

## Draft chronology of events associated with the acquisition of the real property comprising Fort McHenry, Baltimore, Maryland, by the U.S. Government

prepared by John Pousson, Dec. 5, 2001 (rev Dec. 7, 2001)

early eighteenth century - Upton Court, extensive tract of land on Whetstone Point, Baltimore Co., Maryland, patented.

1727 - Principio Company acquires Upton Court, and begins mining its iron ore (HARP Report, Bradford 1958:53-54).

1776 - Properties of British nationals seized by Maryland at the beginning of Revolutionary War.

Feb. 1776 - Construction of Fort Whetstone begins at what would become the site of Fort McHenry.

ca. 1785 - Upton Court, including Fort Whetstone site, subdivided into lots and sold by Maryland.

1794 - Rehabilitation of Fort Whetstone by U.S. - its transformation into Fort McHenry – begins.

1795-1800 - Purchase by U.S. of three properties ( Deed 1, lots 73-76; Deed 2, part of lot 66; and Deed 3, lots 68-72) on which Fort McHenry is situated; acquisition, as well, of a ne-sw oriented road partly adjacent, partly within, the properties purchased, and of the se end of Fort Ave. (In 1816 a letter was written that expressed concern regarding the status of U.S. title to the road property [HARP Report, Smith 1958:12n.5]; research concerning how the issue was resolved has not been performed.) The nominal total of Deeds 1-3 was 21.26 acres; however, as determined by a CAD/GIS representation, the area of the property acquired by these deeds, as surveyed in 1840 actually totaled approximately 22.0 acres, and with the area of the roads acquired (3.6 acres), the area of the fort in 1800 was about 25.6 acres (Table 1, Figure 1).

1804 - Purchase by U.S. of the 5-acre site of the Lazaretto on Gorsuch Point (Deed 4) on the opposite bank of the North West Branch of the Patapsco River; property was mistakenly included in 1916 U.S. inventory of Fort McHenry titles.

1816-1818 - Construction of seawall at south and southeast shorelines of original property of Fort McHenry stabilizes and extends boundaries of lots 68-74 (minor addition to acreage of fort not formally recognized until much later).

1817 - Survey is made of lots nos. 30-40 and 60-67 and plat drawn which depicts them in relation to the existing property of Fort McHenry; plat also lists the acreage of the lots. There are only minor differences, between this listing and the 1840 "Plat of Lotts..." listing of deeds, in the size of the lots later incorporated into the fort.

pre-1834 - Seawall partially built at northeast shoreline of original property, stabilizing and extending boundaries of lots 75 and 76

Sept.-Nov. 1836 - Purchase by U.S. of five properties (Deed 5, lots 60, 62, and 64; Deed 6, lot 61; Deeds 7 & 8, lot 63; Deed 9, lots 34 and 35; and Deed 10, lots 65 and 67 and remainder of lot 66), adjacent to earlier property, for the purpose of improvement of facilities at Fort McHenry; also acquired was an additional portion of Fort Avenue. Purchases nominally totaled 24.28 acres; the section of road acquired was about 2.02 acres. The total area of the fort as surveyed in 1840, however, was actually somewhat more than 51.8 acres (not including land within the

1840 survey but outside the 1894 southwest shoreline seawall). Construction of the first of two seawalls along the northeast shoreline of the additional properties, beginning in Nov. 1836 stabilizes the corresponding boundaries of lots 31, 61, 63, 65, and 67 (minor alteration of the acreage of lots).

June 1840 - "Plat of the Lotts of Land belonging to the General Government on which Fort McHenry is erected" (NARA, RG 77, Dwg 51, Sht 13) drawn, with property acquisitions listed. The property acquisitions total about 45.54 acres (their acreage based on the deeds); the bearing-and-distances boundary survey is said to enclose "52 acres 3 roods [52.75 acres] of land more or less." CAD and GIS representations of the 1840 survey indicate that the area enclosed was actually about 52.1 (52.07) acres.

