

1. Baltimore v. United R. & E. Co., No. 955., SUPREME COURT OF THE UNITED STATES, 241 U.S. 671; 36 S. Ct. 722; 60 L. Ed. 1230; 1916 U.S. LEXIS 1775, May 8, 1916

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, PETITIONER, v. **THE UNITED RAILWAYS & ELECTRIC COMPANY OF BALTIMORE**.

2. Baltimore v. Miller, No. 1064., SUPREME COURT OF THE UNITED STATES, 225 U.S. 703; 32 S. Ct. 836; 56 L. Ed. 1265; 1912 U.S. LEXIS 2460, April 8, 1912

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, PETITIONERS, v. **ANDREW ...**

3. Hannis Distilling Co. v. Baltimore, No. 75., SUPREME COURT OF THE UNITED STATES, 216 U.S. 285; 30 S. Ct. 326; 54 L. Ed. 482; 1910 U.S. LEXIS 1891, Argued January 12, 1910., February 21, 1910, Decided

**DISTILLING COMPANY v. MAYOR AND CITY COUNCIL OF BALTIMORE**.

4. Baltimore v. Thacher, No. 1378, Circuit Court of Appeals, Fourth Circuit, 230 F. 1022; 1916 U.S. App. LEXIS 1527, February 2, 1916

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. **THACHER**

5. Thacher v. Baltimore, District Court, D. Maryland, 219 F. 909; 1915 U.S. Dist. LEXIS 1778, January 28, 1915

... **THACHER** v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

6. Avery v. Baltimore, District Court, D. Maryland, 192 F. 53; 1911 U.S. Dist. LEXIS 64, November 13, 1911

... **AVERY** v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

7. Baltimore v. Himmel, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 135 Md. 65; 107 A. 522; 1919 Md. LEXIS 112, June 25, 1919, Decided

**OVERVIEW:** In condemnation proceeding, property owners were entitled to just compensation, which included the fair market value of the land as enhanced by buildings and fixtures upon it. Thus, evidence of structural value of the buildings was admissible.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, ...

8. Baltimore v. Sackett, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 135 Md. 56; 107 A. 557; 1919 Md. LEXIS 116; 5 A.L.R. 915, June 25, 1919, Decided

**OVERVIEW:** Citizens' allegation that irreparable harm would ensue if city were allowed to haul garbage to and operate pig farm on land near citizens' land was not enough to satisfy court that city should be enjoined from conducting legitimate activity.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, **VIVIAN PHILLIPS**, AND **THE AMERICAN ...**

9. Baltimore v. Maryland Trust Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 135 Md. 36; 107 A. 574; 1919 Md. LEXIS 117, June 25, 1919, Decided

**OVERVIEW:** Because a city court lacked jurisdiction to review an appeal filed by landowners until the Commissioners for Opening Streets had discharged or refused to discharge the appeal, a condemnation petition filed by the Mayor and City Council was dismissed.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.** vs. **THE ...**

10. Safe Deposit & Trust Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 135 Md. 54; 107 A. 581; 1919 Md. LEXIS 118, June 25, 1919, Decided

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

11. Applefeld v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 134 Md. 528; 107 A. 347; 1919 Md. LEXIS 95, June 24, 1919, Decided

**OVERVIEW:** In condemnation proceeding, trial court erred in refusing to allow landowner to present evidence of the structural value of the buildings that were located on the condemned property to be considered in determining the value of the condemned property.

... **LOUIS APPLEFELD** vs. **THE MAYOR & CITY COUNCIL OF BALTIMORE**.

12. Baltimore City v. First Methodist Episcopal Church, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF

MARYLAND, 134 Md. 593; 107 A. 351; 1919 Md. LEXIS 97, June 24, 1919, Decided

**OVERVIEW:** Church was not entitled to judgment against highway engineer and appeal tax court, quashing proceedings in which church was assessed cost of re-paving sidewalk where ordinance was properly passed by the city council and approved by the mayor.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION; ...  
**APPEAL TAX COURT OF BALTIMORE CITY**, vs. **THE FIRST METHODIST EPISCOPAL CHURCH OF BALTIMORE CITY**.

13. Wagner v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 134 Md. 305; 106 A. 753; 1919 Md. LEXIS 79, April 8, 1919, Decided

**OVERVIEW:** Even though a lunatic was found to be insane in a criminal trial, by statute, a city was entitled to payment from the lunatic's committee because the city had expended money for the lunatic's treatment and maintenance at a state hospital.

JR., LUNATIC, vs. **MAYOR AND CITY COUNCIL OF BALTIMORE**.

14. Grand Family Laundry v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 134 Md. 99; 106 A. 254; 1919 Md. LEXIS 49, March 5, 1919, Decided

**OVERVIEW:** Business owner seeking tax abatement was not entitled to reversal because Mayor and City had not used authority granted them by legislature to enact an abatement ordinance, therefore, the business owner could not claim an exemption for his business.

**FAMILY LAUNDRY** vs. **THE MAYOR & CITY COUNCIL OF BALTIMORE**, **THE JUDGES OF THE APPEAL TAX** ...

15. Felipe A. Broadbent Mantel Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 134 Md. 90; 106 A. 250; 1919 Md. LEXIS 48, March 3, 1919, Decided

**OVERVIEW:** Denial of a company's application for a property tax exemption was proper because it was not actually engaged in the business of manufacturing articles of commerce as its revenue was derived from the rental of the machinery and building.

**MANTEL CO.** vs. **MAYOR & CITY COUNCIL OF BALTIMORE**.

16. Northern C. R. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 658; 106 A. 159; 1919 Md. LEXIS 37, February 11, 1919, Decided

**OVERVIEW:** A lower court should not have granted a city the right to condemn land because the condemnation would deprive railways of the use of the property, which was proven necessary to operate the public service for which they were incorporated.

**RAILWAY CO.**, vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE** AND **THE COMMISSIONERS FOR OPENING STREETS OF BALTIMORE CITY**.

17. McDonald v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 301; 105 A. 266; 1918 Md. LEXIS 130, November 21, 1918, Decided

**OVERVIEW:** In an ejectment action, a finding of ejectment was proper because development for manufacturing purposes had not begun within one year from the date of the delivery of the deed and therefore re-entry by the city was permitted.

J. MCDONALD vs. **MAYOR AND CITY COUNCIL OF BALTIMORE**.

18. Baltimore v. M. A. Talbott Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 226; 105 A. 149; 1918 Md. LEXIS 124, July 9, 1918, Decided

**OVERVIEW:** Judgment for a contractor was reversed in a suit to recover payments from city on written sewer construction contract because court failed to instruct the jury that engineer's decision that contractor could not recover for alleged breach was binding.

