

## SHOEMAKER V. FRENCH.

[Chase, 267.]<sup>1</sup>

Circuit Court, D. Virginia.

Nov. Term, 1868.

FEDERAL JURISDICTION—EFFECT UPON  
PROCEEDINGS IN STATE COURTS.

An application for an injunction having been made in the United States circuit court, and the defendant served with notice thereof, all jurisdiction of the state courts in regard to matters cognate thereto is ousted, or must be exercised in subordination to the jurisdiction of the federal court.

[Cited in *Sharon v. Terry*, 36 Fed. 356.]

Shoemaker filed a bill in this court against French for an injunction to prevent his acting or claiming to act as president at the Alexandria and Washington Railroad Company, and the court passed an order directing French to be served with notice of motion for injunction. After this order was passed, French filed his bill in the state court at Alexandria, praying an injunction against Shoemaker for matters cognate to the bill in this court.

CHASE, Circuit Justice. The jurisdiction of this court as to these matters attached when Shoemaker's bill was filed here, and the order passed by this court. Therefore the jurisdiction of the state court was ousted, or must be exercised in subordination to the jurisdiction of this court.

The injunction is granted according to the prayer of the bill.

[NOTE. This cause came on for final hearing from a bill, answer, and replication, and upon the cross-bill, answer, and replication, and upon the proofs. James M. French, the defendant in the original bill, was perpetually enjoined and restrained from any use of the name or title of the president of the Alexandria & Washington Railroad Company, and it was further

ordered that the said French pay the costs in the cause. Case unreported. An appeal was then taken to the supreme court, where it was heard on motion to dismiss and for supersedeas. The motion for supersedeas was denied. 12 Wall, (79 U. S.) 86. The appeal was regularly heard in 1872, and the decree of the circuit court affirmed. 14 Wall, (81 U. S.) 314.]

<sup>1</sup> [Reported by Bradley T. Johnson, Esq., and here reprinted by permission.]

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