March 1879 - Parts of lots 34 and 61, amounting to about 2.75 acres, in the northwest corner of property, deeded to the Baltimore Dry Dock Co. The total area of Fort McHenry was reduced to about 49.1 acres.

1894-1897 - Seawall built (1894) along southwest shoreline of the property added to the fort in 1836, stabilizing the corresponding boundaries of lots 35, 60, 62, and 64. A second, replacement seawall was built (1897) along what remained of the northeastern shoreline of the 1836 addition to the fort, adding approximately 3.8 acres to the area of the fort. Upon completion of this portion of the seawall, the fort was at its largest overall size, with a total of 52.9 acres.

March 1913 - Portions of lots 61, 63, and 65, comprising a parcel of 3.25 acres adjoining that conveyed to the Baltimore Dry Dock Co., was "set aside" for establishment of an Immigration Station. Much of the 3.25 acres was within the area of filled land added to the property of the fort in 1897. The total area of Fort McHenry was reduced to about 49.7 acres.

May 1913 - Revocable license granted to Dept. of Commerce for tower to light Fort McHenry channel.

May 1913 - Easement provides basis for permitting the City of Baltimore to occupy the reservation of Fort McHenry for public park purposes; easement and permission were withdrawn in 1917.

May 1914 - Permission granted to the Secretary of the Treasury for the permanent use of strip of land 60 ft. wide by 650 ft. in length for access to the immigration station. The strip of land is presently occupied by Nimitz Ave., which provides access to the U.S. Naval Reserve facilities at the former Immigration Station. This parcel amounts to about .9 acres, and the total area of Fort McHenry was reduced to about 48.8 (48.78) acres.

May 1914 - Revocable license granted to National Star Spangled Banner Association to erect a monument to Lt. Col. Armistead.

August 1914 - Revocable license granted to National Star Spangled Banner Association to erect a monument to American privateersmen.

Oct. 1915 - B & O Railroad grants an easement to the U.S. to build and maintain a driveway and sidewalk between Fort Ave. and Immigration Station access road; the easement is a ne-sw oriented strip of land between the fort's boundary wall and present-day Wallace St., 258 ft. long by 58 ft. wide; it is situated within what historically was lot 33, which the railroad must at the time have owned.

1917-1924 - Fort McHenry reservation occupied by U.S. Army General Hospital No. 2

1922 - A monumental Statue of Orpheus commissioned in 1914 by the National Star Spangled Banner Association as a memorial to Francis Scott Key, and for the most part funded by a U.S. appropriation, erected at Fort McHenry. No record of the granting of a revocable license for the statue's erection is known to exist.

March 1925 - Fort McHenry made a National Park, excepting the area occupied by the Immigration Station (and the access strip), the Dept. of Commerce channel light, and an area to be reserved for use by the Corps of Engineers. The latter area totaled 2.53 acres, most of it within the area filled in 1897. The total area of Fort McHenry National Monument – corresponding to its present-day size – was thus approximately 46.25 acres.

~~ca. 1927? – Easement granted for underground electrical lines? Documentation not found.  
[I think it was some years earlier than this]~~

June 1933 - Administration of Fort McHenry as a National Monument transferred from the War Dept. to the Interior Dept.; the areas/sites excepted from the monument previously remain excepted.

June 5, 1936 - Regarding the Corps of Engineers property: “On June 5, 1936, a boundary change was enacted. (This may be pertaining to the Baltimore City Fireboat Station No. 2).” [from a ca. 1998 *Brief Review of Government Lands at Fort McHenry and Adjacent Properties*, an attachment to Manar's memorandum.]

1942-1945 - U.S. Coast Guard Training Station occupies a 9-acre section of Fort McHenry, on the basis of the terms under which Fort McHenry National Monument was established.

