

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.