

shelter and with the surroundings of which he is not familiar, after dark on a cold and stormy night, is held, in *Tilbury v. Northern C. R. Co.* (Pa.) 12 L.R.A. (N.S.) 359, not to be per se negligent in attempting to reach shelter at a station recently passed, by walking along the railroad track, rather than by seeking a highway.

The right of a consignee to refuse to receive a shipment, and to throw it upon the hands of the carrier, merely because of the latter's unreasonable delay in transportation, is denied in *Chesapeake & O. R. Co. v. Saulsberry* (Ky.) 12 L.R.A. (N.S.) 431.

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DAMAGES.—A telegraph company which fails to deliver a telegram directing preparation for a funeral is held, in *Lyles v. Western U. Teleg. Co.* (S.C.) 12 L.R.A. (N.S.) 534, to be liable for mental suffering caused by the exposure of the corpse for several hours to the rays of the sun, and the delay of the burial to a very late hour of the night.

The measure of damages for destruction of a growing crop is held, in *Teller v. Bay & River Dredging Co.* (Cal.) 12 L.R.A. (N.S.) 267, to be its value as it stood on the ground at the time of destruction, to be arrived at, not by ascertaining what it had cost at that time, but from evidence of the probable yield of the land, multiplied by the market value of the crop, less cost of producing and marketing.

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PROXIMATE CAUSE.—The fright of a traveller at a highway crossing to such an extent as to produce unconsciousness, because of the sudden approach of a train at an unlawful speed without signals, at a place where, because of the obstructed view, the traveller has reached a point of danger, is held, in *Morey v. Lake Superior Terminal & T. R. Co.* (Wis.) 12 L.R.A. (N.S.) 221, not to be such an extraordinary and unusual result that the negligence cannot be held to be the proximate cause of the resulting injury to the traveller while unconscious.

Negligence on the part of a railroad company in permitting shippers to accumulate large quantities of lumber on and adjacent to its right of way for shipment is held, in *Bowers v. East Tennessee & W. N. C. R. Co.* (N.C.) 12 L.R.A. (N.S.) 446, not to be the proximate cause of the destruction of a building by fire which spreads through such lumber to the building from that of a stranger some distance away, which ignited without fault of the railroad company.