April 1952 - Easement granted for 30-ft. wide rights-of-way through the monument, to be occupied by two City of Baltimore water mains (one of them since abandoned). Present status uncertain.

~~Feb. 1973 - NPS Land Status Map 01 for Fort McHenry prepared and approved.~~

#### Miscellaneous notes

The 1817 survey of Fort McHenry – “Ground at Fort McHenry,” by John Boulden, Sur. C.B. (NARA, RG 77, Drw 51, Sht 1½, 2 vers.) – is evidence of an early effort to enlarge Fort McHenry. The sizes of lots 30-40 and 60-67 is given, in acres, roods and perches, and a plat is drawn showing them in relation to the existing property of Fort McHenry. The combined acreage given at this time for the lots 34 and 35 (Deed 9) is the same as in 1840 (6.86 acres); for lots 60, 62, and 64 (Deed 5) it is very slightly less (6.99 vs. 7.0 acres); and for lot 65, 67 and part of 66 (Deed 10) it is somewhat more (5.86 vs. 5.7 acres). One version shows the division line within lot 66, between 66a (D-2) and 66b (D-10).

The 1840 survey of Fort McHenry – the “Plat of Lotts....” (NARA, RG77, Drw 51, Sht 13) – gives quantities for the land, in acres, roods, and perches, for each of the purchases made by the U.S., quantities that must derive from the original deeds. The quantities are in most instances the same as in the OJAG's 1916 deed-based inventory. The meets-and-bounds survey encompassed an area significantly larger than indicated by the tally of the amounts of land purchased: the tally is 45.54 acres, the area encompassed is said to be “52 acres and 3 roods [52.75 acres], although it is actually about 52.07 acres. Most of the difference is due to the fact that areas originally platted as roadways, 5.6 acres, were not included in the tally. A smaller part of the difference is that the lots as described in the deeds had, for the most part, shoreline boundaries that were not as well defined originally, in the

absence of a seawall, as there were in 1840 and later. As a result, the area of the lots as surveyed in 1840 (46.47 acres) was, in aggregate, nearly 1-acre greater than as described in the deeds.

The next known general review and inventory of documentation concerning the real estate held by the U.S. at the Fort McHenry reservation was that prepared in 1916 by the U.S. Army's Office of the Judge Advocate General (OJAG) for all military properties (In FOMC Library SC 68). No survey was performed at that time, however, and the inventory was flawed by two errors. An inaccurate amount was given for D-9, lots 34 and 35 (3.43 rather than 6.86 acres), and D-4 (by means of which the U.S. acquired title in 1804 to the 5-acre Lazaretto site) was erroneously included. The 1916 inventory's narrative does not give amounts for D-5 or D-7 & 8, and gives only an approximate amount for D-10, but the total of 52.75 acres given, removing the errors ( $52.75 - 5 + 3.43 = 51.18$ ), is almost precisely the same as the total of the nominal acreage of all the purchases together with the acreage of the roads acquired ( $21.26 + 3.6 + 24.28 + 2.02 = 51.16$ ); this suggests that the errors may have been made, in good faith, so that the 1916 total would be consistent with the 1940 total. The OJAG's review provides citations of legislation related to the 1878-79 property cession to the Baltimore Dry Dock Co., and the 1913-14 transfer of the Immigration Station site to the Dept. of Treasury (?), and it lists easements and revocable licenses.

Particularly noteworthy for its thoroughness is a document (In FOMC Library folder SC6-098) entitled *Acquisition of Fee Simple Title in 2.53 acres of Land, Fort McHenry, Baltimore, Maryland, remaining under the Jurisdiction of Corps of Engineers and used as Field Headquarters for River and Harbor Work*, prepared in Sept. 1950 by Mark C. Lewis, Chief of the Corps' Baltimore District Real Estate Division. Lewis provides details concerning the erroneous inclusion of D-4 in the OJAG's 1916 review, which he may have discovered. However, this document again makes use of the erroneous 5.75-acre tally as the basis for calculating the residual acreage (although in fact it does not attempt to make that calculation). Various inclosures – copies of pertinent legislation, maps and plans – are included in support of the specific details of the discussion.