... **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, ...  
**A. TALBOTT COMPANY OF BALTIMORE CITY**, A CORPORATION.

19. Baltimore v. Gordon, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 150; 104 A. 536; 1918 Md. LEXIS 119, June 20, 1918, Decided

**OVERVIEW:** An injunction restraining municipal authorities from proceeding under an ordinance to close a space as being a public alley was proper because there was no intent by owners to dedicate land to public use and there was no acceptance by the city.

... THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...

20. Seidl v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 97; 104 A. 189; 1918 Md. LEXIS 97, June 19, 1918, Decided

**OVERVIEW:** Trial court properly withdrew from jury issue of whether plaintiff could recover for injury allegedly caused by negligence of city's servant while moving a horse hitched to a cart; evidence showed that plaintiff was guilty of contributory negligence.

V. SEIDL vs. MAYOR AND CITY COUNCIL OF BALTIMORE.

21. Baltimore v. MacHen, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 618; 104 A. 175; 1918 Md. LEXIS 69, May 3, 1918, Decided

**OVERVIEW:** A tax assessment made upon a deposit in banking institution made by an executor's testator before he died was properly vacated and annulled because it was not a taxable certificate of indebtedness or an evidence of debt.

... THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...

22. Baltimore v. Hutzler, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 625; 104 A. 178; 1918 Md. LEXIS 70, May 3, 1918, Decided

... THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...

23. Baltimore v. Poe, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 637; 104 A. 360; 1918 Md. LEXIS 80, May 3, 1918, Decided

**OVERVIEW:** A provision in a construction contract to submit certain issues to third party determination was binding on the parties, but where the parties' course of conduct waived the procedure for approval of extra work, the issue was for the jury.

... MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...

NOEL CONSTRUCTION COMPANY OF BALTIMORE CITY, A BODY ...

NOEL CONSTRUCTION COMPANY OF BALTIMORE CITY, A BODY CORPORATE, vs. MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION.

24. Mayor, etc., of Baltimore v. Mattern, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 133 Md. 14; 104 A. 478; 1918 Md. LEXIS 117, April 26, 1918, Decided

**OVERVIEW:** In tort, a city was not entitled to a reversal of judgment where a woman, carrying a child in her arms crossing a street, was injured when her fall was caused by a hole left in the crossing. She was not contributorily negligent.

... MAYOR AND CITY COUNCIL OF BALTIMORE vs. MARY MATTERN.

25. Mayor, etc., of Baltimore v. Gamse & Bro., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 290; 104 A. 429; 1918 Md. LEXIS 84, April 12, 1918, Decided

**OVERVIEW:** In a condemnation proceeding, the value of leased premises was the sum of the leasehold interest and the reversionary interest, which was ordinarily the market value. Lessees were not entitled to expenses of removing their business.

... THE MAYOR AND CITY COUNCIL OF BALTIMORE AND THE COMMISSIONERS FOR OPENING ...

26. Mayor, etc., of Baltimore v. Bassett, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 427; 104 A. 39; 1918 Md. LEXIS 55, April 3, 1918, Decided

**OVERVIEW:** Court of common pleas properly refused request made by mayor and city council to withdraw pedestrian's personal injury action from jury; issue of contributory negligence was for jury, and hole had been present in street for a year before incident.

... THE MAYOR AND CITY COUNCIL OF BALTIMORE, A BODY CORPORATE, ...

27. Northern C. R. Co. v. Mayor, etc., of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 497; 104 A. 44; 1918 Md. LEXIS 57, April 3, 1918, Decided

**OVERVIEW:** City could consider, when assessing property for tax purposes, whether a railroad company's property had special utility for railroad purposes because such utility would be considered by city when making assessments against privately owned property.

**RAILWAY COMPANY vs. MAYOR AND CITY COUNCIL OF BALTIMORE.**

28. Creaghan v. Mayor, etc., of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 442; 104 A. 180; 1918 Md. LEXIS 71, April 3, 1918, Decided

**OVERVIEW:** A circuit court properly dismissed a bill filed by certain milk retailers to have an ordinance declared null and void because they failed to point out the sections and provisions of the ordinance that were claimed to be unconstitutional.

**G. IMWOLD vs. MAYOR AND CITY COUNCIL OF BALTIMORE AND JOHN D. BLAKE, ...**

29. Mayor, etc., of Baltimore v. Gamble, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 473; 104 A. 186; 1918 Md. LEXIS 72, April 3, 1918, Decided

**OVERVIEW:** Circuit court lacked jurisdiction to grant an injunction sought by dairy farmers because ordinance at issue was not intended to take effect in Baltimore County, Maryland, or any part of that circuit, but only in Baltimore City, so bill was dismissed.

**... MAYOR AND CITY COUNCIL OF BALTIMORE AND JOHN D. BLAKE, ...**

30. Mayor, etc., of Baltimore v. German-American Fire Ins. Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 380; 103 A. 980; 1918 Md. LEXIS 49, April 2, 1918, Decided

**OVERVIEW:** Orders that reversed a taxing commission's refusal to deduct real and leasehold property mortgages from corporate taxpayer's assets were upheld because taxing statute had not been repealed by implication, and its classifications were not arbitrary.

**... MAYOR AND CITY COUNCIL OF BALTIMORE CITY vs. GERMAN- ...**

31. Swann v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 256; 103 A. 441; 1918 Md. LEXIS 27, January 29, 1918, Decided

**OVERVIEW:** Statute permitting city police commissioners to set aside and designate places in city as standing places for hackney carriages, and to make regulations for occupation and use of stands in city streets was constitutional exercise of police power.

**ET AL. vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE AND THE BOARD OF POLICE COMMISSIONERS FOR THE CITY OF BALTIMORE.**

32. Baltimore v. State, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 132 Md. 113; 103 A. 426; 1918 Md. LEXIS 21, January 16, 1918, Decided

**OVERVIEW:** Where personal injury suit was before trial court on second trial, it was improper to let counsel read stenographic copy of testimony of deceased witness who testified at first trial. There were other methods for proper admission of such evidence.

**... MAYOR AND CITY COUNCIL OF BALTIMORE vs. STATE OF MARYLAND, ...**

33. Consolidated Apartment House Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 523; 102 A. 920; 1917 Md. LEXIS 60, December 12, 1917, Decided

**OVERVIEW:** Sustaining demurrers when company sought damages for city's failure to remove ashes from company's premises was wrong; where law required ministerial act to be done by public officer and he failed to do it, he could be held liable for injury caused.

