

1. Baltimore v. United States, No. 5318, CIRCUIT COURT OF APPEALS, FOURTH CIRCUIT, 147 F.2d 786; 1945 U.S. App. LEXIS 2197, February 9, 1945

**OVERVIEW:** In a condemnation action, a city was entitled to the same compensation that an owner of an unqualified interest in unencumbered and unimproved land was entitled to receive for the taking of his property. The city's interest had a nominal value.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. UNITED STATES

2. Baltimore v. Crown Cork & Seal Co., No. 4804, UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, 122 F.2d 385; 1941 U.S. App. LEXIS 4552, August 19, 1941

**OVERVIEW:** Where a city had asserted boundaries around an airport and denied an adjoining property owner permission to make certain improvements, the city was estopped from changing those boundaries when it wanted to expand the airport.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. CROWN CORK & ...

3. First Nat'l Bank v. Baltimore, No. 4562, UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, 108 F.2d 600; 1940 U.S. App. LEXIS 4098, January 9, 1940

**OVERVIEW:** Bank could not recover, from the issuers, the value of stolen certificates used as collateral on note as it was neither a bona fide holder for value, nor a bona fide purchaser with superior title under doctrine of estoppel.

BINGHAMTON, N.Y., v. **MAYOR AND CITY COUNCIL OF BALTIMORE**.

4. Law v. Baltimore, Civ. A. No. 3837, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, 78 F. Supp. 346; 1948 U.S. Dist. LEXIS 2477, June 18, 1948

... LAW v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

5. Norris v. Baltimore, Civil Action No. 3484, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, 78 F. Supp. 451; 1948 U.S. Dist. LEXIS 2500, June 18, 1948

**OVERVIEW:** African-American who was denied admission to private school receiving city funds had no Fourteenth Amendment claim against school. It was not state actor. He did not have federal claim against city officials to enjoin fund allocation to school.

... NORRIS v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

6. Schiavi v. Baltimore, No. 633, District Court, D. Maryland, 40 F. Supp. 184; 1941 U.S. Dist. LEXIS 2887, July 26, 1941

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

7. Mutual Chemical Co. v. Baltimore, Civ. No. 201, District Court, D. Maryland, 33 F. Supp. 881; 1940 U.S. Dist. LEXIS 2957, July 11, 1940

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

8. Chissell v. Baltimore, No. 9, October Term, 1949, Court of Appeals of Maryland, 193 Md. 535; 69 A.2d 53; 1949 Md. LEXIS 342, November 9, 1949, Decided

**OVERVIEW:** Ordinance was held to be valid as it was exercise of city's strictly governmental power over streets, not invasion of property rights or other personal rights, and was designed to regulate and promote use of the streets for their primary purpose.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

9. Fallin v. Baltimore, No. 11, October Term, 1949 (Adv.), Court of Appeals of Maryland, 193 Md. 464; 67 A.2d 256; 1949 Md. LEXIS 335, June 28, 1949, Decided

**OVERVIEW:** A city was not obligated to pay a retirement system member, upon retirement, an annuity equal to his pension unless the actuarial equivalent of his accumulated contributions at the time of his retirement was equal to his pension.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

10. Baltimore v. Byrd, No. 34, October Term, 1948, Court of Appeals of Maryland, 191 Md. 632; 62 A.2d 588; 1948 Md. LEXIS 406, December 9, 1948, Decided

**OVERVIEW:** A landowner, mayor, and city council were not entitled to relief from an order reversing a permit to build a gas station granted to the landowner under a city ordinance because the ordinance favored the landowner over other taxpayers and was void.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** et al. v. ...

11. Norwood Heights Improv. Ass'n v. Baltimore, No. 203, October Term, 1947, Court of Appeals of Maryland, 191 Md. 155; 60 A.2d 192; 1948 Md. LEXIS 356, June 17, 1948, Decided, Dissenting Opinion Filed July 1, 1948.

