

with him, and which he dropped from the window of the car while attempting to lower the sash.

*Carriers by Water.*—Some light may be shed upon this subject by a brief examination of the decisions in regard to the liability of a carrier by water for property of the passenger kept in his own possession and not delivered to the carrier for custody. The passenger by ship or vessel is usually assigned a room like a guest at an inn, in which to sleep, and to which he takes such articles as he requires for his personal use during the trip or voyage. And it has been asked, is not the carrier, so far as he provides this separate place to sleep, acting in the capacity of an innkeeper, and subject to the same liability as is the innkeeper for the baggage of his guests in their rooms? This question was ably discussed by the Supreme Court of Michigan in *McKee v. Owen*, where a female passenger occupying a stateroom on a steamer, upon going to bed at night, rolled up her dress, with her portmonnaie, containing a sum of money, in its pocket, and laid it upon the upper berth of the stateroom. During the night the money was stolen through a broken window of the stateroom. She brought an action against the owner of the vessel to recover for the loss, and the court below instructed the jury that, having retained the money in her possession, she could not recover.

The apparently conflicting views of the courts, in the case of carriers by water, may be easily reconciled when the kind of property for which recompense is asked is considered; and a distinction will be found to exist between (a) property which the passenger carries about his person, and (b) property which, for his convenience merely, he takes to his room instead of delivering to the baggagemaster or other proper officer of the boat.

(a) As to articles carried upon or about the person—the clothing he is wearing, the watch or jewelry carried in his pocket, the money in his purse, or the like—it seems to be generally settled that the carrier is not liable, because there has been no delivery to him, and the question of the carrier's negligence and want of care is not material.

(b) As to the ordinary baggage of passengers by ships and steamboats, the best considered of the cases support the statement of the law as made by Mr. Hutchinson in his work on Carriers, viz., that their baggage may be taken by them into the staterooms which are assigned to them, without relieving the