**HOUSE COMPANY vs. MAYOR AND CITY COUNCIL OF BALTIMORE, WILLIAM A. LARKINS, ...**

34. McGaw v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 430; 102 A. 544; 1917 Md. LEXIS 45, November 15, 1917, Decided

**OVERVIEW:** In condemnation proceedings, instruction to jury to disregard condemnee's evidence of structural cost of improvement on land was improper because it tended to affect verdict, by leaving undisturbed condemnors' lower estimates of the structural cost.

**K. MCGAW vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

35. Baltimore v. Healey, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 390; 102 A. 468; 1917 Md. LEXIS 41, November 14, 1917, Decided

**OVERVIEW:** In personal injury case, city was not entitled to directed verdict because evidence that materials were customarily deposited on street in advance of pipe installation justified inference that boards on which a pedestrian fell was city's property.

... THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE, ...

36. Mullikin v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 363; 102 A. 469; 1917 Md. LEXIS 42, November 14, 1917, Decided

**OVERVIEW:** In personal injury suit to recover for city employee's alleged negligence, although directed verdict was warranted by evidence, trial court's error in denying city council's directed verdict motion was harmless; verdict was rendered in city's favor.

NEXT FRIEND, vs. THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION.

37. Philadelphia, B. & W. R. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 368; 102 A. 471; 1917 Md. LEXIS 43, November 14, 1917, Decided

**OVERVIEW:** The issue whether a right-of-way over the bed of a street was properly submitted to a jury; however, the power to open the street and assess damages on the property benefitted did not give a city the power to assess for grading.

... THE **PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD COMPANY**, ...

BODY CORPORATE, vs. THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, AND THE ...

**STREETS IN THE CITY OF BALTIMORE.**

38. Baltimore v. Scott, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 228; 101 A. 674; 1917 Md. LEXIS 12, June 28, 1917, Decided

**OVERVIEW:** A city's request for an injunction against an owner operating automobile servicing in a building the owner constructed after suing the city for a permit, was granted because the uses showed a total disregard of the reasons why a permit was granted.

... **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, ...

39. Baltimore v. Chesapeake & Potomac Tel. Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 50; 101 A. 677; 1917 Md. LEXIS 13, June 28, 1917, Decided

**OVERVIEW:** Assessments by an appeal tax court were reviewable by the State Tax Commission, which had the final determination of all assessments, and its decision to reduce an assessment was upheld where it was reviewable by a court on issues of law only.

... THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, AND THE APPEAL TAX COURT OF **BALTIMORE CITY**, vs. THE **CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY**, A BODY ...

40. Lee v. Leitch, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 30; 101 A. 716; 1917 Md. LEXIS 27, June 28, 1917, Decided

**OVERVIEW:** Mandamus was reversed. Water board rule that it would not connect city main to curb line until property owner obtained permit endorsed by mayor for department to open street was just, reasonable exercise of properly delegated police power.

LEE, WATER ENGINEER OF **BALTIMORE CITY**, AND WALTER E. ...

MUNICIPAL CORPORATION KNOWN AS THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, vs. JESSIE S.

...

41. Bonaparte v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 131 Md. 80; 101 A. 594; 1917 Md. LEXIS 2, June 27, 1917, Decided

**OVERVIEW:** In a condemnation proceeding, a trial court erroneously refused to instruct a jury that an owner was entitled to recover the value of his land and a building based upon the most profitable use to which they could have been applied.

J. BONAPARTE vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE

42. Patterson v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 645; 101 A. 589; 1917 Md. LEXIS 168, June 26, 1917, Decided

**OVERVIEW:** In condemnation proceedings to open a street, a city ordinance did not include grading, paving, and curbing, the whole cost of which could be assessed against property owners after property was condemned.  
ET AL. vs. **MAYOR AND CITY COUNCIL OF BALTIMORE.**

43. Brady v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 506; 101 A. 142; 1917 Md. LEXIS 151, May 9, 1917, Decided

**OVERVIEW:** A city was entitled to judgment in its ejectment action against riparian owners as there was abundant evidence from which it could be found that the city had obtained a fee simple title to the whole of the street through adverse possession.  
ET AL. vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION.**

44. Baltimore v. Maryland Pavement Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 454; 100 A. 770; 1917 Md. LEXIS 144, March 13, 1917, Decided

**OVERVIEW:** Pavement company and title company were not entitled to judgment in plaintiff's suit to secure performance of contract; breach assigned in second count of declaration was fairly within terms of the bond and equally as definite as breach alleged.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** vs. THE MARYLAND PAVEMENT ...

45. Johns Hopkins Club Bldg. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 282; 100 A. 298; 1917 Md. LEXIS 124, February 2, 1917, Decided

**OVERVIEW:** An ordinance under which a city official levied a tax against a property owner for refusing to repair a footway was invalid because it did not provide the owner an opportunity to be heard.  
CLUB BUILDING COMPANY OF **BALTIMORE CITY** vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE** AND WILLIAM C. PAGE, ...

46. Taylor v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 133; 99 A. 900; 1917 Md. LEXIS 107, January 11, 1917, Decided

**OVERVIEW:** Because a City Council of Baltimore created a nuisance when it allowed its sewer plant to discharge sewer upon the landowner's private property, the City Council was not immune from liability to the landowner for damages caused by such nuisance.

... **NETTIE TAYLOR** vs. **MAYOR AND CITY COUNCIL OF BALTIMORE.**

47. State use of Biggs v. Baltimore City, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 129 Md. 686; 99 A. 860; 1917 Md. LEXIS 82, January 10, 1917, Decided

**OVERVIEW:** The State was entitled to a new trial of its action against city officials brought on behalf of a decedent's survivors because the existence of conflicting evidence in regard to the city's negligence warranted submission to a jury.  
ET AL. vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, A MUNICIPAL ...**

48. Baltimore v. Leonard, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 129 Md. 621; 99 A. 891; 1917 Md. LEXIS 84, January 10, 1917, Decided

**OVERVIEW:** A city and contractor were properly found negligent for a pedestrian's injuries sustained while crossing boards laid over a ditch because her dress was caught on an iron stake projecting above the pavement.  
... **THE MAYOR AND CITY COUNCIL OF BALTIMORE, A BODY CORPORATE, AND THE ...**

49. Consolidated Gas, Electric Light & Power Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 130 Md. 20; 99 A. 968; 1917 Md. LEXIS 94, January 10, 1917, Decided

