

Scotten Vs. Littlefield

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Court : US Supreme Court

Decided On : Dec-14-1914

Appeal No. : 235 U.S. 407

Appellant : Scotten

Respondent : Littlefield

Judgement :

Scotten v. Littlefield - 235 U.S. 407 (1914)

U.S. Supreme Court Scotten v. Littlefield, 235 U.S. 407 (1914)

Scotten v. Littlefield

No. 439

Motion to dismiss or affirm submitted October 13, 1914

Decided December 14, 1914

235 U.S. 407

APPEAL FROM CIRCUIT COURT OF APPEALS

FOR THE SECOND CIRCUIT

SYLLABUS

Bills of review are on two grounds: first, error of law apparent on the face of the record without further examination of matter of fact; second, new facts discovered since the decree, which should materially affect the decree and probably induce a different result.

An aspect of the claim involved cannot be held back when the case is presented to the court and later made the subject of a bill of review. Although the decision of the district court which determined the case sought to be reviewed is alleged to have been decided upon principles inconsistent with a subsequent decision by this Court, the subsequent decision will not lay the foundation for a bill of review for errors of law apparent, or for new matter *in pais* discovered since the decree and requiring a different result.

213 F. 705 affirmed.

The facts, which involve the principles of law upon which bills of review are granted and their application to this case, are stated in the opinion.

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Memorandum opinion by MR. JUSTICE DAY by direction of the Court:

This case presents another phase of the bankruptcy of A. O. Brown & Company, stockbrokers in New York.

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See *First National Bank of Princeton v. Littlefield*, [226 U. S. 110](#) ; *Gorman v. Littlefield*, [229 U. S. 19](#) ; *Schuyler v. Littlefield*, [232 U. S. 707](#) . This case is submitted on the motion of appellee to dismiss, affirm, or place on the summary docket. The appellants filed a petition for reclamation in the bankruptcy court, which concerned, among other stocks, three hundred shares of United States Steel stock, which are now the subject matter of this controversy. On April 20,

1911, the district court confirmed the report of the master, and entered an order dismissing the petitions of appellants and of some other claimants. Appellants appealed to the circuit court of appeals, and that court affirmed the district court (193 F. 24). The case then came to this Court, and the judgment of the court of appeals was affirmed ([226 U. S. 226](#) U.S. 110). On August 4, 1913, the bill of review with which the present proceeding is concerned was filed in the district court. This was more than two years after the original order in the district court, dismissing the reclamation proceeding, was made. The district court dismissed the bill of review (213 F. 701). That decree was affirmed in the circuit court of appeals (213 F. 705). Then the case was appealed here.

Both courts below put their decisions on the ground that the appeal to the circuit court of appeals from the original order of the district court in the reclamation proceedings really involved the claim for the United States Steel stock in its present aspect, and that, if not presented to the court of appeals when there on appeal, it could not be held back and made the subject of a bill of review, as is now attempted to be done. We think this decision was clearly right. Furthermore, the ground alleged for the bill of review now is that the principles which determined the disposition of the *Gorman* case, [229 U. S. 229](#) U.S. 19 (decided May 26, 1913, a little more than two years after the decree in the district court), reversing

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the circuit court of appeals in the same case (175 F. 769), would, had they been applied in this case, have required a different result in the district court in dealing with the original petition in reclamation, so far as the three hundred shares of the United States Steel stock, pledged with the Hanover National Bank, are concerned.

Bills of review are on two grounds: first, error of law apparent on the face of the record without further examination of matters of fact; second, new facts discovered since the decree, which should materially affect the decree and probably induce a different result. 2 Bates' Federal Equity Procedure 762; Street's Federal Equity Practice, Vol. 2, 2151.

If the decision in the *Gorman* case would have required a different result if the principles upon which it was decided had been applied in the original proceeding, which we do not find it necessary to decide, such subsequent decision will not lay the foundation for a bill of review for errors of law apparent, or for new matter *in pais* discovered since the decree, and probably requiring a different result. *Tilghman v. Werk*, 39 F. 680 (opinion by Judge Jackson, afterwards Mr. Justice Jackson of this Court); *Hoffman v. Knox*, Circuit Court of Appeals, Fourth Circuit, 50 F. 484, 491 (opinion by Chief Justice Fuller).

The decree of the circuit court of appeals is

Affirmed.