supported by any authority whatever, and wholly inconsistent with the principle upon which the liability of innkeepers rests. And the same rule was held good by Chief Justice Bronson in the case of *Mall* v. *Cook* (3 Hill, 485), and reiterated in the case of *Macdonald* v. *Egerton* (5 Barb., 506), and *Bennett* v. *Mellor* (5 Term R., 273), and this safe doctrine was re-announciated in the late case of *Gile* v. *Libby* (36 Barb., 741). In the case of *The Woollen Company* v. *Proctor* (7 Bushing, 417), where an agent of the Company was robbed at the inn of a large amount of money belonging to the Company, it was held that a recovery was not limited to travelling expenses, and certainly the case at bar is a much stronger case in favor of the plaintiff than the one last cited, for there the agent was robbed by some outside party, of money not his own, but here the plaintiff was robbed of his own money, by one of the servants of the innkeeper. In North Carolina, it was held, in the case of *Treaton* v. *Hay*, that a traveller alighting at an inn, and delivering his saddle bags, containing a large amount of money, to a servant, but did not inform the innkeeper that there was money in the bags; the money was stolen, and the tavernkeeper was held liable. See also the case of *Dwight* v. *Brewster* (1 Peck, 50), and *Taylor* v. *Monnot* (4 Duer [in this Court], 116), where a similar doctrine is maintained, and Mr. Justice Story lays down as an elementary principle a doctrine that completely meets this case. He says, at chapter 6, section 481, page 456, of his Commentaries: "So the innkeeper will be liable for the loss of the money of his guest, stolen from his room, as well as for his goods and chattels, and that this liability extends to all the movable goods and money of the guest, placed within the inn, and is not confined to such articles and sums only as are necessary and designed for ordinary travelling expenses of the guest."

But why enumerate cases; the doctrine is as old as our common law. Indeed, to hold a contrary rule, without authority or precedent, is to cast loose from the safe moorings of the old common law, rendered dear to us by the adjudications of the most learned men of the Bench, for centuries past, both in the old and new worlds, and I am satisfied that a contrary doctrine would be terrible in its effects in this great commercial community of ours, where our business men necessarily spend a large portion of their time at inns, in the pursuit of their calling.

This much I have said on the clearly adjudicated cases. Now, let us see what the ablest elementary writers say on the subject, and for that purpose I shall only cite a few of the most eminent of English and American writers. Sir William Blackstone, from whom every willing student draws the true maxims of sound law, says (1 Black. Com., 430): "If an innkeeper's servant robs his guest, the master is bound to restitution, for as there is confidence reposed in him that he will provide honest servants, his negligence is an implied consent to the robbery." This elementary principle completely covers the case under consideration.

Our great commentator, Chancellor Kent, in speaking of the liability of innkeepers, lays down this clear and undisputed principle, that the innkeeper is bound absolutely to keep safe the property of his guest deposited within the inn, whether the guest acquaints the innkeeper that the goods were there or not. Moreover, he says the responsibility of the innkeeper extends to all his servants, and to all goods and chattles, and all moneys of the guest placed within the inn, and he adds that the safe custody of the goods and money of the guest is a part of the contract to feed and lodge for a suitable reward, and then it is not necessary to prove negligence in the innkeeper, for, says he, "it is his duty to provide honest servants." What can be plainer than this, and what can be more in consonance with common sense, as well as clear common law, and I am satisfied this doctrine will put to violence the theories that there is no consideration for the extra risk entered into by the innkeeper for keeping the money; the consideration is the enormous charge of the innkeeper for the entertaining and caring for his guest.

To the lawyer and scholar, the names of Sir Wm. Blackstone and Sir Wm. Jones on the one side of the ocean, and Chancellor Kent and Justice Story on this, will be sufficient for my purposes in this case until some author or some case is cited, showing clearly that a contrary doctrine should obtain. It must follow, therefore, and I am satisfied from all my research that the rule of law, to wit, that the innkeeper is responsible for all moneys deposited with him, is the correct and standard rule.

This is not the first instance this vague question of travelling expenses has been interposed by innkeepers and urged by their counsel, in order to avoid their responsibility, but it has always been repelled, and it will be seen that, in many of the cases I have cited, the question has been treated and disposed of by a flat denial of such a dangerous doctrine.

The rights of parties, and such important rights as these under consideration, affecting, as they do, in their results, our whole travelling community, must be determined by sound law, handed down to us by the most eminent men, and not by any vague, undeterminate and partial usage or *dicta* of persons or places. A strict adherence to this principle is particularly essential, in this day, to sound and consistent administration of justice, and a departure from such a course works great injustice—for no man could know what were his rights or his duties, unless they are clearly defined by the precedents of the earlier times, declared by those great living lights and champions of just and wholesome law.

The judgment should be affirmed with costs. —*N. Y. Transcript.*

Supreme Court of Errors of Connecticut.

William Morris *v.* Delos Platt and Another.

A man who is assaulted under such circumstances as to authorize a reasonable belief that the assault is made with a design to take his life, or inflict extreme bodily injury, will be justified, in both the civil and criminal law, if he kill or attempt to kill his assailant.

The question whether the belief was reasonable or not must be passed upon by a jury, but a person does not act in such a case at the peril of making that guilt, if appearances prove false, which would be innocence if they proved true.