In 1919, Mayor James Preston had proposed that the City purchase the Jencks House and adjoining mansion at 3 West Mt. Vernon Place for the Museum's home, but these plans were scrapped out of concern that Henry Walters might object to another museum next door and refuse to leave his collection to the City. The Museum hung out Mt. Vernon Place's first sign, in foot-high letters, "Museum of Art." Dr. Jacobs, who later served as its President, was instrumental in the Museum's 1929 move to Wyman Park to a permanent facility designed by John Russell Pope (the sometime architect for 11 West Mt. Vernon Place). The question then arose as to what should become of the townhouse which the Museum vacated. A 12 story apartment was proposed (the site was across Cathedral Street from the restricted district).⁸¹ At a hearing on the question, a Mt. Vernon resident lamented that the Place had "degenerated into a runway for dogs, a gathering place for night hawks, and that apartment houses would be preferable to cheap rooming houses."⁸² The apartment house was built.

In 1939, Henry Barton Jacobs was eighty-one years of age. He still resided at 11 West Mt. Vernon Place. Mrs. Jacobs had left the property to him, along with its contents and an annuity of \$100,000, when she died in 1936.⁸³ In 1939 yet another commercial intrusion threatened Mt. Vernon Place. The home of William Whitridge, at 604 Cathedral Street, was to be razed to make way for a parking lot. This time Dr. Jacobs failed to rise to the occasion. The *Evening Sun*, for November 23, 1939 headlined: "Dr. Jacobs Ill, Can't Aid in Parking Lot Fight," "Will not go with other residents of Mt. Vernon Place to Protest Demolition of Whitridge Home."⁸⁴ Dr. Jacobs died December 18, 1939 and the parking lot was built.

Dr. Jacobs left an estate of \$500,000. A year after his death, 11 West Mt. Vernon Place was sold for \$36,000 at public action to William Cook, who wished to use it as a funeral parlor. The funeral parlor was not

permitted under the City's zoning laws, but the price was symptomatic of the decline of Mt. Vernon Place. Baltimore's "largest and most magnificent townhouse," completed in 1902 in Baltimore's best neighborhood at a cost in excess of \$1.5 million was sold 38 years later for 2.4 percent of that cost. Cook shortly thereafter resold the mansion to the Boumi Temple for \$45,500. Mt. Vernon Place was still a lady, but an aging and infirm dowager.

One proposal to improve the Place's circumstances was to repeal the 70 foot height limitation. In 1940, the Mt. Vernon Improvement Association supported such a proposal, reasoning that tall apartments were preferable to vacant, boarded-up and decaying townhouses.⁸⁵ Theodore Marburg, who had founded the Municipal Art Society and lived at 14 West Mt. Vernon Place since 1897, refused to give ground, however. He argued that tall buildings would destroy the beauty and charm of "a place unique in this country." He went on to recollect:

after the Severn was erected the Municipal Art Society was instrumental in getting through a law which prohibited the erection of buildings on Mt. Vernon Place or Washington Square of a greater height than 80 [sic] feet above the baseline of Washington Monument.⁸⁶

There is some irony in the rebuttal offered by Harry O. Levine, Chairman of the State Tax Commission. He argued for repeal of the height limit as an antidote to "the sharp decline in property value, a decline shown last week in the sale of the Henry Barton Jacobs Mansion for 22% of its assessment."⁸⁷ Dr. Jacobs must have turned in his grave.

The height limit was not repealed, but a greater threat to the integrity of Mt. Vernon Place was yet to come. Following World War II, the City considered plans for urban renewal. Mayor Theodore McKeldin appointed a special architects' committee to recommend improvements for Mt. Vernon Place. The committee reported back in 1945. It proposed that the four block Mt. Vernon District be dedicated to public or semi-public uses.⁸⁸