**OVERVIEW:** A verdict of net benefits against a company for a street opening was proper because the land, although being used for an electrical power plant, could nevertheless be benefited, and all uses had to be considered in fixing the damages and benefits.  
**LIGHT AND POWER COMPANY OF BALTIMORE, A BODY CORPORATE, vs. THE MAYOR AND CITY**

**COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...**

50. *Gomeringer v. McAbee*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 129 Md. 557; 99 A. 787; 1917 Md. LEXIS 79, January 9, 1917, Decided

**OVERVIEW:** The holders of a first and a second mortgage on a homeowner's property were not entitled to relief from an order overruling their exceptions to an auditor's account because a municipal lien had priority over the holders' claims. **EQUITABLE MORTGAGE COMPANY OF BALTIMORE CITY, ASSIGNEE, vs. WILLIAM H. MCABEE AND THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

51. *Baltimore v. Williams*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 129 Md. 290; 99 A. 362; 1916 Md. LEXIS 151, November 14, 1916, Decided

**OVERVIEW:** Injunction prohibiting a city from using funds earmarked for the construction of a waterfront improvement system to widen a street less than a mile from the waterfront was improper where such an act was within its discretion under the applicable act.

... **MAYOR AND CITY COUNCIL OF BALTIMORE ET AL. vs. ...**

52. *Cahill v. Baltimore*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 129 Md. 17; 98 A. 235; 1916 Md. LEXIS 122, June 22, 1916, Decided

**OVERVIEW:** In a condemnation proceeding, judgment in favor of various city officials was affirmed because the issues had been considered in a prior appeal, except for one parcel of land that a landowner leased from the city.

**S. CAHILL vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, AND THE ... STREETS IN THE CITY OF BALTIMORE.**

53. *Park Land Corp. v. Baltimore*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 611; 98 A. 153; 1916 Md. LEXIS 105, May 17, 1916, Decided

**OVERVIEW:** An action brought by a city to allow it to connect to a sewerage system of a land corporation and others had to include all of the land owners that would be impacted by the increased flow of waters following the city's connection to that system.

... **PARK LAND CORPORATION OF BALTIMORE CITY, ET AL., vs. MAYOR AND CITY COUNCIL OF BALTIMORE.**

54. *Konig v. Baltimore*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 465; 97 A. 837; 1916 Md. LEXIS 92, April 26, 1916, Decided

**OVERVIEW:** The taxpayer was not entitled to an order requiring the city to withhold payment on a technically invalid contract where the contractor had completed performance, saving the city money, and non-compliance with the charter was inadvertent.

**W. KONIG vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

55. *Baltimore v. Clark*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 291; 97 A. 911; 1916 Md. LEXIS 75, April 5, 1916, Decided

**OVERVIEW:** Contractor who built a city sewer was not entitled to a trial court's entire award of funds, which he claimed were due to him under the contract. The trial court erred in its calculation of which construction charges could be recovered.

... **MAYOR AND CITY COUNCIL OF BALTIMORE vs. CHARLES B. ...**

56. *Baltimore v. Carroll*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 68; 96 A. 1076; 1916 Md. LEXIS 47, March 6, 1916, Decided

**OVERVIEW:** Various court rulings were proper in a condemnation trial resulting in an award to landowners because although the evidence was conflicting, there was evidence that the land had more than nominal value.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, AND THE ... OPENING STREETS IN BALTIMORE CITY vs. CHARLES ...**

57. *Timanus v. Baltimore*, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 105; 96

A. 1030; 1916 Md. LEXIS 51, February 29, 1916, Decided

**OVERVIEW:** Where statements of city officials were not calculated to mislead a property owner about the time that he had to appeal from an award on account of opening a street that affected his property, he was not relieved from his failure to timely appeal.

LESLIE TIMANUS vs. **MAYOR AND CITY COUNCIL OF BALTIMORE AND OTHERS.**

58. United R. & E. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 127 Md. 660; 96 A. 880; 1916 Md. LEXIS 41, February 10, 1916, Decided

**OVERVIEW:** A railroad was not liable upon a special assessment for a city's paving of an area between and around its tracks because such paving conferred no special benefit on the railroad.

RAILWAYS AND ELECTRIC COMPANY OF **BALTIMORE** vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE.** \*\* An application was made by the ...

59. Williams v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 128 Md. 140; 97 A. 140; 1916 Md. LEXIS 55, February 10, 1916, Decided

**OVERVIEW:** Court properly dissolved injunction against city officials' movement of a building that the city purchased from the federal government with knowledge that it had to be moved or destroyed. The city had a right to spend funds to protect its property.

ET AL. vs. **MAYOR AND CITY COUNCIL OF BALTIMORE CITY.**

60. Consolidated Gas Electric Light & Power Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 127 Md. 681; 96 A. 804; 1916 Md. LEXIS 33, February 9, 1916, Decided

**OVERVIEW:** Under a lease of a city's conduit system, the city was liable for one-half of the cost to move cables and wires, including the cost of the cables and wires themselves, where the movement of the cables and wires did not benefit the power company.

LIGHT AND POWER COMPANY OF **BALTIMORE**, A BODY CORPORATE, vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION.

61. Gutowski v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 127 Md. 502; 96 A. 630; 1916 Md. LEXIS 16, January 14, 1916, Decided

**OVERVIEW:** A city's ordinances and regulations prohibiting the use of iron hooks in loading cargoes of dynamite were not effective outside the city's boundaries. The city was not liable for damages on account of failure to enforce the regulations.

... JOHN GUTOWSKI vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE.

62. Burke v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 127 Md. 554; 96 A. 693; 1916 Md. LEXIS 26, January 14, 1916, Decided

**OVERVIEW:** Where there some competent evidence to support a pedestrian's charge that a trench at the entrance of a doorway was a negligent act, it was error to take the case from the consideration of the jury as the weight of the evidence was for the jury.

... ELLA BURKE vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE; ...

63. Patterson v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 127 Md. 233; 96 A. 458; 1915 Md. LEXIS 34, December 16, 1915, Decided

**OVERVIEW:** Landowners were entitled to a new trial of an award of damages and assessment with regard to a new street opening where the jury was erroneously instructed on abstract legal questions having no bearing on the case.

ET AL. vs. **MAYOR AND CITY COUNCIL OF BALTIMORE.**

64. Konig v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 606; 95 A. 478; 1915 Md. LEXIS 171, June 24, 1915, Decided

**OVERVIEW:** Company's contract to construct filtration plant for city was void because board of awards failed, after opening bids, to determine which of two building processes should be adopted, and then to award the contract to the lowest responsible bidder.



