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Decisions Per Curiam, Etc.

DECISIONS PER CURIAM, FROM MAY 2, 1922, TO AND INCLUDING JUNE 5, 1922, NOT INCLUDING ACTION ON PETITIONS FOR WRITS OF CERTIORARI.

No. 741. ALABAMA POWER COMPANY ET AL. *v.* BANKS S. TALMADGE, AS ADMINISTRATOR, ETC. Error to the Supreme Court of the State of Alabama. Motion to dismiss or affirm submitted April 24, 1922. Decided May 15, 1922. *Per Curiam*. Dismissed for the want of jurisdiction upon the authority of *Farrell v. O'Brien*, 199 U. S. 89, 100; *Toop v. Ulysses Land Co.*, 237 U. S. 580, 583; *Piedmont Power & Light Co. v. Graham*, 253 U. S. 193, 195. *Mr. William L. Martin* and *Mr. Perry W. Turner* for plaintiffs in error. *Mr. Ogden Persons* and *Mr. E. W. Pettus* for defendant in error.

No. 119. UNITED SHOE MACHINERY CORPORATION ET AL. *v.* UNITED STATES. Appeal from the District Court of the United States for the Eastern District of Missouri. Motion for rehearing and modification of decree submitted May 15, 1922. Order entered May 29, 1922.

The United Shoe Machinery Corporation and others, appellants, having presented their application for rehearing and modification of the decree of affirmance heretofore rendered in this cause [258 U. S. 451], upon consideration thereof the same is overruled. It is ordered that the District Court after the receipt of the mandate of affirmance may hear an application of the appellants for an extension of time in which to readjust the business of the United Shoe Machinery Corporation with its lessees, and, if satisfied that the same is necessary, may grant a time, not exceeding three months from the date of the receipt of the mandate, in which the United Shoe Machinery Corporation may adjust its business with lessees in a manner to comply with the decree of this court affirming

the decree of the District Court. *Mr. Frederick P. Fish, Mr. Charles F. Choate, Jr., Mr. Malcolm Donald and Mr. Henry W. Dunn* for appellants. *Mr. Solicitor General Beck, Mr. LaRue Brown and Mr. Elias Field* for the United States.

No. 57. *JOHN SIMMONS COMPANY v. GRIER BROTHERS COMPANY*. Certiorari to the Circuit Court of Appeals for the Third Circuit. Submitted May 15, 1922. Motion to modify decree denied May 29, 1922. *Mr. James Q. Rice* for petitioner. *Mr. C. P. Byrnes, Mr. David A. Reed, Mr. Geo. H. Parmelee and Mr. Geo. E. Stebbins* for respondent. [See 258 U. S. 82.]

No. 927. *SOUTHERN RAILWAY COMPANY v. A. D. WATTS ET AL.*; and

No. 928. *ATLANTIC & YADKIN RAILWAY COMPANY v. A. D. WATTS ET AL.* Appeals from the District Court of the United States for the Western District of North Carolina;

No. 960. *SEABOARD AIR LINE RAILWAY COMPANY v. A. D. WATTS ET AL.*;

No. 961. *ATLANTIC COAST LINE RAILROAD COMPANY v. A. D. WATTS ET AL.*; and

No. 962. *NORFOLK SOUTHERN RAILROAD COMPANY v. A. D. WATTS ET AL.* Appeals from the District Court of the United States for the Eastern District of North Carolina. Motions for stay and to advance submitted May 15, 1922. Order entered May 29, 1922. *Per Curiam*. In these cases, which were suits brought under § 266, Judicial Code, as amended by the Act of March 4, 1913, c. 160, 37 Stat. 1013, for a preliminary and permanent injunction, a preliminary injunction was denied by the District Court and a stay granted until an application could be made to this court. As the District Court is

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familiar with the character of the case, and we are not, we deny the motion for a stay, with leave to apply to the District Court for a stay until the matter can be disposed of here, if in its judgment it deem that such a stay should be granted. The motion to advance is granted and the cases set for hearing on the first Monday in November. *Mr. S. R. Prince, Mr. L. E. Jeffries and Mr. A. B. Andrews* for appellants in Nos. 927, 928. *Mr. Murray Allen, Mr. Forney Johnston and Mr. James F. Wright* for appellant in No. 960. *Mr. Thomas W. Davis* for appellant in No. 961. *Mr. W. B. Rodman* for appellant in No. 962. *Mr. James S. Manning and Mr. William P. Bynum* for appellees.

No. 634. *DORA E. ROOKER ET AL. v. FIDELITY TRUST COMPANY ET AL., ETC.*; and

No. 785. *DORA E. ROOKER ET AL. v. FIDELITY TRUST COMPANY ET AL., ETC.* Petition for a writ of certiorari and error to the Supreme Court of the State of Indiana. May 29, 1922. Motion for a rule to show cause; petition for supplemental writ of error; and petition for supplemental writ of certiorari in this case, severally denied. *Mr. William V. Rooker* for petitioners and plaintiffs in error. No brief filed for respondents and defendants in error. See *post*, 580.

No. 887. *WILLIAM E. WOODBRIDGE v. UNITED STATES.* Appeal from the Court of Claims. Motion to reinstate submitted May 29, 1922. Decided June 5, 1922. Motion to rescind order docketing and dismissing this case granted, and leave granted to file and docket the case. *Mr. Rufus S. Day and Mr. H. P. Doolittle* for appellant. *Mr. Solicitor General Beck* for the United States. [See 258 U. S. 634.]

No. 401. *BUELL V. STEVENS v. SOUTHERN PACIFIC LAND COMPANY*;

No. 402. *RALPH E. STEVENS, ADMINISTRATOR, ETC. v. SOUTHERN PACIFIC LAND COMPANY*; and

No. 403. *MARY V. BEGGS v. SOUTHERN PACIFIC LAND COMPANY*. Error to the District Court of Appeal, Second Appellate District, Division Two, of the State of California. Motion to dismiss or affirm submitted May 29, 1922. Decided June 5, 1922. *Per Curiam*. Dismissed for the want of jurisdiction. § 237 of the Judicial Code, as amended by the Act of September 6, 1916, c. 448, § 2, 39 Stat. 726; *Baltimore & Potomac R. R. Co. v. Hopkins*, 130 U. S. 210; *Jett Bros. Distilling Co. v. Carrollton*, 252 U. S. 1, 6; *Schaff v. Famechon Co.*, 258 U. S. 76. *Mr. Daniel N. Clark* and *Mr. William L. Chitty* for plaintiffs in error. *Mr. Frank Thunen* and *Mr. C. F. R. Ogilby* for defendant in error.

PETITIONS FOR CERTIORARI GRANTED, FROM
MAY 2, 1922, TO AND INCLUDING JUNE 5, 1922.

No. 857. *WILLIAM R. WARNER & COMPANY v. ELI LILLY & COMPANY*. May 15, 1922. Petition for a writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Mr. Francis Rawle*, *Mr. George W. Wickersham* and *Mr. Roger S. Baldwin* for petitioner. *Mr. E. W. Bradford* for respondent.

No. 942. *DIRECTOR GENERAL OF RAILROADS v. SAMUEL KASTENBAUM*. May 15, 1922. Petition for a writ of certiorari to the Supreme Court of the State of New York granted. *Mr. Lyman M. Bass* for petitioner. *Mr. Israel G. Hollender* for respondent.