

The Legal News.

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In the City of London Court, on Sept. 2, before Judge Kerr, in the case of *Baggs v. Hodgson*, an important question was raised affecting the liability of restaurant proprietors for the loss of their customers' property. The defendant was the owner of the Raglan Hotel, Aldersgate Street, and the plaintiff (according to his solicitor's statement) went there to take his lunch. While there the defendant's wife, who assisted him in the business, asked the plaintiff to let her move his coat from where he had placed it behind the chair to some other place which would be more convenient, and make room for other customers who had come in. The plaintiff demurred to that being done, but the request was repeated, and then he allowed his coat to be moved. The defendant's wife hung the coat up, but afterwards it could not be found. It had been stolen, and the plaintiff therefore asked to be recompensed for the loss he had sustained. The question turned on the relationship existing between the plaintiff and the defendant, and whether they stood in the position of guest and innkeeper. The defendant's solicitor said the defendant's establishment was a restaurant. On the question of law the defendant could not possibly be held liable for the loss of the plaintiff's overcoat. His Honor said the plaintiff did not go as guest to an innkeeper. He went for his lunch, and that was all the difference. The law gave the plaintiff no remedy for the loss he had suffered. There must be judgment for the defendant, with costs. The above decision is rather incomprehensible. It certainly could not be sustained under our law, and we may refer to the analogous case of *Bunnell v. Stern*, before the New York Court of Appeals, to show that in New York State a different conclusion was arrived at. In *Bunnell v. Stern*, a customer took off her wrap in a shop in order to try on a cloak, and it was held that the shopkeeper was responsible for the wrap. The Court remarked: "Under

the circumstances we think it became the defendants' duty to exercise some care for the 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 (on the counter)."

The Green Bag has the following anecdote relating to circumstantial evidence:—"Some years ago, in one of our smaller New England cities, there occurred a succession of fires, evidently of incendiary origin. They were clearly the work of the same hand, and so skilfully executed that for a long time no trace could be found of their author. Every one was alarmed, every one was on the watch, and a large reward was offered for the detection of the 'firebug.' Private and public buildings were set on fire, the churches were not spared, and in no instance could a motive be assigned for the act. At last an attempt failed, and by the side of the building was found a wooden box filled with combustible material on which kerosene had been poured. In the box was found a St. Paul newspaper. The detective employed to work up the case found that only one man in the place received this paper, a carpenter, a man of good family and irreproachable character, with some property, apparently inoffensive, and one of the last persons to be suspected of crime. In his absence his shop was examined, and it was found that the boards of which the box had been made had been sawed from boards still in the shop, as was shown by putting the parts together, when every little vein in the two parts matched, as no pieces if the world were hunted over would do if they had not once been part of the same board. It was noticed also, that the nails had been driven into the boards with a hammer having a dent on its face, and a hammer with this same dent was found in the shop. The man was arrested, and though not a particle of direct evidence could be found against him, the three circumstances—the St. Paul newspaper, the matching of the boards, and the dent in the hammer—so impressed the jury, one member of which was a carpenter, that he was convicted, and was without doubt guilty, as all, even