the red slip does not adhere to the barrel. It is protected from the paste on the barrel by the intervening red slip, so that when the portion, thus protected, is cut or torn out for preservation or for any other purpose, the slip, underneath, with the remaining portion of the stamp, adheres to the barrel. An essential characteristic of plaintiff's stamp is a flap, originally a distinct piece of paper, but, when used, to be loosely attached to the *face* of the body of the stamp. A further characteristic is that upon the piece, thus loosely attached, must appear a portion of the vignette, design, or printed matter required to be engraved or printed on the face of revenue stamps. The government stamp has no such characteristics. It is, as we have said, one continuous paper, containing upon it the required printed matter, with no flap loosely attached to its face, which may be subsequently torn off. Neither the red slip of unprinted paper across the back of the government stamp, and which adheres to the barrel, nor that portion of the stamp which does not adhere to the barrel, answers the same purposes as the flap of plaintiff's stamp. The present claim by the plaintiff is manifestly broader than his claim and specifications, as set out in the schedule to his letters patent. We concur with the court below in the opinion that the whiskey stamp is a modification of the inventor's idea that had not occurred to him when he drew his specifications, which were so limited in their terms as not to include the stamps used by the government. It is, clearly, not a mere colorable contrivance or imitation for evading that which had been done before.

Decree affirmed.

Mr. Treadwell Cleveland and *Mr. Joseph H. Choate* for appellant. *Mr. Solicitor General* for appellee.

HILL *v.* HARDING.

ERROR TO THE SUPREME COURT OF THE STATE OF ILLINOIS.

No. 735. October Term, 1880. — Decided December 6, 1880.

A bankrupt may prosecute in his own name a writ of error to a judgment rendered after the adjudication of bankruptcy; but the assignee will be heard on questions which he thinks involve the estate of the bankrupt.

THESE were motions by the defendants in error to dismiss, and by the assignee in bankruptcy to be substituted as plaintiff. The case is stated in the opinion.

Louisiana *v.* New Orleans.

Mr. Chief Justice Waite delivered the opinion of the court.

As the judgment in this case was rendered after Hill's adjudication in bankruptcy, we think he may prosecute a writ of error in his own name. We will not undertake to decide on a motion to dismiss, whether his discharge operates to release him from all liability growing out of the judgment. The motions are, therefore, overruled; but if the assignee shall be of the opinion that any of the questions involved are such as may affect the estate of the bankrupt, he will be heard on such questions by his counsel in connection with the plaintiff in error when the case comes up for argument, if he desires. *Denied.*

Mr. Adolph Moses for the motion to dismiss. *Mr. George W. Brandt* opposing.

FARLOW *v.* KELLEY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OHIO.

No. 795. October Term, 1880. — Decided March 14, 1881.

An allowance by a Circuit Court of an appeal taken by a receiver, is equivalent to leave by the court to the receiver to take an appeal.

Motion to dismiss. The case is stated in the opinion.

Mr. Chief Justice Waite delivered the opinion of the court.

This motion is denied. The allowance of the appeal by the circuit justice is equivalent to leave by the court to the receiver to take an appeal. The order appealed from finally disposed of the suit, which was instituted against the receiver by permission of the court under date of November 13, 1878. It was the final judgment or decree in that matter. To what extent it may be reviewable here, in this form of proceeding, will be for determination when the case is heard on its merits.

Mr. R. P. Buckland and *Mr. J. W. Keifer* for the motion. *Mr. S. A. Bowman* opposing.

LOUISIANA *ex rel.* FOLSOM *v.* NEW ORLEANS.

ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

No. 810. October Term, 1880. — Decided March 14, 1881.

The judges of the court differing in opinion, the submission is set aside, and an argument ordered.