no amount can be said to be involved, but only the rights of inventors, to the benefit of their discoveries, as against the government or other inventors — without allowing a naked trespasser the benefit of appeal simply because he disputes the validity of a patent. The assumption really is that the validity of every patent may be attacked by any trespasser in a collateral way. Is this admissible?

Mr. R. D. Mussey, contra.

The CHIEF JUSTICE delivered the opinion of the court.

The patent law of February, 1861, gives to parties to suits arising under any law of the United States giving to inventors the exclusive right to their inventions or discoveries, a writ of error or appeal to the Supreme Court of the United States without regard to the sum in controversy. The act of 1870 does not alter the right of appeal or to a writ of error in this respect.

The motion to dismiss must, therefore, be

DENIED.

HAMPTON v. ROUSE.

In a writ of error to a joint judgment against several, all must join. The omission of one or more is an irregularity for which the writ will be dismissed; a matter often held.

THIS was a motion to dismiss a writ of error to the Circuit Court for the Southern District of Mississippi.

It appeared from the record that Wade Hampton, Wade Hampton, Jr., and J. M. Howell, were defendants in the court below to an action of ejectment, and that the bill of exceptions, on which the writ of error was sued out, was tendered by them jointly. The judgment was against the defendant in the singular, but, as the verdict was joint, this court considered it obvious that this was a mere clerical error, and that the judgment, doubtless, followed the verdict.

Statement of the case.

Wade Hampton alone prosecuted the writ of error, and there appeared to have been no summons and severance or other equivalent proceeding.*

Mr. P. Phillips, in support of the motion; Mr. W. W. Boyce, contra.

The CHIEF JUSTICE:

It has often been held that in a writ of error to a joint judgment against several, all must join; and that the omission of one or more, without such proceeding, is an irregularity for which the writ will be dismissed.† The motion in the present case must, therefore, be

GRANTED.

WELLS *v.* MCGREGOR.

1. A decree of the highest court of a State affirming an order of an inferior court, by which a motion to set aside a sheriff's return to an execution was allowed and an *alias* execution awarded, is not a "final judgment" within the meaning of the 22d section of the Judiciary Act, nor within the meaning of the 9th section of the organic act of the Territory of Montana, giving appeals from the Supreme Court of the Territory to this court.
2. Writs of error from this court must bear the teste of the Chief Justice.

MOTION, by *Mr. Robert Leech*, to dismiss a writ of error to the Supreme Court of Montana; the case being thus:

The 22d section of the Judiciary Act of 1789,‡ gives writs of error to Circuit Courts of the United States from this court in cases of "final judgment," in certain cases specified.

The 1st section of the act of September 29th, 1789, entitled "An act to regulate process in the courts of the United States,"§ provides that "all writs and processes issuing from

* See Masterson *v.* Herndon, 10 Wallace, 416.

† Williams *v.* Bank of the United States, 11 Wheaton, 414; Owings *v.* Kincannon, 7 Peters, 399; The Protector, 11 Wallace, 82.

‡ 1 Stat. at Large, 84. § Ib. 93.