W. KONIG vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.

65. Baltimore v. Ault, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 402; 94 A. 1044; 1915 Md. LEXIS 144, June 23, 1915, Decided

**OVERVIEW:** Acceptance by city of bid for construction work with the shorter completion time was evidence that time was of the essence and should have been admitted to show that provision for per day payment for delay was a stipulation for liquidated damages.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** vs. DAVID V. ...

66. Baltimore v. Park Land Corp., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 358; 95 A. 33; 1915 Md. LEXIS 145, June 23, 1915, Decided

**OVERVIEW:** In condemnation suit to let city to connect drain to another drain and to compensate property owners, trial court wrongly admitted certain evidence because cost of doing entirely different thing shed no light on injury done or the just compensation.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE** vs. THE PARK CORPORATION OF **BALTIMORE** ET AL.

67. Baltimore v. Hampton Court Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 341; 94 A. 1018; 1915 Md. LEXIS 138, June 22, 1915, Decided

**OVERVIEW:** An injunction, which prohibited a commissioner of street cleaning from refusing to remove ashes from apartment houses was proper, where an ordinance required him to do so, and a local board had no authority to modify that ordinance.

... **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION, ...

68. Baltimore v. Cahill, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 596; 95 A. 473; 1915 Md. LEXIS 169, June 22, 1915, Decided

**OVERVIEW:** Maryland act prohibiting city mayor and city council from collecting assessments for certain highway was arbitrary and unreasonable exemption from taxation based on improper classification and was thus unconstitutional and void.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE** AND THE COMMISSIONERS FOR OPENING STREETS OF **BALTIMORE** vs. WINFIELD S. ...

69. McEvoy v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 111; 94 A. 543; 1915 Md. LEXIS 122, April 23, 1915, Decided

**OVERVIEW:** Although city's board of estimate did not have authority to reduce police board's budget estimate when enacting budget ordinance, police board was not entitled to a writ of mandamus against board of estimate because it had another adequate remedy.

COMMISSIONERS FOR THE CITY OF **BALTIMORE**, vs. **MAYOR AND CITY COUNCIL OF BALTIMORE** AND JAMES H. PRESTON ...

COMPRISING THE BOARD OF ESTIMATES OF **BALTIMORE** CITY.

70. Mayor, etc., of Baltimore v. United R. & E. Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 126 Md. 39; 94 A. 378; 1915 Md. LEXIS 113, April 16, 1915, Decided

**OVERVIEW:** A statute which only applied to a railway and which exempted the railway's property from taxation was not unconstitutional because the statute was not a special law in favor of the railway and because the railway was a class of itself.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** ET AL. vs. THE ... RAILWAYS AND ELECTRIC COMPANY OF **BALTIMORE**.

71. Bamberger v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 125 Md. 431; 94 A. 8; 1915 Md. LEXIS 224, April 7, 1915, Decided

**OVERVIEW:** A city's demurrer should not have been sustained in a tax dispute because executors were not liable for taxes on a decedent's property once the estate was settled and distributed.

**BAMBERGER**, DECEASED, vs. **THE MAYOR & CITY COUNCIL OF BALTIMORE**. LOUIS BAMBERGER AND

ABRAM ...

72. Brack v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 125 Md. 378; 93 A. 994; 1915 Md. LEXIS 223, February 17, 1915, Decided

**OVERVIEW:** When city sought to condemn land for a reservoir, landowners should have been allowed to introduce evidence of land's independent value as a reservoir site, in order to determine land's market value, which was what they were entitled to recover.

**BRACK, HIS WIFE. vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

73. Baltimore v. Kane, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 125 Md. 135; 93 A. 393; 1915 Md. LEXIS 186, January 14, 1915, Decided

**OVERVIEW:** It was too late for mayor and city council to invoke right of removal in condemnation action where question of necessity for acquisition of land was determined in favor of city and such was at least equivalent in effect to a judgment by default.

... **MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, ...**

74. Baltimore v. Bregenzler, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 125 Md. 78; 93 A. 425; 1915 Md. LEXIS 197, January 14, 1915, Decided

**OVERVIEW:** A landowner was not entitled to just compensation from a mayor and railway for a project near his property. The constitutional right to compensation for private property taken for a public use did not apply where the land was not actually taken.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE AND THE BALTIMORE AND OHIO RAILROAD COMPANY ...**

75. Maryland Trust Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 125 Md. 40; 93 A. 454; 1915 Md. LEXIS 205, January 14, 1915, Decided

**OVERVIEW:** A city could not assess benefits for improvement in excess of aggregate of damages and expenses. However, because it was too early to determine whether assessments were excessive, trial court rightly refused to proportionately reduce all assessments.

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

76. Baltimore v. Williams, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 124 Md. 502; 92 A. 1066; 1915 Md. LEXIS 260, January 12, 1915, Decided

**OVERVIEW:** A mayor and city council were enjoined from diverting money derived from railway fares to purposes other than a park because an ordinance requiring a park board to comply with the appropriations law was invalid.

... **MAYOR AND CITY COUNCIL OF BALTIMORE vs. GEORGE WEEMS ...**

77. Baltimore v. Canton Co. of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 124 Md. 620; 93 A. 144; 1915 Md. LEXIS 262, January 11, 1915, Decided

**OVERVIEW:** In a condemnation action, although it was conceded that the land was dedicated as and for a public street, the evidence failed to disclose any acceptance by the city of the land as Maryland law required.

... **MAYOR AND CITY COUNCIL OF BALTIMORE ET AL. vs. THE CANTON COMPANY OF BALTIMORE.**

78. Philadelphia, B. & W. R. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 124 Md. 635; 93 A. 146; 1915 Md. LEXIS 263, January 11, 1915, Decided

**OVERVIEW:** In a tax assessment proceeding, the trial court erred by failing to confine the effect of the opening of a city street upon neighboring property as tending to enhance or diminish its value.

... **THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD CO. vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

79. Baltimore & O. R. Co. v. Kahl, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 124 Md. 299; 92 A. 770; 1914 Md. LEXIS 32, December 2, 1914, Decided

**OVERVIEW:** Judgment for owner of a leasehold, in her action to recover damages to her property caused by the construction of approaches and a bridge, was improper because the city could be held liable and the railroad was only

liable for consequential damages.