The southwest block (bounded by Cathedral, Centre, Washington Place, and West

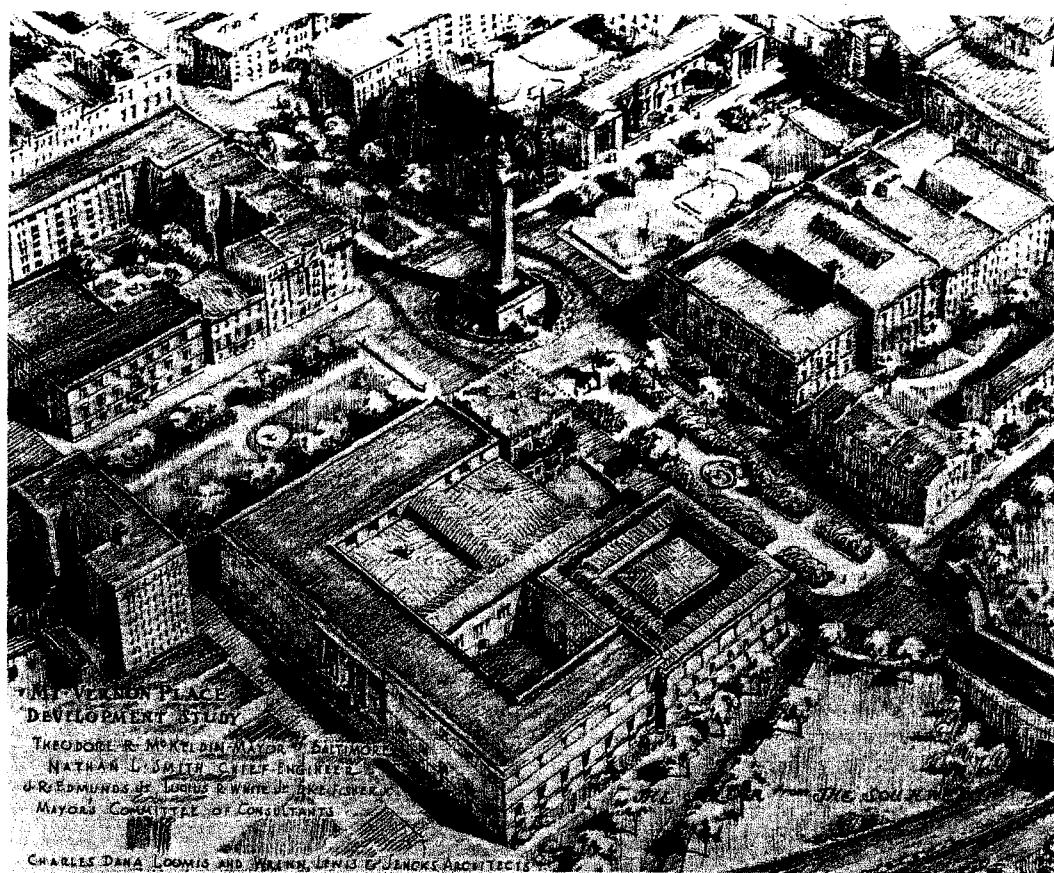


FIGURE 9.
 Rendering of Plan for the Development of Mt. Vernon Place, 1946.
 Courtesy of the Enoch Pratt Free Library of Baltimore.
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Mt. Vernon Place) would all be taken over by an expanded Walters Art Gallery, except for the Jencks House (1 West Mt. Vernon), which would be acquired by the City and maintained as the Mayor's Mansion. All other residences would be demolished, including the Garrett-Jacobs Mansion.

The Boumi Temple, having been evicted by the Walters' expansion, would be encouraged to build a new structure in the northwest block (bounded by Cathedral, Madison, Washington Place, and West Mt. Vernon Place). The Washington Apartments would remain, but all other structures, including the Stafford and the top-heavy Severn, would come down.⁸⁹

On the northeast block (bounded by Washington Place, Madison, St. Paul, and East Mt. Vernon Place), the Mt. Vernon Place Methodist Church would be joined

by a new building housing the Maryland Institute, the Red Cross, and a large hotel.⁹⁰

Rounding out the plan, the Peabody Institute would consume the southeast block (bounded by Washington Place, East Mt. Vernon Place, St. Paul, and Centre), with a student hostel and recreation area.⁹¹ The plan also called for acquisition by the City of rows of houses east of St. Paul Street facing to the east arm of the square. A large parking garage would be built on the site and topped with an 8000 seat auditorium and "little theatre." Walkways across St. Paul Street would connect the complex to Mt. Vernon Place.⁹²

Essentially, the plan called for saving Mt. Vernon Place by destroying its nineteenth-century houses. Fortunately, it was only implemented in a faltering fashion. When Mrs. Francis M. Jencks died in 1953, the

City acquired 1 West Mt. Vernon Place from her estate.⁹³ The City condemned residential property east of St. Paul Street with a view toward constructing the parking lot and civic auditorium; the houses were razed but the auditorium was never built. The Peabody Institute eventually constructed a Dormitory at the corner of St. Paul and Centre Streets (Edward Durrell Stone, architect, 1969), reluctantly leaving in place the residences fronting on Washington Place and East Mt. Vernon Place.⁹⁴

Expansion of the Walters Art Gallery was the key to the complete realization of the plan. Mayor Thomas D'Alesandro, Jr., the City Planning Commission, and Phillip B. Perleman, President of the Board of the Walters Art Gallery all favored demolition of the residences on the south side of West Mt. Vernon Place, save the Jencks House, and expansion of the Walters.⁹⁵ In 1958, the City had acquired the Garrett-Jacobs Mansion from the Boumi Temple in anticipation.⁹⁶ The only stumbling block was voter approval of a loan to finance the expansion.

