sible, and there would be the same difficulty of defining the extent of the positive duty in each case as the degree of neglect of it which incurs responsibility. In truth, this difficulty is inherent in the nature of the subject, and, though degrees of care are not definable, they are with some approach to certainty distinguishable; and in every case of this description in which the evidence is left to the jury, they must be led by a cautious and discriminating direction of the judge to distinguish, as well as they can, degrees of things which run more or less into each other."

Here we have another of the judicial difficulties which abound in our procedure, similar to which is the dilemma when a Judge is to decide the question of libel or no libel, and what is the meaning of "corruptly" in the Corrupt Practices Act. Such difficulties are inevitable, and call for the exercise of the highest order of judicial mind.

Incidentally as regards this case we would notice a point which is of some importance. It was argued by the Solicitor General that when a banker takes charge of extremely valuable securities every care for their safety ought to be supplied, and that such was not taken may be presumed from the fact that additional precautions have been adopted since this loss occurred. The fallacy of such an argument is shown in a case in the Exchequer which we report to-day. There a pointsman had run an engine on to a branch line and caused damage for which the company was sued. The engine was a runaway, the one man in charge of it, who for twenty years had single-handed taken it to be coaled, having fallen in a fit. Since the accident the company took precautions to prevent a recurrence of the catastrophe. It was argued that this fact was evidence of negligence previous to the catastrophe; but the court held not, Mr. Baron Bramwell observing that because the world grows wiser every day it is not to be concluded that it was foolish before. The argument is a very seductive one, and likely to lead to error.—*Law Times.*

A WARNING.

A solicitor at Braintree has been sentenced to twelve months' imprisonment for appropriating to his own use the moneys of his client. This is, we believe, the first time that the offence, which is only too common, has been punished by indictment; plundered clients having been ignorant of the remedy or reluctant to enforce it. Now that it is known there can be no doubt that it will be more frequently resorted to by those whose confidence has been betrayed. Nor in the true interests of the Profession can we object to the law itself or its enforcement. In very truth there is no real difference between robbery by appropriating the money which clients have confided to the care of a solicitor, or which he has received for them in the course of business, and picking a pocket, or robbing a till. If anything, the solicitor is guilty of the greater crime, for he adds breach of trust to theft, and uses the confidence of his employer for the purpose of robbing him. No excuse whatever can be offered for this crime, for no circumstances whatever will justify a solicitor in using for his own purposes the money which he holds in trust for others, whether that money has been given to him by his client for investment, or whether it has been received by him for his client. The moment he applies any portion of that money to his own use, he is guilty of dishonesty, and has committed a crime, even if done with design to refund it.

We fear that the offence of thus misappropriating the property they hold in trust is more frequent than the public are aware. It results from the practice, against which we have so often and earnestly warned our readers, of mingling their clients' money with their own—a course to be sedulously shunned by every prudent solicitor. Debts recovered, purchase moneys received, rents collected, and such like, are too frequently paid to the private account of the solicitor at the bank; he cannot, or will not, distinguish what of the balance is his own, and what the property of others which he holds in trust; he draws upon the whole balance for his private uses, invades the property of his client, deluding his conscience with the suggestion that he does not know what is his own, averts some present pressure by the tempting crime, in the vain hope that something may turn up to save him. It is thus that hundreds of solicitors have been brought to ruin in times past, and if the Woodbridge example should be followed, it is thus that many will hereafter be brought to the felon's dock and the convict's prison.

The warning we have given before we would emphatically repeat now. Make it an inflexible rule never to mingle your client's money with your own. Keep a separate account at the bank and pay over whatever you receive for a client with the least possible delay. By observing this rule, you will avoid the double risk of temptation and of error. You will both gain clients and keep them; for there is nothing that so recommends a solicitor to men of business as prompt paying over of debts collected and moneys received, and it will promote your peace of mind as much as it will advance your prosperity.—*Law Times.*

CURIOUS TENURES.

Ludewell, County of Oxford.—Robert de Eston and Jordan de Wotton hold of our lord the King one hide of land, in the town of Ludewell, by the serjeanty of preparing or dressing the herbs of our lord the King in Woodstock.

Margery de Aspervil held one yard-land † of

† The quantity varies in different places from 16 to 40 acres.