

Ship entered into between the Lyon the Ass and a Fox. These having laden a
Drugg, the Lyon and the Ass make the Division, who fairly divided it into three
equal Parts. At which the Lyon offended here the poor Ass in pieces; and the
Fox divide it, who gave all to the Lyon reserving Nothing to him.
The Lyon approving what he had conceived him who had taught him to do
so? To which the Fox replied, the Calamity of the Ass. You have acted justly
said the Lyon, for the first Part is mine but the Privilege of my Quail,
who are your King; the second is mine, because I took most pains for it,
and the third, because I le have it in spite of your Teeth. It doth also agree
with the Nature of Partnership to stipulate, that the whole Profit and Loss
should go to one of the Partners. If the Portion of the gain only to several,
the respective Partners be expressed, those of the Loss will be requited upon
same Foot. And the mentioning only what Part of the Loss every one must
bear, imports that they shall share of the gain in the same Proportions.
Inst. de Societ. Because secundum naturam est, commoda causas rerum
qui, quem sequentur incommoda. l. 10. ff. de reg. jur.

Partnerships are limited to the commodities or other peculiar Subjects themselves, and do not extend to other Things which were not to be joined common l. 52. §. 6. ff. pro Socio. But it is in that different from other Contracts, that in every other Contract the Engagement of Parties are limited and regulated by its particular Nature; whereas Partnership has, like the Office of Tutor or negotiorum gestor, a general Extent to all sorts required by Engagements of the different Affairs and of the several Contracts into which the Partners do enter.

the Partners. If Money was to be carried a Journey in order to buy some-
thing for the publick Account, and it happens to be robbed on the Way,
the Community bears the Loss of it, altho' it was not yet laid out on their
Account: Because it was on the Community's Account that it was carried,
and the Partner's Destination of it to the publick Use was accomplished
on his Part. So that the Money was transported on the Dorsel of the whole
Company. But if the Money which a Partner used to furnish for buying of
Merchandise perishes in his own Hands before he has put it into the common
Chest or paid it out on the common Concern, the Loss is his own l. 58. s. 6. ff.
pro Socio. If a Partner suffers any particular Loss in doing a Business of
the Community, as if he exposes himself to any Danger, and for instance, in a
Journey which he makes for the common Affairs is robbed of his Goods, or of
the Money which he carries with him for an Affair of the Company, or for the
Expenses of his Journey, or that he himself or any one of his Servants is wounded:
These Kinds of Losses will be made good to him out of the joint Stocks for
it was the Affair of the Community that brought him upon them, viz. Nothing
in his Part gave Occasion to it l. 52. s. 4. l. 60. ff. pro Socio. But if the
Partner were robbed of his own Money which he carried with him for his own
particular Affairs the Loss of it would fall upon himself, because it was for
his own Affairs that he carried it: And the Occasion of the ~~Loss~~ Conve-
nience which the Affair of the Community gave him to do so not ex- B. l. 11. ff.
ought not to be prejudicial to the Copartners See Lex Civica l. Item l. Post. l.
Liv. s. l. t. s. Sect. 1. Art. 17.