One of the basic summary documents pertinent to the National Park Service's title to Fort McHenry NM&HS is Land Status Map 01 (Dwg. No. 346/92,000, copy in SC 68), prepared in March 1973, which reflects the definition of eight tracts, based in part on the nineteenth-century deeds, but with the area of former roads included. The acreage given for the eight tracts amounts in aggregate to 43.26 acres; which together with other evidence suggests that no survey was performed, and that the acreage of the tracts was estimated on the basis of their mapped configuration. The 43.26 figure is the one most commonly employed as the present-day acreage of the park. There are certain confusing aspects to the details of the map, among which is the apparent inclusion, graphically, of the 2.53-acre area belonging to the Corps of Engineers; that area was apparently not included in determining the acreage of the tract (01-104), however.

Among the more recent additional notes pertaining to the Fort McHenry property is a memorandum prepared by Scott Sheads in Oct. 1991 (in SC6-098, Subject: Research Report on the NW [Wallace St.] and north NPS Park Boundary [Nimitz St.]), which among other things documents the B & O Railroad's granting, in 1815, of an easement to the U.S. along Wallace St. Also of interest is Hugh Manar's March 1998 memorandum (to file) concerning U.S. properties adjacent to the park (in SC6-098, Subject: Neighboring lands). Noteworthy, as well, is a copy of a memorandum dated April 25, 1978 concerning existing survey plats of Fort McHenry; the memo, from the Associate Regional Director, Operations, to the Superintendent, indicates that "we will examine our files," and is annotated by the author (dated May 15, 1978) "we have searched our files and can find no original survey plats." (Copy in SC 68, subject: boundary surveying and monumenting program.) A memo in the same file from the superintendent to the ARD nonetheless indicates that "At Fort McHenry NM, we do not need any boundary work done."



Figure 1. Approximate location of the 1800-1836 boundary of Fort McHenry, Baltimore, Maryland, relative to existing features, encompassing 25.6 acres. The small numbers are the lot numbers assigned ca. 1785.



Figure 2. The 1836-1879 boundary of Fort McHenry, Baltimore, Maryland, relative to existing features, encompassing 51.8 acres.



Figure 3. The 1879-1897 boundary of Fort McHenry, Baltimore, Maryland, relative to existing features, encompassing 49.1 acres.