... **THE BALTIMORE AND OHIO RAILROAD CO. vs. ELIZABETH KAHL. MAYOR AND CITY COUNCIL OF BALTIMORE vs. ELIZABETH KAHL.**

80. Baltimore v. J. L. Robinson Const. Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 660; 91 A. 682; 1914 Md. LEXIS 157, June 26, 1914, Decided

**OVERVIEW:** A bidder for a municipal contract could not recover from a city the amount of money deposited at the time of submitting the bid, where the bidder requested the withdrawal of the proposal before the opening of the same by the municipal officers.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE vs. THE J. L. ...**

81. Patterson v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 124 Md. 153; 91 A. 966; 1914 Md. LEXIS 20, June 25, 1914, Decided

**OVERVIEW:** Judgment fixing damages and benefits to property for condemnation for street construction at the same amount was reversed where the city could not assess benefits before the grade of the proposed street had been established. **T. DYER vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

82. Wallace v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 638; 91 A. 687; 1914 Md. LEXIS 154, June 25, 1914, Decided

**OVERVIEW:** A Maryland property owner was properly denied relief in his property damage suit because a city was not liable for losses that resulted from its negligence in failing to furnish water to the fire department for its use in extinguishing a fire.

**WALLACE & SON, vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION.**

83. Baltimore v. Johnson, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 320; 91 A. 156; 1914 Md. LEXIS 126, May 12, 1914, Decided

**OVERVIEW:** An injunction granted by an equity court to enjoin an appeal that was pending in the city court was improper because the city court was given full appellate power to hear and fully examine an eminent domain award made by the city commissioners.

... **MAYOR AND CITY COUNCIL OF BALTIMORE A CORPORATION. vs. ...**

84. Baltimore v. Wollman, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 310; 91 A. 339; 1914 Md. LEXIS 125, May 6, 1914, Decided

**OVERVIEW:** A city ordinance applicable to market stalls was not invalid when construed to operate prospectively and not retroactively. The city's mayor and council had broad powers to regulate the stalls; fixing the rent was a delegable ministerial function.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE, A MUNICIPAL CORPORATION, AND ...**

85. Baltimore v. Stalfort, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 269; 91 A. 476; 1914 Md. LEXIS 121, April 9, 1914, Decided

**OVERVIEW:** In an action for property damage, the property owner could not recover where the evidence he adduced at a trial against a City did not show that his injury was caused by the City's negligence, as alleged in the owner's pleadings.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE, A BODY CORPORATE. ...**

86. Baltimore v. Forest Park Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 290; 91 A. 144; 1914 Md. LEXIS 123, April 9, 1914, Decided

**OVERVIEW:** Under an agreement allowing a property owner to connect sewer drains with other owners' sewer system, the other owners were not barred from permitting a city to connect with their system but only from permitting drainage into the owner's drains.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE AND THE SEWERAGE COMMISSION OF BALTIMORE CITY. vs. THE FOREST PARK COMPANY OF BALTIMORE CITY, A BODY ...**

87. Long v. B. F. Sweeten & Son, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 88; 90 A. 782; 1914 Md. LEXIS 107, March 19, 1914, Decided

**OVERVIEW:** Trial court erred in taking case from jury in action by horse owner for injuries that resulted in horse's death. There was sufficient conflict in the evidence about whether sewer contractor negligently cause hole into which horse sank to develop.

F. SWEETEN AND SON, AND THE **MAYOR AND CITY COUNCIL OF BALTIMORE**, A MUNICIPAL CORPORATION.

88. German Evangelical Lutheran St. Lucas Congregation v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 123 Md. 142; 90 A. 983; 1914 Md. LEXIS 111, March 19, 1914, Decided

**OVERVIEW:** Property owner, whose lot did not abut a street partially closed by the city, was not entitled to a condemnation proceeding to allow damages because the approach to the property from one direction had become more circuitous due to the closing.

SAINT LUCAS CONGREGATION OF **BALTIMORE CITY**, A CORPORATION, vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE, AND THE ...  
**STREETS IN THE CITY OF BALTIMORE.**

89. Baltimore v. Megary, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 122 Md. 20; 89 A. 331; 1913 Md. LEXIS 8, December 2, 1913, Decided

**OVERVIEW:** Award to property owner was proper because just compensation required by the Maryland Constitution in condemnation proceeding included not only the value of the part condemned but also a due allowance of damages for injury to the remainder.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** vs. LOUISA V. ...

90. Jessup v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 562; 89 A. 103; 1913 Md. LEXIS 79, October 29, 1913, Decided

**OVERVIEW:** A landowner could not introduce parol evidence to contest the form of a new condemnation act in a condemnation proceeding because no statute having the proper forms of authentication could be impeached or questioned upon mere parol evidence.

ET AL. vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

91. United R. & E. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 552; 88 A. 617; 1913 Md. LEXIS 77, October 7, 1913, Decided

**OVERVIEW:** A railway company was not liable for the cost of repaving to correspond with the rest of a city street where a proper construction of the original ordinances, under which railway's predecessor laid its tracks, imposed the obligation to repair only.

RAILWAYS AND ELECTRIC COMPANY OF **BALTIMORE** vs. **MAYOR AND CITY COUNCIL OF BALTIMORE.**

92. Philadelphia, B. & W. R. Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 504; 88 A. 263; 1913 Md. LEXIS 67, June 26, 1913, Decided

**OVERVIEW:** Although a Maryland statute provided that costs of opening a highway were to be paid out of the proceeds of stock to be sold by city, assessment on property owner's land was not invalid because city was not deprived of its power to levy assessments.

... **THE PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY** vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

93. Safe Deposit & Trust Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 522; 88 A. 267; 1913 Md. LEXIS 68, June 26, 1913, Decided

**OVERVIEW:** Preliminary injunction was properly refused in action challenging assessment for highway opening because by ordinance, commissioners had jurisdiction to open street in accordance with city charter, which granted power to assess under such ordinance.

DEPOSIT AND TRUST COMPANY OF **BALTIMORE**, A BODY CORPORATE, TRUSTEE. vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

94. Baltimore v. Yost, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 366; 88 A. 342; 1913 Md. LEXIS 73, June 26, 1913, Decided

**OVERVIEW:** An amendment to a pleading showing that matter was brought by a mother as next friend for her infant was permissible as it conformed to facts before Commissioners for Opening Streets. The evidence did not show implied dedication of a road.

... **THE MAYOR & CITY COUNCIL OF BALTIMORE** vs. JOHN S. ...  
NEXT FRIEND, vs. **THE MAYOR & CITY COUNCIL OF BALTIMORE**.

95. Lombard Governor Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 121 Md. 303; 88 A. 140; 1913 Md. LEXIS 47, June 25, 1913, Decided

**OVERVIEW:** Subcontractors' bill in equity to recover sums due from contractor for equipment and materials furnished on city project was properly dismissed because city was not subject to lien or attachment at law or in equity for debt due from contractor.

NEW YORK, vs. **MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE; NATIONAL BANK OF BALTIMORE, A BODY CORPORATE; ...

