

*Wright v. Anderton*, *ubi. sup.* And the innkeeper's pecuniary liability is only limited by the Innkeepers' Liability Act, 1863 (26 & 27 Vict. c. 41), which legislation, as it affects the present inquiry, amounts to this, that where the innkeeper can prove that a complete (*Spice v. Bacon*, 36 L.T. Rep. 896; 2 Ex. Div. 463) print in plain type of the exempting section of the Act was exhibited "in a conspicuous part of the hall or entrance of the inn," and neither the innkeeper nor the guest proves that the injury or loss was due to negligence for which the other is responsible, then, although the value of the article or articles of apparel lost be more than £30, the guest can recover no more than that sum: (*Medawar v. Grand Hotel Company*, 64 L.T. Rep. 851; (1891) 2 Q.B. 11).

It is, we think so extremely important in the case of a damage or loss to discern, in the very first place, whether the remedy arises from the owner being a guest at an inn, or from a liability as bailee either gratuitous or for reward, or for some other relationship existing between the owner and another person, and then, having done so, to keep the fact ever in mind, that we will select four suggestive and typical illustrations which may further elucidate the problem, and exhibit its many undecided difficulties.

1. Suppose that a wayfarer or traveller goes to an hotel to get a meal, and on entering the dining room hangs an overcoat on a peg; and that when he finished his repast, the coat is missing. Here there is sufficient evidence to establish the relation of innkeeper and guest, so as to make the hotel proprietor liable for the loss—subject, of course, to the limitation imposed by the Innkeepers' Liability Act—without proof of negligence on his or his servant's part, unless he can prove the loss arose from the negligence of the guest: *Orchard v. Bush and Co.*, 78 L.T. Rep. 557; (1898) 2 Q.B. 285. And if, instead of being missing, the coat were found to have been injured, the innkeeper would be liable for the injury, subject to the like limitation, as it seems clear that no just distinction as regards responsibility can be established between injury and loss: *Day v. Bather*, 2 H. & N. 14.

2. Again, take the case of a man, whether a traveller or not, entering a restaurant, not attached to or part of an hotel, who