

## LIABILITY OF THE FIRM FOR THE ACTS OF A PARTNER—ITEMS.

ing partners suffered because they had placed confidence in him, and held him out to the world as a person for whom they were responsible.

Another branch of the case, somewhat resembling *Coomer v. Bromley* (5 DeG. & Sm. 532), requires a passing notice. Two of the three partners—the defaulting and another—were trustees of a trust deed executed by the Earl, and a portion of the proceeds of the bill was paid to them. The Vice-Chancellor, as in *Coomer v. Bromley*, held that this money was paid to them as trustees, and not as members of the firm, and that the partnership was entitled to be discharged in respect of it. The first branch of the case resembles *Atkinson v. Mackreth*, to which we have already referred, although the circumstances are more complicated. What we deduce from the cases above, of which we have given an imperfect summary, is, that the scope of a solicitors business does extend to the receipt of money for specific objects, but not for general purposes, and that to receive money for arrangements with creditors, paying legatees, paying into court, and in short, for any specific purpose connected with the professional business then in hand, are within the scope of a solicitor's ordinary duty quite as much as they undoubtedly are at the present day within his every-day practice.

It must not be forgotten that solicitors now act far more as general family agents than they formerly did. This fact will have to be borne in mind in considering the older cases, which were decided in days when the public required far less of the profession than they do now, that there is hardly a conceivable form of business, that a solicitor may not be called on to supervise or undertake on behalf of his client.—*Solicitor's Journal*.

The *Chicago Legal News* is responsible for the report of the judgment of Williams, J., in *Ticknor v. Ticknor*, a part of which we record as something "almost too good to be true." If the legal ability of this "gushing" judge is to be measured by his efforts in the poetical line, he must indeed be a treasure.

An application was made to remove some children from the custody of the mother, who after living in adultery with one Fishburn, subsequently married him, having obtained a divorce by consent from her first husband:—

"And yet no questions of greater difficulty and delicacy ever present themselves to a chancellor than those arising in this class of cases. The dearest rights and tenderest feelings of our humanity are involved in the issues which are to be determined, and the judge who can pass judgment upon questions with the settlement of which must be connected the crushing of long cherished hopes, the breaking of heart strings, upon which hangs the future happiness or misery of parents and their innocent offspring, without a painful sense of his

responsibility, is more or less than man. In the case before me, the petitioner is the father of two sweet and promising children. They are bone of his bone and flesh of his flesh. He fondled them in their early infancy, nursed them in their sickness, fed and clothed them by his toil, and with the pride which only a father can know, watched their physical and mental development, as like buds they have been silently opening beneath his eye. If he is so depraved as the eloquence of the complainant's solicitors have represented him to be, from the exhaustless fountain of a father's love affection is yet poured forth for them. Whatever else he may be, *he is a father*, and so long as the sacred record exists, luminous with the love of our Father in Heaven, so long will the words, 'Like as a father pitieth his children,' be suggestive of unfathomable depths of human and divine sympathy and tenderness.

On the other hand is the mother, whose love antedated the birth of these little ones, who, for them, patiently bore the anxious sorrows of anticipated maternity, and those keener pangs through which they were ushered into being, whose arms were their cradle and whose bosom their pillow through the days and nights of helpless infancy. Were she the abandoned creature that she has been pointed to be by the defendant's counsel, still she is a *mother*, and the question of the Hebrew prophet has, by the lapse of time, lost nothing of its pregnant significance,—'Can a mother forget her sucking child that she should not have compassion on the child of her womb?' I assume, therefore that I have to deal with the parents who, whatever be their disregard of conjugal vows, or their personal delinquencies or crimes, have bosoms warmed with fire of parental love towards their offspring."

The mother carried the day.

The vice of irresistible drunkenness is an apt illustration of the transitional form of incapacity and irresponsibility in which physiological and pathological conditions combine. Nothing is more certain than the fact that a man having attained adult age, with all the responsibilities of a husband, father, and citizen, becomes an incorrigible drunkard, and quite incapable, from bodily causes, of performing his duties. He is too often a brutal ruffian, commonly a prodigal and a fool, yet the law of England does not provide for an inquiry into his capability of self control, except in so far as to whether he be insane or not. Pending the solution of this insoluble question, he breeds drunkards to the third and fourth generation, ruins his family, and too often it is only bodily weakness, suicide, raving insanity, or an early death from disease, which saves him from the gallows. Surely common sense, Christian ethics, and medical science are agreed here, that it is a question of capability for the performance of duty with which society has to deal, and not a metaphysical question as to insanity. Probably in practice such a method of dealing with these cases would prove the most efficient check on the vice itself.—*Lancet*.