

carrier from any of his responsibility for its safety, as a common carrier, in the absence of negligence on the part of the passenger contributing to its loss, unless forbidden by a regulation of the vessel, or otherwise specially prohibited, or unless it appears as a matter of fact that the passenger has taken it into his charge *animo custodiendi*, to the exclusion of the carrier, the assignment to the room being generally 'a designation of the place in which the traveller may put his ordinary baggage,' without excluding the custody of the carrier.

*Sleeping Cars.*—It is well settled that a sleeping-car company, so far as its responsibility for the baggage and valuables of passengers is concerned, is not a common carrier. And it is also denied—although the car might well be likened in many respects to a moving inn—that his responsibilities are those of an innkeeper. The sleeping-car proprietor is, however, bound to take reasonable care to protect the property of the passenger, especially while he is asleep, and for any neglect of his duty he will, in the absence of contributory negligence on the part of the passenger, be responsible. It must, therefore, keep a watch during the night, see to it that no unauthorized persons intrude themselves into the car, and take reasonable care to prevent theft by the occupants. Thus negligence was held to be present so as to render the company liable—where property in the plaintiff's berth was stolen while he was asleep, both the conductor and porter being asleep at the rear end of the car for two or three hours, leaving the front door unlocked and a brakeman sitting in the front end of the car; where, on the occasion of a similar theft, the conductor was absent from the car for a distance of eighty-four miles, having left the train altogether, leaving no one about the car but the porter, who was engaged in blacking boots in a room at the end of the car; where the plaintiff, having occasion to open her valise, which was in her berth, was assisted by the conductor, who, instead of returning it to the berth, said it would be perfectly safe in the unoccupied seat opposite, and himself placed it there, from which place it was stolen in the night.

This duty does not terminate with the period during which the passenger is actually asleep, but it extends to keeping a reasonable watch over such of his necessary baggage and belongings as he cannot conveniently take with him, nor watch himself while he is absent from his berth preparing his toilet, or for other