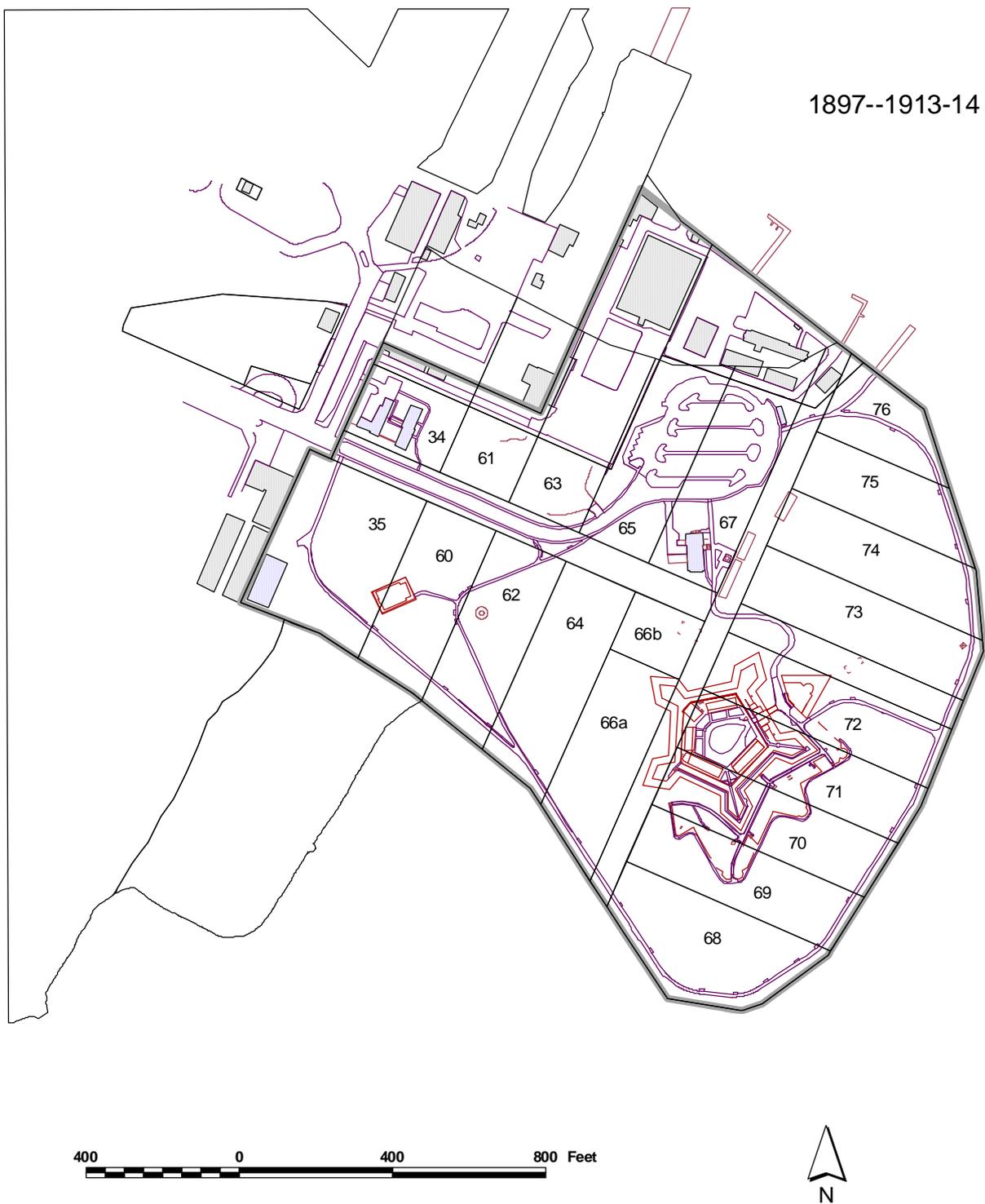


Figure 4. The 1897--1913-14 boundary of Fort McHenry, Baltimore, Maryland, relative to existing features, encompassing 52.9 acres. This was also the operational, although not the formal, boundary of U.S. Army General Hospital No. 2, established in 1917.

