

6077

54.

Frank C. Bostock and
Edgar M. Noel

vs

Conway W. Sams & others
Judges of the
Appeal Tax Court of
Baltimore City

argued before
Full Bench
except Briscoe (J)

Opinion by Jones (J)

not to be reported

Filed June 19, 1902,

In this case the appellants applied to the Circuit Court of Baltimore City for an injunction upon the facts set out in their bill. These facts are the same as those set out in a petition for mandamus in case No 53 on the docket of the present term of this court. The court below dismissed the bill for an injunction without prejudice. We have determined in No 53 that the appellants had for the grounds of complaint set out in their bill for an ⁺injunction an effective remedy by way of mandamus. The only question we are called upon now therefore to determine in the present case is whether the appellants might also have had relief by way of injunction as a cumulative remedy. The appellants having obtained full redress in their proceeding upon mandamus this becomes a moot question. We will therefore affirm the decree of the court below without any expression of views further than to say that the court below had ^{at least} a discretion under the circumstances of the case to deny an injunction ~~for~~

the reason that the plaintiffs in the injunction suit
had a full and effective remedy at law

Decree affirmed with costs to appellees