

generally sufficient that they are within the inn under his implied care, and as soon as the goods are brought into the inn, though there is no actual delivery of the goods, nor any notice of them given to the innkeeper, this custody begins. If he desires to avoid liability for their loss on injury he must give the guest direct notice. Hanging up a coat in the place allotted for that purpose is placing it *infra hospitium*, that is in charge of the innkeeper and under the protection of the inn, though it is done in the absence of the landlord and his servants: *Orchard v. Bush* (1898), 2 Q.B. 284; *Norcross v. Norcross*, 53 Me. 163. Wills, J., in his judgment in the *Orchard Case* remarked, "I think a guest is a person who uses the inn, either for a temporary or a more permanent stay, in order to take what the inn can give. He need not stay the night. I confess I do not understand why he should not be a guest if he uses the inn as an inn for the purpose of getting a meal there," and further "The innkeeper's liability is said to arise because he receives persons *causa hospitandi*. I cannot see why he receives them less *causa hospitandi* if he gives them refreshment for half a day, receiving them in the same way as other persons are received, than if they stay the night at his inn. It makes no difference that he receives a large number of people who only take a meal at the inn. He does receive them, and as an innkeeper, and his liability as an innkeeper thereupon attaches in respect of them"; and Kennedy, J., remarked, "I agree that, on the facts of this case, the plaintiff was a traveller; but apart from the question whether he was a traveller or not, I am of opinion that if a man is in an inn for the purpose of receiving such accommodation as the innkeeper can give him he is entitled to the protection the law gives a guest at an inn."

In *Norcross v. Norcross*, 53 Me. 163, the facts were very much the same as in the case before. It was decided that plaintiff was a guest and that the innkeeper, the defendant, was liable for the loss of the coat; that if a guest, in the absence of the landlord and his servants, hang up his coat in the place in an inn allotted for that purpose, it is *infra hospitium*.

In *Bennett v. Mellor*, 5 T.R. 273, the plaintiff's servant took goods which he had been unable to sell at the weekly market, to the defendant's inn, and asked the defendant's wife if he could leave them till the week following. She answered she could not tell, for they were full of parcels. The plaintiff's servant then sat down in the inn and had some liquor. He put the goods on the floor behind him, whence they were stolen. It was