

Looking at the whole of paragraph 585, and giving to it a construction in accordance with what seems to have been the intention of congress, the term "scientific instruments" means instruments specially designed for use in any particular science, and which are principally employed for such purpose; and, surgery being a science, it covers the surgical instruments in question in this case, which were imported for the use of the Massachusetts General Hospital in its clinics and training school. The fact that such instruments are employed by surgeons in the practice of their profession does not make them mechanical instruments. Instruments of this kind, in our opinion, are scientific instruments, within the meaning of the statute, until it is shown that their principal use is in the trades and arts. For example, an ordinary knife is a mechanical instrument, because its principal use is in the trades and arts, while a surgeon's knife, specially designed for use in surgery, and principally used for such purpose, is a scientific instrument. As applied to scientific instruments, this construction does not seem in any way to conflict with the views expressed by the supreme court in *Robertson v. Oelschlaeger*, and the doctrine of principal use recognized in that case.

The question is raised that the petitioner is not an institution "incorporated or established" for any of the purposes mentioned in paragraph 585. Upon this point the evidence shows that one of the purposes for which the hospital was established was educational, although that may not have been the principal design.

The decision of the board of general appraisers is reversed.

---

UNITED STATES v. ROUSSOPULOUS.

(District Court, D. Minnesota, Third Division. April 24, 1899.)

**COUNTERFEITING—TOKENS INTENDED TO CIRCULATE AS MONEY.**

Circular metal tokens, which, though of similar color, differ in size, and wholly in design from any coin of the United States, and are only from one-sixth to one-fifth the weight of the coin the nearest the same size, and which do not purport to be money, or obligations to pay money, but contain the names of business concerns, with the statement that they are good for a certain value in merchandise, are not tokens in the likeness and similitude of coins of the United States, nor intended to circulate as money, and to be received and used in lieu of lawful money, within the prohibition of Rev. St. §§ 3583, 5462, or of the act of February 10, 1891.

On Demurrer to Information.

Milton D. Purdy, Asst. U. S. Atty.

J. M. Hawthorne, for defendant.

**LOCHREN**, District Judge. The defendant demurs generally to the information in this case, the first four counts of which charge that the defendant, at the time and place stated, did make and issue tokens and obligations of metal, each for a sum less than one dollar, intended to circulate as money, and to be received and used in lieu of lawful money of the United States. Two additional counts charge that the defendant, at the same time and place, did make

and cause to be made, and have in his possession, with intent to sell and give away, business tokens of metal, in likeness and similitude, as to design, color, and inscription thereon, of the silver coin in one instance and gold coin in the other, of the United States, of specified denominations. Each count in the information contains the representation of an impression of each of the sides of the metal token described in that count. It thus appears upon the face of the information that the metal token described in the first count is circular in form, a little smaller than the half-dollar silver coin of the United States, and on one side bears the raised inscription, "Clark & Boice Lumber Co. 1898. Jefferson Texas," and on the other side, "Good for 50c in Merchandise." Its weight is alleged to be 27 grains troy weight, which is less than one-fifth the weight of the half-dollar coin, which is the nearest to it in size of any coin of the United States. It differs in its devices and inscriptions plainly from all coins of the United States, and is not liable to be mistaken for any of them, even by careless or illiterate persons. It does not purport to be a piece of money, or an obligation to pay money, and the obligation expressed is in terms solvable in merchandise. It cannot, therefore, have been intended to circulate as money, or to be received and used in lieu of lawful money, and does not come within the prohibition of section 3583, Rev. St. U. S. U. S. v. Van Auken, 96 U. S. 366. The same reasons lead to the like conclusion in respect to the tokens described in the other counts of the information. Neither do any of these tokens come within the provisions of section 5462, Rev. St. U. S., which also applies only to tokens intended to be used as money. The fifth count describes a metal token, circular in form, and a trifle larger than the half-dollar silver coin of the United States, which on one side bears the raised inscription, "A. M. Adler, Wagon Mound, New Mex.," and on the other side, "Good for \$1.00 in Merchandise." Its weight is alleged to be 47 grains troy weight. This does not support the averment that it is in the likeness and similitude of the silver coin of the United States called a silver dollar, which is much larger than this token, and more than six times as heavy; and with no similarity in device or inscription. It does not, therefore, come within the prohibition of the act of February 10, 1891. And like reasons apply to the metal token described in the sixth count of the information. The demurrer is therefore sustained, and judgment will be entered discharging the defendant.

---

**BLOCK et al. v. STANDARD DISTILLING & DISTRIBUTING CO.**

(Circuit Court, S. D. Ohio, W. D. July 31, 1899.)

No. 5,238.

**1. JURISDICTION OF FEDERAL COURT — CITIZENSHIP OF CORPORATION — SUFFICIENCY OF ALLEGATION.**

An allegation that defendant is a corporation "organized under and pursuant to the laws of the state of New Jersey" is an affirmative statement that defendant is a citizen of New Jersey.