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**THE SAFE DEPOSIT AND TRUST COMPANY OF BALTIMORE, TRUSTEE, vs. THE
MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

[NO NUMBER IN ORIGINAL]

COURT OF APPEALS OF MARYLAND

135 Md. 54; 107 A. 581; 1919 Md. LEXIS 118

June 25, 1919, Decided

PRIOR HISTORY: [***1] Appeal from the City Court of Baltimore City (AMBLER, J.).

DISPOSITION: Order of Court below, to the extent that it denied the relief prayed in the petition of the appellant, affirmed, with costs, and petition of the appellant dismissed.

HEADNOTES: *Motion to Dismiss Appeal.*

Where the court below properly refused to grant the relief prayed by the appellant, *held* its order to that extent should be affirmed, and a motion to dismiss the appeal overruled, without determining whether there was a right of appeal.

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COUNSEL: Sylvan Hayes Laucheimer and Charles McHenry Howard, with whom was Joseph S. Goldsmith on the brief, for the Safe Deposit and Trust Co.

S. S. Field, City Solicitor, for the Mayor and City Council.

JUDGES: The cause was argued, together with that next preceding, before BOYD, C. J., BRISCOE, BURKE, THOMAS, PATTISON, URNER, STOCKBRIDGE, and ADKINS, JJ.

OPINIONBY: THOMAS

OPINION:

[*54] [**581] THOMAS, J., delivered the opinion of the Court.

We have said in No. 35 Appeals, * for the reasons therein stated, that the Court below had no jurisdiction to grant the relief prayed in the petition of the Maryland Trust Company. For the same reason the Court below had no authority to entertain the petition of the appellant in this case.

* *Ante*, p. 36.

[*55] The appellee has filed a motion [***2] to dismiss this appeal on the ground that the Safe Deposit and Trust Company of Baltimore had no right to intervene in the case of the Maryland Trust Company in the Court below, and "was no party to the appeal of the Maryland Trust Company." But as the Court below, for the reasons we have stated, properly refused to grant the relief prayed by the appellant in this case, its order will, to that extent, be affirmed, and the motion to dismiss the appeal will be overruled, without determining whether the appellant had a right to appeal.

Order of Court below, to the extent that it denied the relief prayed in the petition of the appellant, affirmed, with costs, and petition of the appellant dismissed.