

the elevator is for his convenience. So as to the tenant of an office building. In neither case are others entitled to use the elevator except for the presumptive benefit of the guest or tenant. The guest or tenant may be said to have purchased the elevator privilege. Others are licensees through such right. The invitation to the general public as to those not guests or tenants would appear to be thus limited. But, if so, why should one such have any right against the elevator owner unless at least he go to a hotel or an office building upon the guest's invitation or tenant's business, or in furtherance, even though in a general way, of the guest's pleasure or the tenant's business? The case of *Fraser v. Harper House Co.*, 141 Ill. App. 390, was in favour of a guest, and the distinction we discuss was not considered. The case of *Sweden v. Atkinson Improvement Co.* (Ark), 125 S.W. 439, was that of an office building, and the rule was generally stated.

But whether the rule as to this strictness be limited to tenants and guests or not, there does not seem to have been any necessity for its announcement in the *Hanks* case, as the plaintiff's son was working in the shaft of an elevator and was killed by a descending elevator. That was not a passenger case at all.

An elevator for hotels and office buildings is just a substitute for stairways. Its use is for convenience if there are also stairways, and we doubt greatly whether it would be held that the keeper of a stairway is bound to the same degree of care in its proper use as a railroad of its roadbed.

The case of *Shattuck v. Rand*, 142 Mass. 83, ruled that the owner of an apartment hotel was not liable for injuries sustained by the city shutting off the water, from elevator machinery, if he did not know and could not learn by the exercise of reasonable care that there was danger from its being shut off. Here the rule seems to be reasonable, not extraordinary care. It seems to us that something else is needed than the common law rule for that high degree of care applicable to common carriers.—*Central Law Journal*.