96. Walters v. Baltimore & O. R. R., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 644; 88 A. 47; 1913 Md. LEXIS 158, May 8, 1913, Decided

**OVERVIEW:** It was error to have directed a verdict in favor of a city and a railroad where the abutting structure built on certain owners' land interfered with their easements and thus, amounted to a taking, and thus the owners should have been compensated.

D. WALTERS vs. **BALTIMORE** AND OHIO RAILROAD, A CORPORATION, AND **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY**, A CORPORATION.

97. Baltimore v. Davis, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 403; 87 A. 690; 1913 Md. LEXIS 109, April 30, 1913, Decided

**OVERVIEW:** An act providing that the rate of pay for sergeants would be \$30 was repugnant to later act providing that the rate of pay for sergeants would be \$22. Since court could not give full effect to each act so that each could stand, later act prevailed.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, A CORPORATION, ET ...

98. Baltimore v. Garrett, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 608; 87 A. 1057; 1913 Md. LEXIS 149, April 25, 1913, Decided

**OVERVIEW:** A landowner, whose land was taken to construct a new street, but whose remaining land increased in value due to the change, was entitled to compensation for the value of the changes made to his land to conform to the new street.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.** vs. ...

99. Gould v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 534; 87 A. 818; 1913 Md. LEXIS 127, April 10, 1913, Decided

**OVERVIEW:** Appellant sought to stop the mayor and city council from paying the salaries of constables under an ordinance. That ordinance was valid and superseded existing law because it was enacted by a municipality pursuant to a grant of legislative authority.

D. GOULD vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**, ET AL.

100. Baltimore v. M. A. Talbott & Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 354; 87 A. 941; 1913 Md. LEXIS 140, April 10, 1913, Decided

**OVERVIEW:** Contractors, who constructed city sewers, were entitled to greater compensation than what was allowed by city engineer whose decision as to contract provisions was final and conclusive. The decision was too strictly enforced against the contractors.

... **MAYOR & CITY COUNCIL OF BALTIMORE**. vs. M. A. ...

101. Smith v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 120 Md. 143; 87 A. 824; 1913 Md. LEXIS 129, April 8, 1913, Decided

**OVERVIEW:** The trial court did not err in affirming determination that landowner's property was urban property and liable for full rate of city taxation because it was not essential, to impose full tax rate, that streets bounding block were to have been public.

ET AL. vs. **MAYOR AND CITY COUNCIL OF BALTIMORE**, A BODY CORPORATE, ...

102. Ridgely v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 119 Md. 567; 87 A. 909; 1913 Md. LEXIS 196, January 17, 1913, Decided

**OVERVIEW:** In condemnation proceedings, a judgment in favor of a mayor and his city council was affirmed because a Maryland law gave property owners proper notice of the condemnation and because the law had been constitutionally enacted.

RIDGELY, HIS WIFE, vs. **MAYOR AND CITY COUNCIL OF BALTIMORE**.

103. Warren Mfg. Co. v. Mayor, etc. of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 119 Md. 188; 86 A. 502; 1913 Md. LEXIS 162, January 14, 1913, Decided

**OVERVIEW:** Dissolution of injunction preventing city from constructing dam and dismissal of property owner's bill for specific performance of sale contract was upheld; misrepresentation to water board as to machinery value did not support specific performance.

... WARREN MANUFACTURING COMPANY OF **BALTIMORE COUNTY** vs. **THE MAYOR & CITY COUNCIL OF BALTIMORE ET AL.**

104. Kinlein v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 118 Md. 576; 85 A. 679; 1912 Md. LEXIS 54, November 13, 1912, Decided

**OVERVIEW:** It was proper to dismiss judgment creditors' petition for mandamus to compel city officials to pay judgment obtained against city. Extraordinary remedy of mandamus was not required; judgment should be included in next year's ordinance of estimates.

KINLEIN AND COMPANY, vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET ALS.**

105. Baltimore v. J. A. Kinlein & Co., [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 118 Md. 336; 84 A. 483; 1912 Md. LEXIS 29, June 12, 1912, Decided

**OVERVIEW:** Although contractor failed to strictly comply with construction specifications, city officials had to pay the value of contractor's materials and labor accepted by them, less damages officials' incurred by contractor's failure to meet contract terms.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** vs. J. A. ...

106. Baltimore v. Harvey, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 118 Md. 275; 84 A. 487; 1912 Md. LEXIS 30, June 12, 1912, Decided

**OVERVIEW:** Taxpayers were not entitled to recover taxes erroneously paid to city because ordinance allegedly changing common law rule that taxes voluntarily paid under mistake of law could not be recovered was strictly construed to not authorize such action.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE** vs. ELLA B. HARVEY. **THE MAYOR AND CITY COUNCIL OF BALTIMORE** vs. ARTHUR MEYER.

107. Taxicab Co. v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 118 Md. 359; 84 A. 548; 1912 Md. LEXIS 37, June 12, 1912, Decided

**OVERVIEW:** A mayor and a city council were not liable to a cab owner for damages to a cab that occurred as a result of hitting a pile of sand that obstructed public road because they had no authority to enforce the ordinance that prohibited such obstructions.

... **THE TAXICAB COMPANY OF BALTIMORE CITY** vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE**.

108. Bond v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 118 Md. 159; 84 A. 258; 1912 Md. LEXIS 9, March 27, 1912, Decided

**OVERVIEW:** Provision in statute that required paving appropriations to be based upon paving commission estimates was directory and appropriation made before commission was appointed was valid. City finance commissioners had statutory discretion to issue stock.

... **DUKE BOND** vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

109. Blakistone v. State, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 117 Md. 237; 83

A. 151; 1912 Md. LEXIS 95, January 11, 1912, Decided

**OVERVIEW:** Where tax collectors failed to make claims for penalties for delinquent payment of corporate taxes by receivers of the insolvent corporation until after two accounts had been approved and they received payment, they could no longer claim penalties.

vs. **THE STATE OF MARYLAND AND MAYOR AND AND CITY COUNCIL OF BALTIMORE.**

110. Bond v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 116 Md. 683; 82 A. 978; 1911 Md. LEXIS 111, November 24, 1911, Decided

**OVERVIEW:** In an action to enjoin the selling of certain stock of the city for public improvements, the state statute and city ordinance at issue were valid where they did not authorize the taking of private property for uses other than public uses.