**OVERVIEW:** A Maryland Board of Municipal and Zoning Appeals improperly granted a company a permit to erect a number of buildings on a tract of land where the proposal failed to comply with a Baltimore, Maryland, zoning ordinance requiring division into lots.

ASS'N, INC., v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

12. Scrivner v. Baltimore, No. 3, October Term, 1948 (Adv., Court of Appeals of Maryland, 191 Md. 165; 60 A.2d 190; 1948 Md. LEXIS 357, June 17, 1948, Decided

**OVERVIEW:** A 30-day appeal period in a zoning ordinance was provided for by an enabling act passed by the legislature, while a shorter appeal period in a city charter was not. Accordingly, the 30-day period applied to an appeal from the grant of a permit.

... **SCRIVNER v. MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

13. Heath v. Baltimore, No. 140, October Term, 1947, Court of Appeals of Maryland, 190 Md. 478; 58 A.2d 896; 1948 Md. LEXIS 297, May 20, 1948, Decided

**OVERVIEW:** A decision by the zoning appeals board in granting a zoning applicant's request for a variance was reversed because it was an arbitrary exercise of its discretionary power where the evidence did not establish an urgent need for the variance.

... **HEATH v. MAYOR & CITY COUNCIL OF BALTIMORE** et al.

14. East Coast Freight Lines, Inc. v. Baltimore, No. 96, October Term, 1947, Court of Appeals of Maryland, 190 Md. 256; 58 A.2d 290; 1948 Md. LEXIS 275; 2 A.L.R.2d 386, April 1, 1948, Decided

**OVERVIEW:** A new trial was ordered because there was sufficient evidence to submit to the jury the question whether the city was negligent in failing to place warning devices regarding the presence of a center grass plot on a highway.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE SAME v. STATE**, ...

15. Perellis v. Baltimore, No. 99, October Term, 1947, Court of Appeals of Maryland, 190 Md. 86; 57 A.2d 341; 1948 Md. LEXIS 256, February 20, 1948, Decided

**OVERVIEW:** Where the nature of the highway closing was private, the adjoining property owners had an easement in an existing way, over the rights of the general public. The city ordinance providing for the closure of the highway was invalid.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

16. Baltimore v. White, No. 67, October Term, 1947, Court of Appeals of Maryland, 189 Md. 571; 56 A.2d 824; 1948 Md. LEXIS 227, January 16, 1948, Decided

**OVERVIEW:** Relatives of a deceased wife properly prevailed in an action regarding the administration the estates of her and her husband where a state uniform simultaneous death act incorporated a lapsed legacy statute to prevent intestacy and not cause escheat.

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

17. Herman v. Baltimore, No. 44, October Term, 1947, Court of Appeals of Maryland, 189 Md. 191; 55 A.2d 491; 1947 Md. LEXIS 333; 173 A.L.R. 1310, November 3, 1947, Decided

**OVERVIEW:** Liquor store owners were not entitled to reinstatement of their action for relief from a city ordinance that imposed a tax on their stocks in part because it was an additional tax on the privilege of doing an alcoholic beverage business.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

18. Brooklyn Apartments, Inc. v. Baltimore, No. 89, October Term, 1947, Court of Appeals of Maryland, 189 Md. 201;

55 A.2d 500; 1947 Md. LEXIS 334, November 3, 1947, Decided

**OVERVIEW:** Reversal of a judgment was warranted when an ordinance that taxed the consumption of gas and electricity for both residential and non-residential uses, while the title purported to restrict it to non-residential uses was unconstitutional.

APARTMENTS, INC. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

19. Dorman v. Baltimore, No. 68, October Term, 1946, Court of Appeals of Maryland, 187 Md. 678; 51 A.2d 658; 1947 Md. LEXIS 234, March 13, 1947, Decided

**OVERVIEW:** In a neighbor's appeal to a trial court from a zoning board's decision that a property owner could continue a non-conforming use of his property, additional evidence of the abandonment of the non-conforming use was excluded from evidence in error.

