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ASSIGNMENT OF LIFE INSURANCE POLICIES.

The Supreme Court of Rhode Island, in the case of *Clark v. Allen*, has had under consideration a much controverted question of life insurance law, viz., whether a life policy is transferable outright to a person who has no interest in the life insured. One Ross had insured his life for \$2000, and afterwards assigned the policy to defendant, who paid the premiums as they fell due. On Ross' death, the defendant collected the insurance, and the action was brought by Ross' representative to recover the amount collected, less the premiums paid by the defendant and the consideration paid for the assignment. The Supreme Court, following the English rule, (also found in our Code, Art. 2591) held the assignment valid and dismissed the action. The Court referred to the conflict of decisions on the question raised. In Massachusetts and Indiana, Chief Justice Durfee observed, it has been decided that a life policy is not transferable outright to a person who has no interest in the life insured. *Stevens, Adm'r, v. Warren*, 101 Mass. 564; *Franklin Life Ins. Co. v. Hazzard*, 41 Ind. 146. A similar decision (but in a case having peculiar circumstances) has been given by the Supreme Court of the United States. *Cammack v. Lewis*, 15 Wall. 643. The reason given is, that it is unlawful for a person to procure insurance for himself on a life in which he has no interest, and that, therefore, it is unlawful for him to take an absolute assignment of a policy upon a life in which he has no interest; for otherwise the law could always be easily circumvented by first having a person get his own life insured and then taking an assignment of the policy. And it is also argued that the gambling or wagering element is the same, and the temptation to shorten the life insured is the same in the one case as in the other.

"But, on the other hand," continued the Chief Justice, "it has been decided in England that such an assignment is valid: *Ashley v. Ashley*, 3 Sim. 149, cited without disapproval

by Chancellor Kent, in 3 Kent's Com. 369, note. The reason given is, that such an assignment is not within the prohibition of the English statute, 14 Geo. 3, cap. 48, and that the policy, being valid in its inception, is, like any other valid *chose in action*, assignable at the will of the holder, whether the assignee has an interest in the life insured or not. This view has been repeatedly affirmed in New York. *St. John v. American Mutual Life Insurance Co.*, 2 Duer, 419; also in 13 N. Y. 31, on appeal; *Valton v. National Fund Life Assurance Co.*, 20 N. Y. 32; and see *Cunningham et al. v. Smith's Adm'r*, 70 Penn. St. 450."

JUDICIAL CIRCUITS.

The amount of travel imposed upon some of the judges who preside over Federal Circuits in the United States is not generally realized. It is true that these immense distances are no longer accomplished in a coach and four, but for the most part in Pullman and Wagner cars. The tax upon the energies of the individual, however, in any case cannot be inconsiderable. Judge Dillon, addressing the Chicago Bar Association recently, at a dinner under the auspices of the Association, thus referred to the subject:—

"The trans-Mississippi Federal circuit embraces seven States, and extends in an unbroken reach of territory from the British possessions, on the north, to Louisiana and Texas, on the south; from the Mississippi, on the east, to and including the Rocky Mountains, on the west. It comprises the States of Minnesota, Iowa, Nebraska, Kansas, Missouri, Arkansas, and Colorado. In each of these States there are two terms a year, and in one of them four terms, making sixteen terms annually. With the exception of Arkansas and Colorado, I have, for the last eight years, attended twice a year the terms of courts in each of these States and in Arkansas, and in Colorado, since its admission, invariably once each year and sometimes twice. The distances actually travelled are immense,—not less than ten thousand miles a year. The distance from St. Paul, where one can almost cast a stone across the Mississippi, to Arkansas, where the stream has broadened into a mighty and majestic river, bearing the commerce of twelve States, and on whose lordly bosom hostile fleets have contended, is vast. And the