

John & Helen Coffay vs The Mayor of Baltimore

John Coffay Jr. worked as a stonecutter until about 1885 when he opened a saloon on Maryland Avenue in Baltimore. By 1891 he returned to Grasshopper Hill with his wife and children and went back to stonecutting. In 1896, John and his wife, Helen Coffay, attempted to start a business, selling baked goods from a stand on North Avenue at the foot of Elm Street, on Grasshopper Hill.

Nov 11, 1897 Baltimore Sun

MRS. COFFAY'S CAKE STAND

Mayor Hooper, Judge Ritchie Holds, Cannot Be Sued For Ordering It Torn Down

"Judge Ritchie, in the Superior Court, decided yesterday that **Mrs. Ellen (Helen) Coffay** had no cause of action against Mayor Hooper for being required to remove a frame structure erected at the corner of **North and Elm** avenues, near the **western approach to the North avenue bridge**.

Mrs. Coffay obtained a permit for the structure in July, 1896, her intention being to open a little cake and confectionary store. **She leased a small lot and spent about \$150** on the structure. When it was about completed she was notified by the building inspector, with approval of the Mayor, that it must be removed. She was given thirty days in which to comply with the notice. The structure was removed and suit was brought against the Mayor as private individual.

The permit obtained by **Mrs. Coffay** contained the provision that the structure would be removed at any time after thirty days' notice from the Mayor. It was claimed for **Mrs. Coffay** that as the structure was in the Annex a permit was not necessary, and, therefore, could not be revoked. The Mayor, it was also claimed, acted without lawful authority in the matter and made himself personally responsible for any loss caused by the removal of the structure. Mayor Hooper and Building Inspector Owens were called as witnesses for **Mrs. Coffay**.

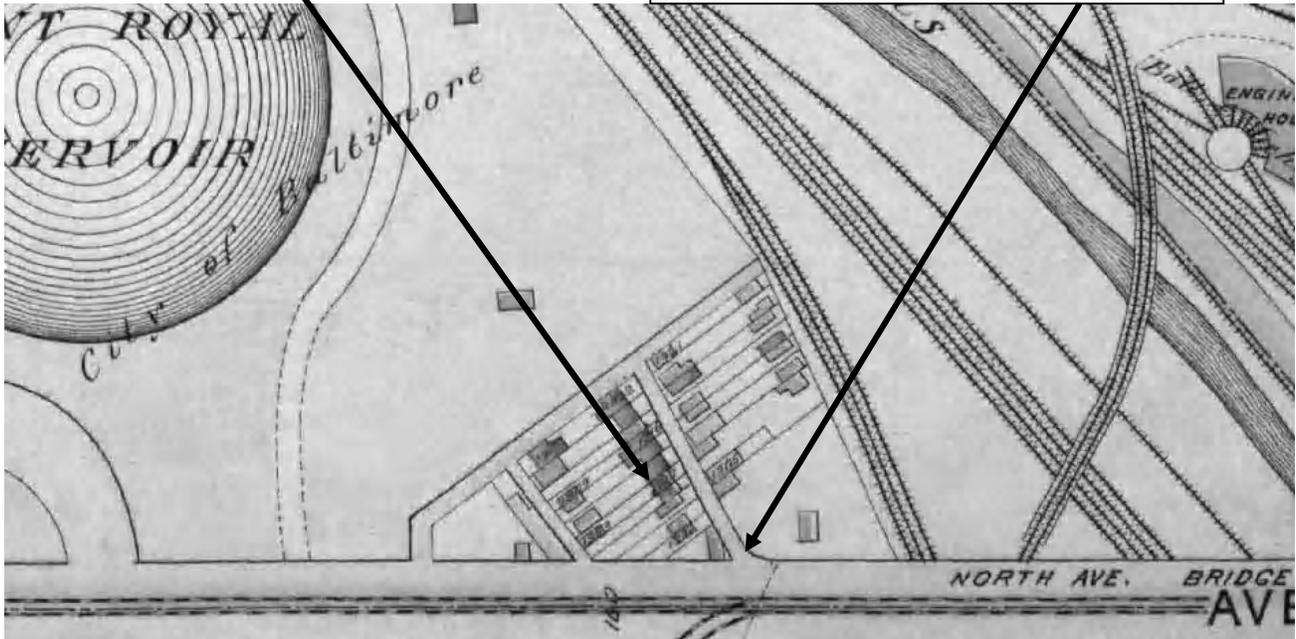
The court decided that, entirely independent of any question of lawful authority, it must be shown that the Mayor had not acted in good faith in ordering the removal of the structure, and instruction was granted taking the case from the jury on the ground that no legally sufficient evidence had been offered entitling **Mrs. Coffay** and her husband to remove damages. Judge Ritchie remarked that there was not a particle of evidence to support the claim or to show any lack of good faith on the part of the Mayor.

Victor Smith, attorney for **Mrs. Coffay**, took non pros. Thereby preventing a verdict being delivered in the Mayor's favor, and entitling him to bring the suit again.

No evidence was offered for the Mayor. It is said that the permit was improperly issued to **Mrs. Coffay** by a subordinate, who was promptly removed upon the discovery of what he had done. City Solicitor Elliott appeared for the Mayor."

John and Helen Coffay lived in this house at #1910 Elm Street.

The structure that the Coffays built in 1896 was at this location, at the foot of Elm Street and the western end of the North Ave. Bridge.



The photo below is from about 1892 and shows the location of North Avenue at Elm Street. You can see a tobacco stand on North Avenue near the house at #1902 Elm St

The Coffays built their cake stand near the location of the tobacco stand but were ordered to take it down by the Mayor of Baltimore.