In 1958, a publicity campaign was launched. Most debate concerned the proposed demolition work. The Sunpapers editorialized in favor of razing and expansion. The Mayor's Mt. Vernon Place Architectural Advisory Commission issued a report, on June 29, 1958, restating the goal of making Mt. Vernon Place a "cultural center." It recognized that:

How much of the American architectural heritage can be retained by what standards the decision to retain or demolish a building can be made, and finally the question of financing the rehabilitation and maintenance of architectural monuments are difficult questions.⁹⁷

It recommended demolition since the cost of converting existing buildings to museum use would be "prohibitive." Likewise, Richard H. Howland, President of the National Trust for Historic Preservation, approved demolition of the Garrett-Jacobs Mansion on grounds that it was really a second-rate Stanford White; a better example of White's work existed in Baltimore on the southeast corner of St. Paul and Preston

Streets.⁹⁸ The conventional wisdom was perhaps summed up in a letter to the Editor of the *Baltimore Sun* of April 12, 1958:

Barring use by the Walters Gallery, the block has no future and it is good luck for the City, and the square, that Walters can effect expansion in that direction.⁹⁹

In November of 1958, the voters defeated the proposed bond issue. The electorate's cause was penuriousness, not preservation.

Public proposals die hard. In 1960, the Walters Art Gallery renewed its request for a \$4 million bond issue to enlarge the Gallery. The City Board of Estimates agreed and replaced the question on the ballot.¹⁰⁰ On this occasion there was a voice of dissent. Douglas H. Gordon, sometime President of both the Municipal Art Society and the Mt. Vernon Improvement Association and descendant of John Hanson Thomas, who had built 1 West Mt. Vernon Place in 1850, stated: "it is absolutely unsound to tear down a magnificent building like the Jacobs Mansion to make way for display of a lot of second-rate art."¹⁰¹ In November of 1960, the voters again rejected the bond issue.

With the proposal to raze its perimeters at last put to rest, the fortunes of Mt. Vernon Place dramatically improved. In 1962, the City sold the Garrett-Jacobs Mansion to the Engineers Club for \$155,000—the same price the City had paid in 1958.¹⁰² The Engineers Club of Baltimore restored the Mansion at a cost of \$1 million and today it is actively used for meetings and conferences. In 1963, the City sold 1 West Mt. Vernon Place to Harry Lee Gladding for \$100,000. He impeccably restored the Thomas-Jencks-Gladding House for use as a private residence and periodically opens it up for public viewing. These sales spurred a resurgence of interest in the Mt. Vernon neighborhood. Middle class professionals returned, often restoring townhouses converted into apartments, living in one and letting the remainder. Real estate values climbed. In 1980, for example, 12 West Mt. Vernon Place (the Alexander Gordon House, circa 1830), which had been converted into five apartments, was sold for \$385,000.¹⁰³

IV

This detailed history of four city blocks over one hundred and fifty years provides some surprising insights into the role of government in planning for and regulating the use of land. Mt. Vernon Place today is the centerpiece of a healthy and resurgent downtown neighborhood; it is a beautiful urban park and statuary garden surrounded by stately nineteenth-century houses. It has been preserved both because of, and despite, government efforts to influence its use.

Mt. Vernon Place was not the creation of public-spirited land planners. It was a speculative subdivision intended to turn a profit for private developers. The developers took their profit as Baltimore's professional and merchant aristocracy came to live there. These residents prevailed upon city and state government to promote and protect their neighborhood, sometimes at the expense of others. Public funds were used to erect a wrought iron railing around the squares to exclude "common children" at plan, and to commission works of art which made the squares a beautiful statuary garden. "Special Interest" legislation was procured which protected their insular neighborhood from physical change and from the wrong sort of newcomers.

Hence, the parties involved in the development of Mt. Vernon Place had selfish motivations. When petitioning government for assistance, their rationalizations sometimes spoke of the commonwealth, but their actions were consistently designed to feather their own nest. There was no altruism here.

