

**Lay Vs. Lay**

**Lay Vs. Lay**

**SooperKanoon Citation :** [sooperkanoon.com/92763](http://sooperkanoon.com/92763)

**Court :** US Supreme Court

**Decided On :** Nov-18-1918

**Appeal No. :** 248 U.S. 24

**Appellant :** Lay

**Respondent :** Lay

**Judgement :**

Lay v. Lay - 248 U.S. 24 (1918)

U.S. Supreme Court Lay v. Lay, 248 U.S. 24 (1918)

**Lay v. Lay**

**No. 633**

**Motion to dismiss or affirm submitted November 4, 1918**

**Decided November 18, 1918**

**248 U.S. 24**

*ERROR TO THE SUPREME COURT*

*OF THE STATE OF MISSISSIPPI*

## SYLLABUS

As between the parties to it, an assignment of a claim against the government for property taken during the Civil War, or of the right to a fund appropriated by Congress to satisfy a judgment therefor, is not made void by Rev.Stats. 3477.

118 Miss. 549 affirmed.

The case is stated in the opinion.

Page 248 U. S. 25

Memorandum for the Court by the CHIEF JUSTICE.

The right to a fund resulting from the payment of an appropriation by Congress to satisfy a judgment for the value of property taken during the Civil War is the issue here involved. The contestants are the heirs at law of the original claimant and persons holding under an assignment by her of all her right to the claim or fund. The court enforced the assignment.

Under the assumption that the claimant was prohibited by the law of the United States ( 3477 Rev.Stats.) from making an assignment, the heirs at law prosecute error to correct the federal error thus assumed to have been committed. But the assumption indulged in as to the effect of the law of the United States is without merit. *McGowan v. Parish*, [237 U. S. 285](#) , [237 U. S. 294](#) , and cases cited. This renders it unnecessary to consider whether, if the heirs at law were entitled to the fund, they would be liable to pay the full sum of the attorney's fee contracted for by the transferee and the duty to pay which the transferee and those in privity do not dispute.

*Judgment affirmed.*