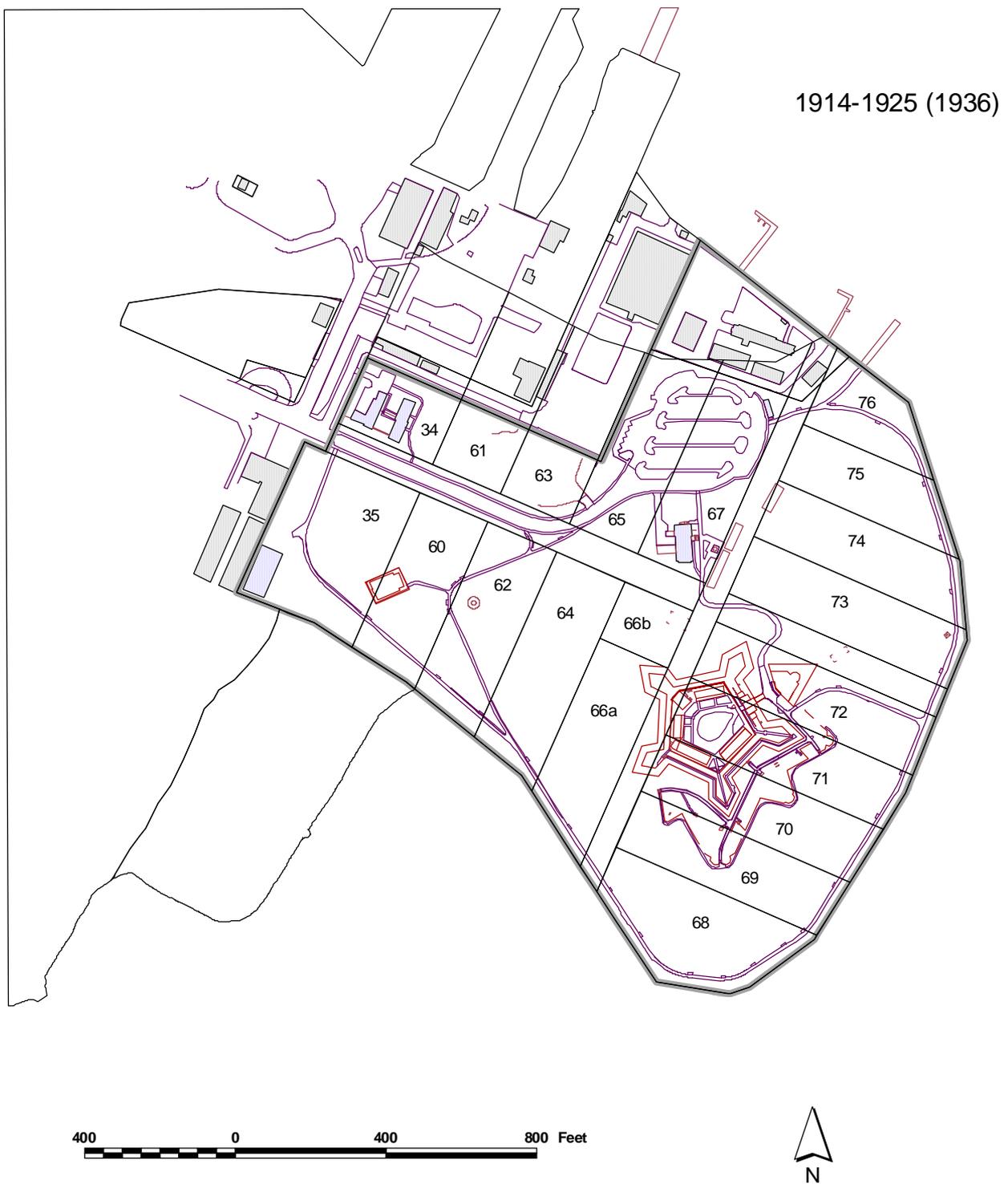


Figure 5. The 1914-1925 [1936?] boundary of Fort McHenry, Baltimore, Maryland, relative to existing features, encompassing 48.8 acres. Fort McHenry National Monument was established in 1925, and its administration was transferred from the War Dept. to the Dept. of the Interior in 1933, but formalization of the boundary change was apparently delayed until 1936.

