

NASHVILLE LUMBER COMPANY *v.* CORBELL.

Opinion delivered December 16, 1907.

APPEAL—PRACTICE AS TO INJUNCTION AND SUPERSEDEAS.—While temporary injunctions and writs of supersedeas may be issued from the Supreme Court to preserve the *status quo* pending an appeal, where the justice of the case requires it, they will not be used for the purpose of

creating a temporary right, as to enjoin the owner of land from preventing a lumber company from laying a tramway across his land.

Appeal from Howard Chancery Court; *James D. Shaver*, Chancellor; temporary injunction denied.

*J. W. Bishop*, for appellant.

*Sain & Sain* and *W. P. Feazel*, for appellee.

PER CURIAM. This is a motion for an injunction pending appeal. The chancery court refused to enjoin Corbell and wife from preventing the lumber company from laying a tramway across their homestead, on the ground that the conveyance under which the lumber company claimed was void because the wife had not joined therein, and dissolved a temporary injunction which had been granted.

Injunctions and writs of supersedeas are issued by this court to preserve the *status quo* pending an appeal, where the justice of the case requires it, but not for the purpose of creating a temporary right. This case is the converse of *Union Sawmill Co. v. Felsenthal Land & Townsite Company*, ante p. 494. For the reasons there given, this application is denied.

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