

necessary purposes, or where he may temporarily leave the car, leaving his personal baggage there.

The passenger's contributory negligence will, of course, bar a recovery. The passenger was held to be guilty of contributory negligence when, on getting out of his berth in the morning, he went to the lavatory, leaving in the pockets of his vest under his pillow his watch and a large sum of money.

It does not affect the case at all that the property of the passenger is in his own possession and custody. As well put in the Blum case: 'It is undoubtedly the law that where a passenger does not deliver his property to a carrier, but retains the exclusive possession and control of it himself, the carrier is not liable in case of a loss, as, for instance, when a passenger's pocket is picked, or an overcoat or satchel is taken from a seat occupied by him. Upon this theory, it is insisted by defendant that it cannot be held liable for negligence, inasmuch as the clothing and effects of its guests are never formally delivered to it. I cannot for a moment accede to this proposition. It is scarcely necessary to say that a person asleep cannot retain manual possession or control of anything. The invitation to make use of the bed carries with it an invitation to sleep, and an implied agreement to take reasonable care of the guest's effects while he is in such a state that care, upon his own part, is impossible. There is all the delivery which the circumstances of the case admit.'

The liability of the company extends to his clothing and personal ornaments, the small articles of luggage usually carried in the hand and a reasonable sum of money for his travelling expenses. The word 'baggage' has no special or restricted meaning when applied to such articles as the passenger may carry with him in his valise instead of placing in a trunk or delivering to the baggagemaster of the railroad, but has the meaning which I have already pointed out. Hence the liability of sleeping-car companies for a loss resulting from a failure to keep reasonable watch over, and to use reasonable diligence to protect, its patrons' baggage extends to such articles of baggage as are ordinarily or usually carried by travellers in like situation, in valises which they carry with them into the car, provided they would be considered baggage in an action against an ordinary carrier of passengers. But it does not extend beyond this so as to cover money