

## UNITED STATES DECISIONS.

FALSE REPRESENTATIONS.—Representations made for the purpose of procuring a contract, with the intent that they shall be acted on, without knowledge whether they are true or not, are held, in *Simon v. Goodyear Metallic Rubber Shoe Company* (C. C. A. 6th C.), 52 L. R. A. 745, to be within the rule that a contract procured by false representations may be disaffirmed.

CRIMINAL LAW.—The fact that an officer or citizen attempting to make an arrest, and being slain in so doing, has exceeded his authority, is held, in *Roberson v. State* (Fla.), 52 L. R. A. 751, not to reduce the killing to manslaughter, if the slayer had no valid reason to believe himself in immediate danger of great bodily harm, and the homicide was in fact perpetrated, not in passion or sudden heat, upon the provocation of the arrest, but with cool, deliberate malice and premeditation.

INSURANCE.—A clause in an insurance policy making it void in case of its assignment is held, in *Whiting v. Burkhardt* (Mass.), 52 L. R. A. 788, not to apply to an assignment of his interest by a mortgagee who is entitled to receive the proceeds to the extent of his interest.

Neither the existence of a vendor's lien on insured property, nor the institution of proceedings to foreclose it, is held, in *Southern Insurance Company v. Estes* (Tenn.), 52 L. R. A. 915, to avoid the policy under a clause making it void if the interest of the insured be other than unconditional or sole ownership, or if foreclosure proceedings be commenced with notice of sale, by virtue of any mortgage or trust deed.

LIBEL.—In the absence of anything to shew actual malice, members of a school board are held, in *Finley v. Steele* (Mo.), 52 L. R. A. 852, not to be guilty of libel in sending a request for a revocation of a teacher's license to the school commissioner, although they do not, in preferring the charges, follow the exact words of the statute, where the charges were made in the discharge of their duty, after complaint by parents, and in response to a communication from the commissioner.

NEGLIGENCE.—The right of a passenger on the running board of a street car to recover for injuries caused by coming in contact with a pillar near the track in attempting to pass around the conductor, who was also on the board, in obedience to the conductor's direction to come forward and get a seat, is denied, in *Third Ave. R. Co. v. Barton* (C.C.A. 2nd C.) 52 L.R.A. 471, unless under all the circumstances he acted as a man of ordinary prudence would have done.