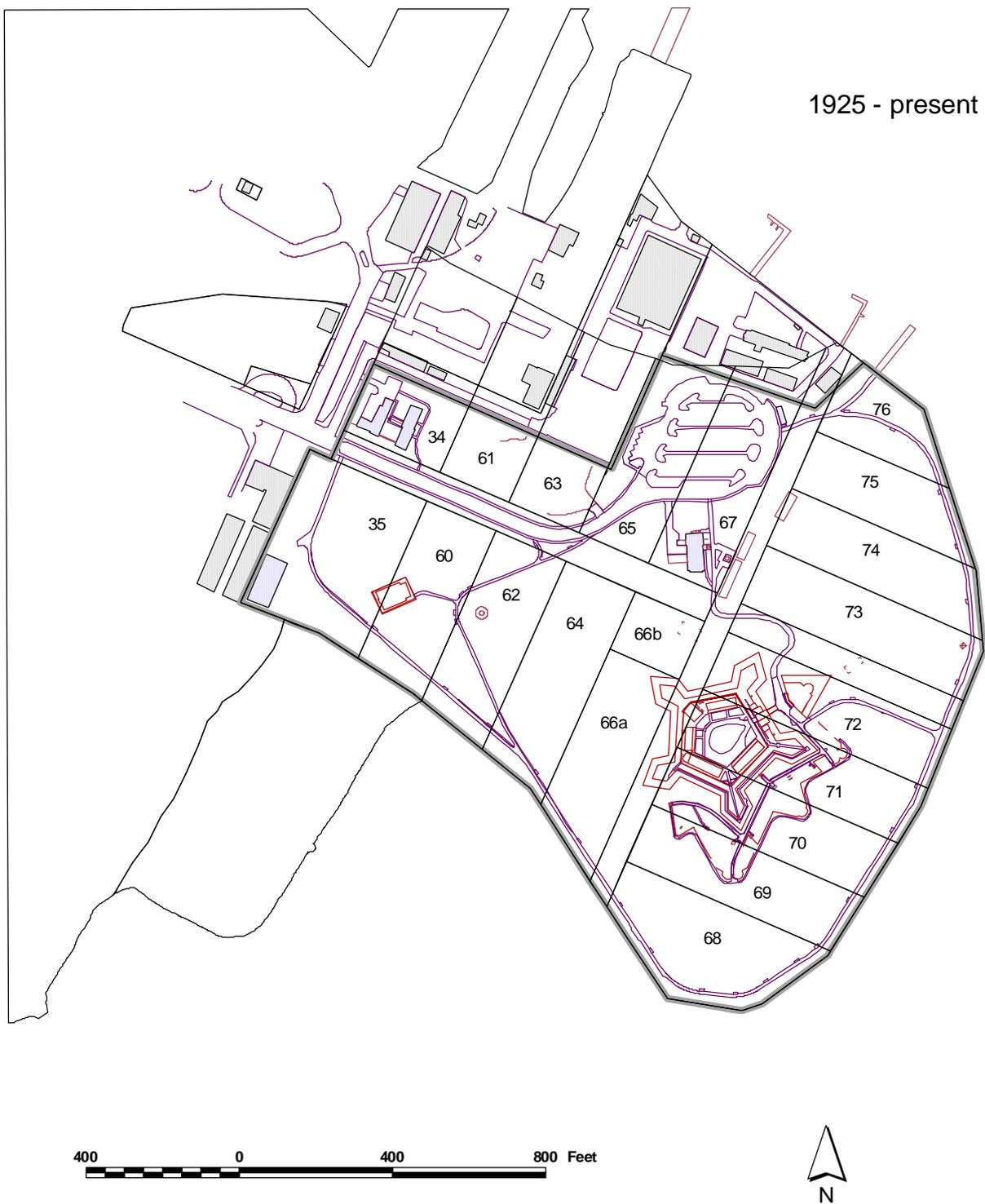


Figure 6. The 1925 - present boundary of Fort McHenry National Monument, Baltimore, Maryland, encompassing approximately 46.24 acres. Fort McHenry National Monument was established in 1925, and its administration was transferred from the War Dept. to the Dept. of the Interior in 1933, but formalization of the boundary change was apparently delayed until 1936.

