

The Legal News.

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The case of *Bunnell v. Stern*, before the New York Court of Appeals, shows that the extension of accommodation for customers in places of business involves increase of responsibility. The Court (Dec. 2, 1890) held that a merchant who sells ready-made cloaks at retail, and provides mirrors for the use of customers while trying them on, and clerks to aid in the process, thereby impliedly invites his customers to take off their wraps and lay them down in the store, and is bound to exercise some care over such wraps. Where the merchant provides no place for keeping wraps, and does not notify customers to look out for their wraps themselves, nor give any directions to his clerks on the subject, he is liable for the loss of a wrap laid on the counter by a customer while trying on a cloak, as the omissions above mentioned indicated that he did not exercise any care whatever. The Court said:—"The defendants kept a store, and thus invited the public to come there and trade. In one of its departments they kept ready-made cloaks for sale, and provided mirrors for the use of customers in trying them on, and clerks to aid in the process. They thus invited each lady who came there to buy a cloak to remove the one she had on, and try on the one that they wished her to purchase, because the invitation to do a given act extends by implication to whatever is known to be necessary in order to do that act. It is not perceived, that under the circumstances disclosed by the evidence, the obligation of the defendant would have been greater or in any respect different if one of their number had met the plaintiff on the street, and had not only expressly invited her to come to the store and buy a cloak, but had also requested her to take off her wrap and try on the one that he offered to sell her. The clerk who waited upon her stood in the place of the defendants as long as she was engaged in the line of her duties, and no claim is made that she at any time exceeded her authority. Therefore

when she led the way to the second mirror, and stood before it holding the new garment in her hands in readiness to help the plaintiff try it on, in legal effect one of the defendants stood there inviting her to try it on, and to lay aside her wrap for that purpose. She accepted the invitation, and removed her wrap, but as she could not hold it in her hands while she tried on the other, it was necessary for her to lay it down somewhere. No place was provided for that purpose. There was not even a chair in sight. She was neither notified where to put it, nor informed that she must look out for it, as it would be at her own risk whatever she did with it. She put it in the only place that was available, unless she threw it on the floor, and as she did so, in contemplation of law, the defendants stood looking at her. Under these circumstances we think that it became their duty to exercise some care for plaintiff's cloak, because she had laid it aside upon their invitation, and with their knowledge, and without question or notice from them, had put it in the only place that she could. The consideration for the implied contract imposing that duty resided in the situation of the plaintiff and her property, for which the defendants were responsible, and in the chance of selling the garment that she had selected."

Few lawyers are able, or care, to lay up much of the treasure for which thieves break through and steal, but among the estates bequeathed by members of the profession in England during the past year there are several examples of considerable accumulations. Mr. John Clayton who attained the venerable age of 98, left in personalty £728,746, besides real estate of large value. Mr. Justice Manisty, who died at the age of 81, left personal estate valued at £122,815. Mr. David Milne Home, after living to the age of 85, left £121,226. Mr. Charles Bull left £133,358, and Mr. Hubert Martineau £104,000. Two wealthy Recorders died at a good old age. Mr. J. J. Johnson, Q.C., recorder of Chichester, lived 78 years and left £70,610. Mr. Thomas Belk, recorder of Hartlepool, attained the age of 83 and left £76,000.