

C
 135 Md. 54, 107 A. 581

Court of Appeals of Maryland.
 SAFE DEPOSIT & TRUST CO. OF
BALTIMORE

v.

**MAYOR AND CITY COUNCIL OF CITY OF
 BALTIMORE et al.**
No. 36.

June 25, 1919.

Appeal from Baltimore City Court; James M. Ambler, Judge.

“To be officially reported.”

Petition by the Safe Deposit & Trust Company of Baltimore against the Mayor and City Council of Baltimore and the Commissioners for Opening Streets in the city of Baltimore. From an order denying relief, petitioner appeals. Order affirmed to the extent that it denied the relief prayed, and petition dismissed.

West Headnotes

Appeal and Error 30  **843(2)**
[30k843\(2\) Most Cited Cases](#)

Where the trial court properly refused to grant the relief prayed by petitioner, its order will to that extent be affirmed, and the motion to dismiss the petitioner's appeal will be overruled, without determining whether petitioner had the right to appeal.

Argued before BOYD, C. J., and BRISCOE, BURKE, THOMAS, PATTISON, URNER, STOCKBRIDGE, and ADKINS, JJ.

S. S. Field, City Sol., of Baltimore, for Mayor and City Council of Baltimore and others.

Charles McH. Howard and Sylvan Hayes Lauchheimer, both of Baltimore (Joseph S. Goldsmith, of Baltimore, on the brief), for

Maryland Trust Co. and Safe Deposit & Trust Co. of Baltimore City.

THOMAS, J.

We have said in No. 35 Appeals, [City of Baltimore et al. v. Maryland Trust Co., 107 Atl. 574](#), 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.

The appellee has filed a motion to dismiss this appeal on the ground that the Safe Deposit & 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.

Md. 1919.

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