

of the special character of this elastic webbing, which determines its use, and of its having been classified ever since 1842 in a small class of elastic goods, and so treated by the supreme court, I do not feel justified in changing the classification, and therefore hold that these goods were subject to a duty of 35 per cent.

In compliance with the stipulation of the parties, the case must be sent to an assessor to ascertain the damages, and it is so ordered.

In re BEAR and others, Bankrupts.

(Circuit Court, S. D. New York. April 26, 1881.)

1. IN RE BEAR, 5 FED. REP. 53, AFFIRMED.

In Bankruptcy.

George Bell, for Holmes, Booth & Haydens.

F. W. Hendricks, for the assignee in bankruptcy.

BLATCHFORD, C. J. It must be held that the district court was right in deciding that the petition in bankruptcy was filed as early as 12 m. on the eleventh of March, and therefore before the execution reached the sheriff. That being so, the creditor acquired no lien by virtue of the execution as against the assignee in bankruptcy, and the order of January 22, 1881, was correct in dismissing the petition of Holmes, Booth & Haydens, with costs, and the prayer for its reversal must be denied, with costs.

In re LISSBURGER.*(Circuit Court, S. D. New York. April 11, 1881.)*1. *IN RE* LISSBURGER, 2 FED. REP. 153, AFFIRMED.

In Bankruptcy.

John F. Dillon and *M. H. Regensburger*, for the review.*R. D. Benedict*, and *J. F. Malcolm*, opposed.

BLATCHFORD, C. J. I have carefully considered the questions in this case, and am of opinion that the order made herein by the district court, bearing date April 3, 1880, and spoken of in the petition of review as having been made and entered on or about April 6, 1880, was a proper order, and that the prayer of said petition must be denied, with costs.

HAMMERSCHLAG *v.* SCAMONI.*(Circuit Court, S. D. New York. April 16, 1881.)*

1. RE-ISSUE NO. 8,460—PATENT NO. 209,393—IMPROVEMENTS IN WAXING PAPER—MOTION FOR PRELIMINARY INJUNCTION—INFRINGEMENT.

Re-issued letters patent No. 8,460, granted to Siegfried Hammerschlag, October 22, 1878, and letters patent No. 209,393, granted to Siegfried Hammerschlag, October 29, 1878, for "improvements in waxing paper," to render it water-proof, *held, infringed* as to the first, second, third, and fifth claims of the former, and as to the first and second claims of the latter, upon a motion for preliminary injunction.

2. INVENTION—LAWS OF NATURE.

The arrangement of machinery is designed to secure the operation of laws whose operation is certain to follow such arrangement of it, and those certain laws are the laws of nature; and it is because those known laws are certain to follow such an arrangement that the arrangement is made. The arrangement is none the less an invention because it brings into operation the laws of nature.

3. PIONEER PATENT—CONSTRUCTION.

A patent being a pioneer and foundation patent, both as to process and machine, is not to be construed as confined to specific details, if it fairly admits of the liberal construction to which such a patent is entitled.