A cynical view of the neighbors' motivation does not diminish the magnitude of their accomplishment. If "anti-skyscraper" legislation had not been enacted, many of Mt. Vernon Place's residences would have been torn down to make way for more "efficient" uses. The residential character and architectural heritage of the Place would have been lost. In the long term, selfish pursuits and the public welfare have proved complementary.

Architect Daniel H. Burnham once said, "Make no little plans, they have no magic

to stir men's blood." Once the rich and famous had moved away, Baltimore's planners determined to follow Burnham's advice. They proposed to demolish most of the residences surrounding the squares to make way for museums, hotels, theatres, and office space. This plan received the almost unanimous support of politicians, forces of good government, newspapers, and historic preservation groups. Absent such renewal, the conventional wisdom was that the neighborhood would suffer inexorable deterioration and decline. The plan was defeated, at referendum, when a "know-nothing" electorate refused to approve a necessary bond issue.

From today's perspective, the plan for renewing Mt. Vernon Place is unthinkable. The ensuing three decades have witnessed dramatic changes in economics and taste. New construction is more expensive than rehabilitation; urban living is again fashionable; and, almost everyone agrees that fine nineteenth-century architecture is a heritage worth saving. Mt. Vernon Place townhouses have been adapted for use by clubs and organizations, and converted into apartments. The neighborhood is economically healthy and aesthetically intact. This experience suggests a caveat to Burnham's adage. It may better serve the public to "Make no plans at all."

Hence Mt. Vernon Place owes its existence to passage of legislation designed to promote the selfish interests of Baltimore's aristocrats and to the rejection of a plan designed to serve the public interest. But, in any case, there is a happy ending. Dr. Henry Barton Jacobs had it right when he said:

The present residents of these squares will pass away. Their interest will cease, but the squares if preserved, and the Monument, will live on through countless generations, still the pride of all Baltimoreans.¹⁰⁴

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 24. Dehler, "Mt. Vernon Place at the Turn of the Century," pp. 288-290; Dehler, *Eleven West Mt. Vernon Place*, p. 3.
 25. Dehler, *Eleven West Mt. Vernon Place*, pp. 10-11.
 26. *Ibid.*
 27. "Henry Barton Jacobs," M.V.F., EPFL.
 28. Dehler, "Mt. Vernon Place at the Turn of the Century," p. 287.
 29. Francis E. Beirne, *The Amiable Baltimoreans* (New York, 1941), pp. 293-94.
 30. "Henry Barton Jacobs," M.V.F., EPFL.
 31. Amy D'Arcy Wetmore, "Mt. Vernon Place West and Its Social History," *Baltimore Sun*, June 16, 1907, p. 13.
 32. Letter from S. Davies Warfield, Treasurer, Municipal Art Society to Dr. Bernard Steiner, Director, Enoch Pratt Free Library, February 12, 1924, in "Municipal Art Society," M.V.F., EPFL.
 33. James B. Crooks, *Politics & Progress* (Baton Rouge, 1968), pp. 129-30.
 34. "Minutes of the Municipal Art Society" (presently in the custody of its president Beverley Compton, Alex Brown & Sons, Baltimore, Maryland).
 35. "Minutes of the Municipal Art Society," Warren Wilmer Brown, *The Municipal Art Society* (Baltimore, 1929?).
 36. *Ibid.*
 37. *Ibid.*
 38. *Ibid.*
 39. "Baltimore's Six Million Dollar Townhouse," *Sunday Sun Magazine*, December 9, 1962.
 40. Dorsey & Dilts, *Baltimore Architecture*, pp. 25-26.
 41. Compare Dorsey & Dilts, *Baltimore Architecture*, pp. 25-30 with "Baltimore's Six Million Dollar Townhouse," *Sunday Sun Magazine*, December 9, 1962.
 42. *The Baltimore Sun*, February 27, 1904, p. 11.
 43. Frank R. Kent, *The Story of Maryland Politics* (Baltimore, 1911) *passim*.
 44. H.L. Mencken, "The Freelance" in *The Baltimore Sun*, May 12, 1911.
 45. Baltimore Code of 1893, art. 50, sec. 28.
 46. *Bostock v. Sams*, 95 Md. 400 at 409 (1902).
 47. "Report of the Evils of Special and Local Legislation," in Maryland State Bar Association, *Report of the 9th Annual Meeting* (Baltimore, 1904), pp. 163, 171.
 48. Sherry H. Olson, *Baltimore* (Baltimore: Johns Hopkins Press, 1980), pp. 246-248.
 49. James B. Crooks, *Politics & Progress* (Baton Rouge, 1968), pp. 3-45.
 50. *The Baltimore Sun*, February 15, 1904, p. 14.
 51. *The Baltimore Sun*, February 17, 1904, p. 6, February 18, 1904, March 1, 1904, p. 12.
 52. See, e.g., *The Baltimore Sun*, March 8, 1904, March 10, 1904, March 11, 1904, March 13, 1904.
 53. *The Baltimore Sun*, February 27, 1904, p. 11, and March 3, 1904, p. 6.
 54. *Minutes of the Municipal Art Society*, March 28, 1904.
 55. Kent, *The Story of Maryland Politics*, pp. 355-56.
 56. Baltimore City Code 1906, art. 3, secs. 93-98.
 57. *National Cyclopaedia of American Biography*, Vol. 17, p. 177.
 58. Amy D'Arcy Wetmore, "Mt. Vernon Place West and Its Social History," *Baltimore Sun*, June 16, 1907, p. 13.
 59. *The Baltimore Sun*, April 10, 1905.
 60. "William F. Cochran," M.V.F. EPFL.
 61. *Cochran v. Preston*, Record of Appeal from the Court of Common Pleas of Baltimore City.
 62. *Ibid.*
 63. Ernst Freund, *The Police Power* (Chicago, 1904), p. 164.
 64. *Bostock v. Sams*, 95 Md. 400 at p. 414 (1902).
 65. *Cochran v. Preston*, Record of Appeal from Court of Common Pleas of Baltimore City, *passim*.
 66. *Ibid.*, at p. 20.
 67. "Minutes of the Municipal Art Society."
 68. *Cochran v. Preston*, 108 Md. 220 at 231, 70 Atl. 113 (1908).
 69. *Ibid.*
 70. Code of the Public Local Laws of Baltimore City, art. 14-1 (1969).
 71. Dehler, "One West Mt. Vernon Place," p. 46; *The*

