

"A demonstrative legacy is the bequest of a certain sum of money, with the direction that it shall be paid out of a particular fund. It differs from a specific legacy in this: that, if the fund out of which it is payable fails for any cause, it is nevertheless entitled to come on the estate as a general legacy; and it differs from a general legacy in this: that it does not abate in that class, but in the class of specific legacies."

Had the legacy to the plaintiff been restricted to \$2,000 "of my South Ward Loan of Chester," or had the testatrix given \$2,000 of the debt belonging to her on one of the bonds in her possession at the date of her will, particularly describing the bond by number and date, showing that she intended to give to the plaintiff that amount of a specified debt, a different case would have been presented; but, in the absence of any such expressed or implied intention to make this a specific legacy, it must, under the rules established for the construction of similar bequests, be held to be a demonstrative legacy, and payable out of the assets of her estate. *Savile v. Blacket*, 1 P. Wms. 777; *Chaworth v. Beech*, 4 Ves. 565; *Smith v. Fitzgerald*, 3 Ves. & B. 5; *Gillaume v. Adderley*, 15 Ves. 384; *Giddings v. Sevard*, 16 N. Y. 365; *Newton v. Stanley*, 28 N. Y. 61; *Norris v. Thomson*, 16 N. J. Eq. 222. See, also, American note to *Ashburner v. Macquire*, 2 White & T. Lead. Cas. 646, and 3 Amer. Dec. 667.

Judgment will be entered for the plaintiff for the sum of \$2,266.66, that amount being the principal of the legacy, with interest from the 1st day of October, 1889, with costs of suit.

---

UNITED STATES v. REYNOLDS.

(District Court, E. D. South Carolina. January 8, 1892.)

**PENSIONS—PROCURING PAYMENT—EXCESSIVE COMPENSATION.**

At the instance of an ignorant pensioner, an attorney filled out the vouchers necessary to obtain the first payment, forwarded them to the proper pension agent, received the latter's check, procured the pensioner's indorsement thereto, and drew the money. Held that, although he had no hand in procuring the allowance of the pension, he was still a "person instrumental in prosecuting the claim," within the meaning of Rev. St. U. S. § 5485, which makes it a misdemeanor for such a person to retain a greater compensation than is allowed by the pension laws.

At Law. Indictment of Thomas J. Reynolds for wrongfully withholding pension money. On motion to instruct the jury to return a verdict of not guilty. Denied.

*B. A. Hagood*, Asst. U. S. Atty.

*S. J. Lee*, for defendant.

SIMONTON, J. The defendant is indicted under section 5485, Rev. St. U. S. The indictment charges that the defendant, a "person instrumental in prosecuting the claim" of one Jack Danner for pension, wrongfully withheld from him the sum of \$10. Danner was a private

in 83d infantry, United States colored troops. He was put upon the pension rolls 11th August, 1890. His papers were all prepared and his claim established by Mrs. E. A. Crofut, pension attorney at Beaufort, S. C. In June, 1891, blanks were sent to Danner for the purpose of enabling him to obtain his first payment of pension. He took these to the defendant, who is an attorney at law and notary public at Beaufort. The defendant filled them out and took the necessary affidavit, and at the instance of Danner sent the voucher to the pension agent at Knoxville, with directions that Danner's address was to the care of T. J. Reynolds, at Beaufort. The pension agent sent the check to the care of defendant. When it came, he procured the indorsement of the check by Danner, collected the money, and paid Danner its face value, less \$10. Danner is grossly ignorant and illiterate. The defendant says that Danner lent him this money. Danner denies this entirely. A motion is made that the jury be instructed to find defendant not guilty. The position is that the pension claim was prosecuted and established through Mrs. Crofut, as attorney, and, even if Danner's statement be true, defendant was not "a person instrumental in prosecuting a claim for pension." The pensioners deserve and receive at the hands of the government the most careful and tender consideration. Many of them are helpless; often they are ignorant, and exposed to extortion. For this reason congress has enacted laws for protecting them from the rapacity of their agents, not only in the steps necessary for the establishment of their right to be upon the pension rolls, but also in every proceeding which must be taken in order to obtain the installments of their pension. The defendant was instrumental in prosecuting the claim of Danner, within the terms of the section. The case must go to the jury.

*(Summarized from the report of the Circuit Court of the District of Columbia, January 4, 1892.)*

**LEIB v. ELECTRIC MERCHANDISE Co., et al.**

*(Circuit Court, N. D. Illinois. January 4, 1892.)*

**PATENTS FOR INVENTIONS—NOVELTY—ELECTRIC RAIL-CONNECTORS.**

Letters patent No. 434,087, issued August 19, 1890, to Charles Leib for an electric rail-connector, consisting of a short metallic wire with each end passing through a bolt or rivet, which is firmly inserted into a hole drilled in the rail, are void for want of novelty over the Gassett & Fisher patent of May, 1880, in which the connecting wire is coiled round the heads of the rivets, instead of passing through them, as well as the Westinghouse patent of July 31, 1883, and the Winton patent of April 14, 1885, in which the ends of the wires are directly inserted in holes in the rails.

In Equity. Bill by Charles Leib against the Electric Merchandise Company and others for infringement of a patent. Bill dismissed.

*Phillips Abbott and W. E. Furness*, for complainant,

*F. W. Parker*, for defendants.

**BLODGETT, J.** This is a bill in equity for an injunction and accounting, by reason of the alleged infringement of patent No. 434,087, granted