... GERSON DORMAN v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

20. Baltimore v. Shapiro, No. 60, October Term, 1946, Court of Appeals of Maryland, 187 Md. 623; 51 A.2d 273; 1947 Md. LEXIS 230, February 12, 1947, Decided

**OVERVIEW:** On an appeal by a city in a land use planning dispute, the court held that dismantling cars on two occasions, on a vacant lot wholly unadapted for the conduct of a business, did not establish an existing use within the meaning of the ordinance.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. JACOB S. ...

21. Hoffman v. Baltimore, No. 59, October Term, 1946, Court of Appeals of Maryland, 187 Md. 593; 51 A.2d 269; 1947 Md. LEXIS 226, February 6, 1947, Decided

**OVERVIEW:** A zoning board could properly deny a developer's application for a permit for a gasoline station where the evidence showed that there were multiple stations near the developer's proposed site, which increased the danger of fire to the public.

M. HOFFMAN v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

22. Baltimore v. Biermann, No. 44, October Term, 1946, Court of Appeals of Maryland, 187 Md. 514; 50 A.2d 804; 1947 Md. LEXIS 217, January 15, 1947, Decided

**OVERVIEW:** A board of zoning appeals decision under its original jurisdiction was a quasi-legislative act subject to limited judicial review to determine whether the decision was a reasonable exercise of the police power consistent with due process of law.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. WILLIAM T. ...

23. Heath v. Baltimore, No. 21, October Term, 1946, Court of Appeals of Maryland, 187 Md. 296; 49 A.2d 799; 1946 Md. LEXIS 277, November 22, 1946, Decided

**OVERVIEW:** Resolution approving a permit for erection of a garage in residential use district was improper where zoning board failed to show that it had considered the factors necessary for an exception to the general prohibition of such construction.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

24. Baltimore v. Canton Co. of Baltimore, No. 151, October Term, 1945, Court of Appeals of Maryland, 186 Md. 618; 47 A.2d 775; 1946 Md. LEXIS 239, June 14, 1946, Decided

**OVERVIEW:** A city and its council were not entitled to reversal of a judgment holding that it had no claim for collection of "minor privilege charges" from a pier owner because the city lacked power to extract exact compensation for a right given by the state.

... **MAYOR & CITY COUNCIL OF BALTIMORE** v. CANTON CO. OF **BALTIMORE CITY**

25. Mugford v. Baltimore, No. 4, October Term, 1945, Court of Appeals of Maryland, 185 Md. 266; 44 A.2d 745; 1945 Md. LEXIS 122; 162 A.L.R. 1101; 17 L.R.R.M. 690; 10 Lab. Cas. (CCH) P62,850, November 28, 1945, Decided, Decretal Order Modified on Denial of Rehearing, January 8, 1946.

**OVERVIEW:** A city was authorized to permit members of a union to have dues deducted from their wages, if they individually so requested, and a taxpayers' challenge to the city's ability to do so was unfounded under a contract between

the city and the union.

et al v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al

26. *Baltimore v. Hettleman*, No. 2, April Term, 1944, Court of Appeals of Maryland, 183 Md. 204; 37 A.2d 335; 1944 Md. LEXIS 152, May 3, 1944, Decided

**OVERVIEW:** In landowners' action to declare a city's street widening project abandoned and to dissolve assessment lien, city's general demurrer was properly overruled because landowners made out prima facie case of abandonment. Failure to appeal was not a bar.

... **MAYOR & CITY COUNCIL OF BALTIMORE** v. ISIDORE HETTLEMAN, ...