- Baltimore Sun, December 22, 1940 in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
72. Brown, *Municipal Art Society*, p. 20 (italics added).
 73. John Dorsey, "Mt. Vernon Place," *The Sunday Sun Magazine*, June 7, 1970, pp. 17-19.
 74. *Ibid.*
 75. "Minutes of the Municipal Art Society."
 76. Dehler, "Mt. Vernon Place at the Turn of the Century," p. 285.
 77. "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 78. Various secondary sources describe the role of Henry Barton Jacobs in preservation of Mt. Vernon Place. See, e.g., Dehler, "One West Mt. Vernon Place," pp. 46-47; Mark P. Carp, "Eleven West Mt. Vernon Place;" *Real Estate and Building News*, Vol. 39, pp. 633-35, March 1971; Dehler, "Eleven West Mt. Vernon Place," p. 12; *Evening Sun*, November 23, 1939, found in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL. They are riddled with inconsistencies and, with respect to the legal materials contained therein, are often inaccurate. This writer has been unable to find original sources which resolve all the inconsistencies. The text contains no known errors, but sources upon which it is based are suspect. Let the reader beware.
 79. Dorsey & Dilts, *Baltimore Architecture*, p. 5; *Evening Sun*, November 23, 1939, found in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 80. *The Sun*, March 5, 1923, from the files of the newspaper.
 81. "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 82. *Evening Sun*, November 23, 1939, found in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 83. Dehler, "Eleven West Mt. Vernon Place," p. 20.
 84. *Evening Sun*, November 23, 1939, found in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 85. *The Sun*, December 22, 1940, found in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 86. *Ibid.*
 87. *Ibid.*
 88. "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 89. *Ibid.*
 90. *Ibid.*
 91. *Ibid.*
 92. *Ibid.*
 93. Dehler, "One West Mt. Vernon Place," p. 50.
 94. Dorsey & Dilts, *Baltimore Architecture*, p. 11.
 95. "Streets-Baltimore-Mt. Vernon Place," in M.V.F., EPFL.
 96. "Henry Barton Jacobs," Files of the Baltimore Sun.
 97. Mt. Vernon Architectural Advisory Commission, "Report on the Expansion of the Walters Art Gallery to the Hon. Thomas D'Alesandro, Jr." (July 29, 1958), in "Streets-Baltimore-Mt. Vernon Place," M.V.F., EPFL.
 98. "Henry Barton Jacobs," Files of the Baltimore Sun.
 99. *Ibid.*
 100. *Ibid.*
 101. *Ibid.*
 102. *Ibid.*
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 104. Letter to the Editor of the Baltimore Sun, March 5, 1923, found in "Henry Barton Jacobs," "Henry Barton Jacobs," Files of the Baltimore Sun.