... **DUKE BOND vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

111. Baltimore v. Brengle, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 116 Md. 342; 81 A. 677; 1911 Md. LEXIS 75, June 24, 1911, Decided

**OVERVIEW:** Proceedings to close an avenue were improperly quashed because the requisite survey and map showed a plan to run city streets in squares, while the avenue ran diagonally across the area, and a public use was clearly served in closing it, as planned.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE, JAMES H. SMITH, ...**

**FOR OPENING STREETS OF BALTIMORE CITY, AS SUCH, AND AS THE ANNEX COMMISSION, ...**

112. Wilmer v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 116 Md. 338; 81 A. 685; 1911 Md. LEXIS 77, June 24, 1911, Decided

**OVERVIEW:** Appellant had burden of proof to show that failure to timely forward record to appellate court was not the result of his own neglect but was due to default of the clerk or of appellee; where he did not meet burden, appeal was subject to dismissal.

**WILMER, TRUSTEE, vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

113. Bloede v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 115 Md. 594; 81 A. 67; 1911 Md. LEXIS 175, June 24, 1911, Decided

**OVERVIEW:** New trial was awarded to owners seeking compensation from city for opening of street because it was not clearly established that land in question was dedicated to public use; there was no implied covenant by which grantors retained title to roadbed.

**A. LEONARD vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE, AND THE COMMISSIONERS FOR OPENING STREETS IN THE CITY OF BALTIMORE.**

114. WANNENWETCH v. MAYOR & CITY COUNCIL OF BALTIMORE, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 115 Md. 446; 81 A. 3; 1911 Md. LEXIS 163, April 5, 1911, Decided

**OVERVIEW:** Taxpayers were not entitled to an injunction to restrain city officials from collecting taxes on their property at the full city rate because they had an adequate remedy at law for the alleged wrongful classification as they received due notice.

**ET AL. vs. MAYOR AND CITY COUNCIL OF BALTIMORE, AND FRANK BROWN, COLLECTOR.**

115. WILLIAM M. MCCARTHY & MIKE O. HERRON v. CLARK, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 115 Md. 454; 81 A. 12; 1911 Md. LEXIS 167, April 5, 1911, Decided

**OVERVIEW:** In negligence action, because city had duty to maintain streets to avoid injury to the public, and because construction contract gave city engineer control over contractor constructing sewer, city was liable for contractor's negligent acts.

**TRADING AS MCCARTHY & COMPANY, AND THE MAYOR AND CITY COUNCIL OF BALTIMORE vs. OLIVIA F. ...**

116. Baltimore v. Thomas, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 115 Md. 212; 80 A. 726; 1911 Md. LEXIS 126, February 23, 1911, Decided

**OVERVIEW:** Lower court properly denied appellant's motion to have case transferred to non-jury docket because appellees were required to file election for jury trial before filing their plea; they were not required to file election before filing demurrers.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** vs. J. SEWELL ...

117. Hannis Distilling Co. v. Mayor & Council of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 114 Md. 678; 80 A. 319; 1911 Md. LEXIS 38, February 2, 1911, Decided

**OVERVIEW:** In a distilling company's action challenging the applicability of a state tax upon certain distilled spirits in its custody, the court held that the non-residence of the company did not affect the legality or applicability of the tax. **DISTILLING CO. vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

118. Hanrahan v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 114 Md. 517; 80 A. 312; 1911 Md. LEXIS 37, January 13, 1911, Decided

**OVERVIEW:** A judgment directing a verdict for appellees in appellant's suit to recover for the damage caused to her house by the construction of sewer was reversed where there was sufficient evidence of negligence on appellees' part to create a jury question.

... CATHERINE HANRAHAN vs. **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY ET AL.**

119. Baltimore v. Hurlock, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 113 Md. 674; 78 A. 558; 1910 Md. LEXIS 81, November 16, 1910, Decided

**OVERVIEW:** Trial court committed reversible error when it determined that a city had the burden of proof to demonstrate that its tax assessment of a taxpayer's property was valid. The burden to open the cause rested upon the taxpayer.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE** vs. CLARENCE H. ...

120. Whiteley v. Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 113 Md. 541; 77 A. 882; 1910 Md. LEXIS 66, June 23, 1910, Decided

**OVERVIEW:** Order overruling motion to quash proceedings to open city street through property in which appellant had an interest was proper. Notice for execution of ordinance was proper under statute, and plat did not have to indicate portable schoolhouse.

**HOLMES WHITELEY vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.**

121. Baltimore v. Harris, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 113 Md. 227; 77 A. 335; 1910 Md. LEXIS 38, April 20, 1910, Decided

**OVERVIEW:** Land located in a city's annex that had not reached a certain state of development was not within the class of property to be taxed at the full city rate. Rather, the court land subject to being taxed at a reduced rate.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.** vs. ...

122. Baltimore v. Gittings, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 113 Md. 119; 77 A. 319; 1910 Md. LEXIS 33, April 1, 1910, Decided

**OVERVIEW:** An appeals tax court that reassessed certain real property did not invade the jurisdiction of a court of equity that appointed a trustee to hold the property for sale where the appeals tax court made no attempt to collect tax on the property.

... **THE MAYOR AND CITY COUNCIL OF BALTIMORE ET AL.** vs. ...

123. Kurrle v. Mayor, etc., of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 113 Md. 63; 77 A. 373; 1910 Md. LEXIS 40, March 31, 1910, Decided

**OVERVIEW:** In an action against a city seeking to recover damages to property as a result of a negligently constructed sewer behind an owner's business, testimony from the city's engineer made out a prima facie case sufficient to have gone to the jury with.

**F. KURRLE vs. THE MAYOR AND CITY COUNCIL OF BALTIMORE.**

124. Owners' Realty Co. v. Mayor, etc., of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 112 Md. 477; 76 A. 575; 1910 Md. LEXIS 117, February 2, 1910, Decided

**OVERVIEW:** Where city council was granted rights by Maryland legislature to remove nuisances, relevant ordinance



was not unreasonable, and proper notice was given to an abutting property owner to nuisance, city's assessment was not improper to remove nuisance.

REALTY COMPANY vs. THE **MAYOR AND CITY COUNCIL OF BALTIMORE** ET AL.

125. Downs v. Mayor, etc., of Baltimore, [NO NUMBER IN ORIGINAL], COURT OF APPEALS OF MARYLAND, 111 Md. 674; 76 A. 861; 1910 Md. LEXIS 85, January 12, 1910, Decided

**OVERVIEW:** A civil court had authority to order an attachment of a former city clerk's assets when a criminal court did not have exclusive jurisdiction in matters of restitution and the clerk's alleged embezzlement had violated an implied employment contract.

F. **DOWNS** vs. THE **MAYOR AND CITY COUNCIL OF BALTIMORE**.