27. *Beyer v. Baltimore City*, No. 48, October Term, 1943, Court of Appeals of Maryland, 182 Md. 444; 34 A.2d 765; 1943 Md. LEXIS 220, December 15, 1943, Decided

**OVERVIEW:** Judgment affirming the issuance of a non-conforming use permit was reversed where a prior non-conforming use had been abandoned and where the intended use of the property, as a junk business, was prohibited under the applicable zoning classification.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

28. *Gontrum v. Baltimore*, No. 33, April Term, 1943, Court of Appeals of Maryland, 182 Md. 370; 35 A.2d 128; 1943 Md. LEXIS 211, December 14, 1943, Decided

**OVERVIEW:** Property owners were not entitled to rely upon representations made by city officials as to the probability of the city's condemning the owners' property for the opening of a street, where the officials had no authority to bind the city.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

29. *State Tax Com. v. Standard Oil Co.*, Nos. 44, 45, January Term, 1943, Court of Appeals of Maryland, 181 Md. 637; 31 A.2d 621; 1943 Md. LEXIS 161, April 28, 1943, Decided

**OVERVIEW:** A company was entitled to a tax exemption as a job printing plant because, even though its products were used by its affiliates, it produced articles of commerce as the affiliates were independently operated and were charged for the printing.

**COMPANY OF NEW JERSEY; MAYOR AND CITY COUNCIL OF BALTIMORE** v. SAME

30. *Gathwright v. Baltimore*, No. 51, January Term, 1943, Court of Appeals of Maryland, 181 Md. 362; 30 A.2d 252; 1943 Md. LEXIS 127; 145 A.L.R. 590, February 9, 1943, Decided

**OVERVIEW:** Property owners were not entitled to a personal summons in a proceeding to foreclosure their rights of redemption in property brought by a tax sale purchaser, the holder of a certificate of sale, because the action was in rem rather than in personam.

et ux. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

31. *Green v. Baltimore*, No. 71, October Term, 1942, Court of Appeals of Maryland, 181 Md. 372; 30 A.2d 261; 1943 Md. LEXIS 128, February 9, 1943, Decided

**OVERVIEW:** In a negligence action by a passenger, an instructed verdict in favor of a city was proper because the city could not be held responsible where it did not produce the condition in the street which resulted in the passenger's injury.

... **SARAH GREEN** v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

32. *Mattes v. Baltimore*, No. 23, April Term, 1942, Court of Appeals of Maryland, 180 Md. 579; 26 A.2d 390; 1942 Md. LEXIS 181, May 26, 1942, Decided

**OVERVIEW:** An employee, who worked as a janitor at a city airport, was not entitled to workmen's compensation because his work was not extra-hazardous; the employee was not connected with the hazardous work of the airport and merely cleaned the premises.

**MATTES**, Claimant, v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

33. *Ellicott v. Baltimore*, No. 50, October Term, 1941, Court of Appeals of Maryland, 180 Md. 176; 23 A.2d 649; 1942 Md. LEXIS 126, January 13, 1942, Decided

**OVERVIEW:** Landowners and a taxpayer were not entitled to relief from an order affirming the grant of a permit for the

construction of a gas station because a detriment caused by the station did not prevent the meeting of another public need by the station.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

34. Knox v. Baltimore City, No. 61, October Term, 1941, Court of Appeals of Maryland, 180 Md. 88; 23 A.2d 15; 1941 Md. LEXIS 196, December 4, 1941, Decided

**OVERVIEW:** An applicant was not entitled to a permit to build a storage tool house where he did not establish a non-conforming use; he had not used his lot for the storage of building materials prior to the passage of an ordinance that prohibited such use.

F. KNOX v. **MAYOR AND CITY COUNCIL OF BALTIMORE** et al.

35. Liberto v. Baltimore, No. 47, October Term, 1941, Court of Appeals of Maryland, 180 Md. 105; 23 A.2d 43; 1941 Md. LEXIS 199, December 4, 1941, Decided

**OVERVIEW:** Ordinance that prohibited issuance of permits for market stalls on certain streets was valid as a proper exercise of city's police power even though it impaired rights of stall owners. City had right to use space for other purposes as it saw fit.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

36. Baltimore v. Maryland Trust Co., No. 36, April Term, 1941, Court of Appeals of Maryland, 179 Md. 546; 20 A.2d 495; 1941 Md. LEXIS 157, June 10, 1941, Decided

**OVERVIEW:** An order that denied a preferential status to appellants' tax claims for certain years was improper where there were no special circumstances which warranted a holding that the equities of bondholders were not junior to tax claims of appellants.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. MARYLAND TRUST ...

