

option expires, to recover his agreed commission from the administrator, when the latter, after the expiration of the option, sells the property to the same person and at the same price.

DEED.—A ditch constructed by the landowner to relieve a portion of his land of surface water and convey it to another portion, where it is valuable for irrigation purposes, which is plainly visible upon the ground at the time he sells the latter portion, is held, in *Fayter v. North* (Utah) 6 L.R.A. (N. S.) 410, to pass, together with the water flowing thereon, under the words "privileges and appurtenances," in the deed.

NEGLIGENCE.—A volunteer who, having been warned of the danger of approaching a broken electric wire which he knows to be uninsulated and to carry a current for lighting purposes, and to have shocked another into insensibility, approaches the wire for the purpose of determining whether or not it is still alive, is held, in *Carroll v. Grande Ronde Electric Co.* (Or.) 6 L.R.A. (N.S.) 290, to be guilty of such negligence that no recovery can be had for his death, in case he places his hand within the danger zone, and a shock from the wire kills him.

A report made to the claim agent of a street railway company by the conductor and motorman of an electric car, of an accident in which a passenger was injured, which was made pursuant to a standing rule of the company for the information of the claim agent, as a basis for settlement or for use of counsel in case of suit against the company, is held, in *Re Schoeph* (Ohio) 6 L.R.A. (N.S.) 325, to be a privileged communication, the production of which cannot be enforced in the taking of depositions before the trial in a suit against the company for injury received in such accident.

STREET RAILWAY.—The title to the rails, poles, and other appliances for operating a branch of a street-railway system remaining in the streets at the expiration of its franchise is held, in *Cleveland Electric R. Co. v. Cleveland, Advance Sheets*, U.S. (1906) 202, to be in the railway company which has been operating the road; and the power of the municipality to confer upon another street railway company the right to take possession of such property is denied.

WATERCOURSE.—The owner of the servient estate is held, in *Pohlman v. Chicago, M. & St. P. R. Co.* (Iowa), 6 L.R.A. (N.S.)