

baggage placed at the passenger's request in the same compartment in which he intends to travel, and cannot be made to compensate him if baggage so placed is lost or stolen without any negligence on its part.

The American authorities seem to agree that a railroad is not responsible as a common carrier for an article of personal baggage kept by a passenger exclusively within his control, unless the loss arises from the neglect of its agents and servants, thus regarding the carrier in such a case as a bailee for hire and not an insurer. But in the following case negligence of the carrier was held to be proved, and he was held liable, viz.: Where a passenger, on leaving the car at a station for the purpose of getting his dinner, inquired of an employee in the car whether his baggage would be safe if left in the car, and was told to leave it there; that it would be safe. He left it in the car, and on his return found that the car had been detached from the train and his baggage removed to another car, where he could have a seat. On going to this car he found only part of his baggage. No notice of the change had previously been given to him. In *Hannibal, etc., R. Co. v. Swift*, baggage and munitions of war were being transported by the defendant railroad, and it was urged that the carrier was not liable as such for their loss, because a guard of soldiers went with the train to protect the property from the public enemy. But the court said: 'The control and management of the car or of the train by the servants and employees of the company were not impeded or interfered with; and where no such interference is attempted, it can never be a ground for limiting the responsibility of the carrier that the owner of the property accompanies it and keeps a watchful lookout for its safety.'

(c) 'All the books agree that if the negligence of the passenger conduces to the loss of the goods, the carrier is not responsible.' Thus where a passenger, on leaving the train at his destination, forgot to take his overcoat, which he had placed on the seat beside him, the carrier was held not liable, the court saying: 'The loss in this case occurred through the gross neglect of the plaintiff. Common sense and attention on his part would have prevented it. A passenger might as reasonably complain because he had forgotten to leave the cars at the point of destination and been carried beyond it, as to do so in a case like the