37. Akers v. Baltimore, No. 11, April Term, 1941, Court of Appeals of Maryland, 179 Md. 448; 20 A.2d 181; 1941 Md. LEXIS 143, May 20, 1941, Decided

**OVERVIEW:** The description of each group of buildings as an apartment house was appropriate because of the intended singleness in use and operation; there was to be no letting of units, and the structures were to be owned and maintained by a single owner.

et al. v. **MAYOR AND CITY COUNCIL OF BALTIMORE**, et al.

38. Webb v. Baltimore, No. 1, April Term, 1941, Court of Appeals of Maryland, 179 Md. 407; 19 A.2d 704; 1941 Md. LEXIS 136, April 30, 1941, Decided

**OVERVIEW:** The city was entitled to recover the amount that it expended in the maintenance of a deceased while he was an inmate at a government hospital where he died as a patient. The statutory 12 months period in which to file a claim did not apply.

WEBB, Administrator v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

39. Meyler v. Baltimore, No. 68, October Term, 1940, Court of Appeals of Maryland, 179 Md. 211; 17 A.2d 762; 1941 Md. LEXIS 114, January 29, 1941, Decided

**OVERVIEW:** Superior court erred in affirming order of State Industrial Accident Commission holding that stepdaughter was not dependent on stepfather when he was fatally injured because she stayed at home to care for mother and stepfather gave her allowance.

... MARIE MEYLER v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

40. Di Pietro v. Baltimore, No. 66, October Term, 1940, Court of Appeals of Maryland, 179 Md. 220; 17 A.2d 140; 1941 Md. LEXIS 115, January 3, 1941, Decided

**OVERVIEW:** A wife's claim for compensation benefits was dismissed because the deceased husband's claim for the same accident had been denied while he was living. The doctrine of res judicata applied to bar the wife's claim.

DI PIETRO v. **MAYOR AND CITY COUNCIL OF BALTIMORE**

41. Church Home & Infirmary v. Baltimore, No. 30, April Term, 1940, Court of Appeals of Maryland, 178 Md. 326; 13 A.2d 596; 1940 Md. LEXIS 184, May 23, 1940, Decided

**OVERVIEW:** It was improper to dismiss a charitable corporation's action seeking to enjoin a mayor and city council from collecting an assessment for the opening and paving of a street. A general assembly could modify a city's power and grant an exemption.

**HOME AND INFIRMARY v. MAYOR AND CITY COUNCIL OF BALTIMORE**

42. Baltimore v. Perrin, Nos. 34, 35, 36, 37, April Term, 1940, Court of Appeals of Maryland, 178 Md. 101; 12 A.2d 261; 1940 Md. LEXIS 165, April 4, 1940, Decided

**OVERVIEW:** The adoption of the term "due and owing" required that taxes on personal property be paid before the registration of a car for the year and a definite liability existed as of the date payment was due.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** et al. v. ...

**MOTOR VEHICLES v. MAYOR AND CITY COUNCIL OF BALTIMORE**

43. Baltimore v. Hofrichter, Nos. 3, 4, April Term, 1940, Court of Appeals of Maryland, 178 Md. 91; 11 A.2d 375; 1940 Md. LEXIS 164, February 28, 1940, Decided

**OVERVIEW:** A city was properly enjoined from acting pursuant to a fund-raising ordinance, which was neither approved of by the legislature nor submitted to residents and voters, because no emergency requiring the expenditure of such funds was shown by the city.

... **MAYOR AND CITY COUNCIL OF BALTIMORE** v. ALBERT C. ...