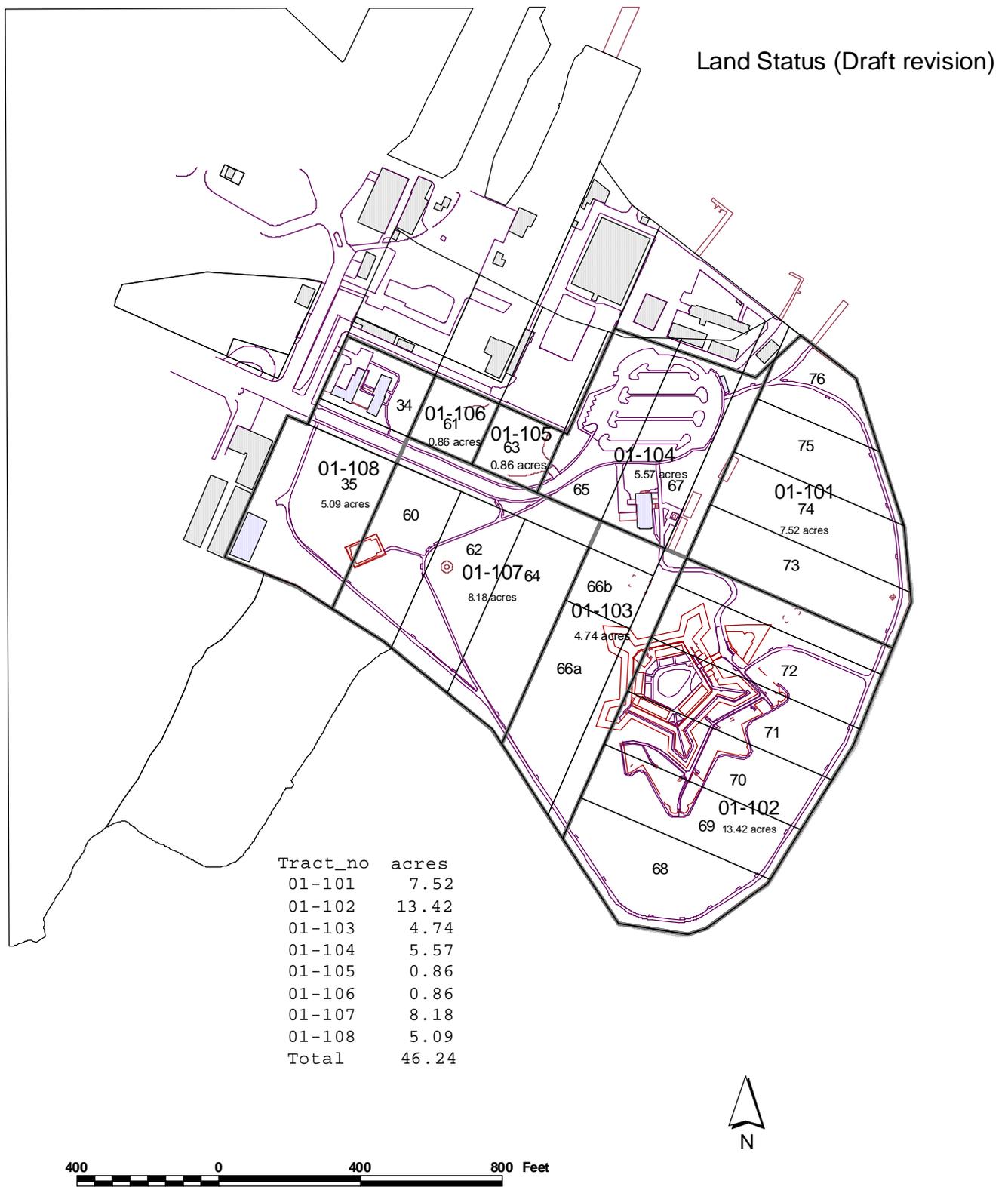


Figure 7. The numbered tracts comprising Fort McHenry National Monument, Baltimore, Maryland, redrawn from Land Status Map 01 (Dwg. No. 346/92,000, 1973). The acreage of each tract and of the national monument as a whole has been recalculated using FOMC GIS spatial data. The small numbers are the lot numbers assigned ca. 1785.