

Case No. 6,449a. HIATT v. MUTUAL LIFE INS. CO.
[2 Dill. 572, note.]¹

Circuit Court, D. Iowa.

May Term, 1873.

LIFE INSURANCE—SUICIDE—INSANITY—BURDEN OF PROOF—CHALLENGE TO JUROR.

[This was an action at law by Hiatt, administrator, etc., against the Mutual Life Insurance Company of New York.] The defense was suicide, to which the plaintiff replied, insanity.

I. N. Kidder and Gatch & Wright, for plaintiff.

Holmes & Reynolds and Polk, Hubbell & Goode, for defendant.

THE COURT ruled:

1. That it was good cause of challenge to a juror that he considered the fact of suicide as conclusive evidence of insanity.

2. That the burden of proof to establish the insanity was upon the plaintiff. See *Swick v. Home Ins. Co.* [Case No. 13,692], and cases cited.

3. As to the kind and degree of insanity necessary to be shown to entitle the plaintiff to recover where the assured took his own life, the court followed *Terry v. Insurance Co.* [Id. 13,839], affirmed in 15 Wall. [82 U. S.] 580.

There was a verdict and judgment for the defendant.

[Cited in *Houston & T. C. Ry. Co. v. Terrell* (Tex. Sup.) 7 S. W. 672, to the point as stated above in paragraph 1.]

[In 2 Dill. 572, this case is published as a note to *Wilkinson v. Union Mut. Life Ins. Co.*, Case No. 17,676.]

¹ [Reported by Hon. John F. Dillon, Circuit Judge, and here reprinted by permission.]