

UNITED STATES DECISIONS.

AGENT—COMMISSION:—A real estate broker is held, in *Cadigan v. Crabtree* (Mass.) 66 L.R.A. 982, not to be entitled to a commission, where, after having produced a customer willing to negotiate for the lease which he was employed to effect, the principal in good faith decides not to lease, terminates the negotiation, and discharges the broker, although the principal subsequently again decides to lease and makes a contract with the customer produced by the broker.

INSANITY:—The burden of proving insanity as a defense to a criminal prosecution is held, in *State v. Quigley* (R.I.) 67 L.R.A. 322, to be upon the accused: and it is held not to be sufficient merely to raise a reasonable doubt as to sanity, but that the evidence upon that point must preponderate in his favour, or be sufficient to satisfy the jury of that fact.

CRIMINAL LAW:—An officer who kills a person whom he is attempting to arrest for misdemeanour, by striking him on the head with a billy, is held, in *State v. Phillips* (Iowa), 67 L.R.A. 292, not to be guilty of murder if he uses no more force than is necessary in case of an ordinary person, although it proves fatal in the particular case because of the thinness of the prisoner's skull, of which the officer has no knowledge. The other cases on homicide by official action, or by officers of justice, are collated in an extensive note to this case.

TELEGRAPH LAW:—A telegraph company receiving a message for transmission is held, in *Swan v. Western U. Teleg. Co.* (C.C.A. 7th C.), 67 L.R.A. 153, to be bound to notify the sender in case the line is obstructed so that the message cannot be sent within a reasonable time, so as to give him an opportunity to avail himself of other modes of conveying the desired information to the sendee. A note to this case discusses the question of duty of telegraph company to notify sender of message if it cannot be promptly transmitted or delivered.

To entitle the sendee to sue for failure promptly to transmit and deliver a telegram, it is held, in *Frazier v. Western U. Teleg. Co.* (Or.), 67 L.R.A. 319, that the telegraph company must know, or be chargeable with notice, that the message is for his benefit.