

self, 'because the horse must be fed, by which the innkeeper has gain; otherwise, if he had left a trunk or a lead thing.' In *Bennett v. Mellor*, 5 T. R. 273, in 1793, an action for the value of goods stolen from an inn, the plaintiff's servant had taken the goods in question to market, and not being able to dispose of them went with them to the defendant's inn, and asked the defendant's wife if he could leave the goods there until the next market-day. She refused, and the plaintiff's servant then sat down in the inn and had some liquor, putting the goods on the floor behind him. When he got up, after sitting there a little while, the goods were missing. A verdict was, on these facts, found for the plaintiff, and, in reporting the case upon a motion for a new trial, Mr. Justice Buller observed that he was of opinion that, if the defendant's wife had accepted the charge of the goods upon the special request made to her, he should have considered her as a special bailee, and not answerable, having been guilty of no actual negligence; but, that not being the case, he considered it to be the common case of goods brought into an inn by a guest and stolen from thence, in which case the innkeeper was liable to make good the loss in accordance with *Calye's Case*, 1 Sm. L. C. 8th edit. p. 140. This view was confirmed by the Court of King's Bench. In *Farnworth v. Packwood*, 1 Stark. 249; and *Burgess v. Clements*, 1 Stark. 251, where private rooms had been taken in an inn by travellers for the exposure and sale of goods, and it was held that a guest who takes exclusive possession of a room for such a purpose, and not *animo hospitandi*, discharges a landlord from his common law liability. In *Jones v. Tyler*, 3 Law J. Rep. K. B. 166; 1 A. & E. 522, an innkeeper was asked on a fair-day by a traveller driving a gig whether he had room for the horse, and he thereupon put the horse into his stable, received the traveller with some goods into the inn, and placed the gig in the street, whence it was stolen, and it was held that, as he had the benefit of the guest and provided provender for the horse, he was liable. In *Stravuss v. The County Hotel and Wine Company*, 53 Law J. Rep. Q. B. 25, the plaintiff arrived at the defendants'

hotel with the intention of spending the night there, and delivered his luggage to one of the hotel porters, but after reading a telegram decided not to spend the night there, and went into the coffee-room to order refreshments. Being unable to obtain what he required, he went to the station refreshment room, which was under the same management as the hotel, and connected with it by a covered passage. Shortly afterwards he went out, telling the porter to lock up his luggage until the time for his train to start, and it was locked up in a room near the refreshment room, but on his arrival on the platform a part of it was missing. In an action against the proprietors of the hotel, the plaintiff was nonsuited upon the ground that there was no evidence that he ever became a guest of the defendants at their inn, and upon argument the nonsuit was upheld, Lord Chief Justice Coleridge saying that he could find no ground for saying that the defendant was in any sense a guest within the defendants' inn at the time when his luggage was lost. In *Medawar v. The Grand Hotel Company*, the case recently before the Court of Appeal (14 Leg. News, 281), the plaintiff went to the defendants' hotel early in the morning, having with him a portmanteau, hat-box, and dressing-bag. He was told that the hotel was full, but that there was a room engaged by persons who had not arrived which he could use for washing and dressing, and he was shown up, and his luggage was taken to this room. He there opened his dressing-bag and took out a stand containing, amongst other things, a jewellery case, and having washed and dressed went down to breakfast, leaving the door of the room unlocked and the stand on the dressing-table. After breakfasting, he paid for his breakfast, went out, and did not return till late at night. On asking for his room he was told that he had none, and it appeared that the persons who had engaged the room had arrived, and that on their arrival one of the defendants' servants had removed the plaintiff's luggage into the corridor, leaving the stand, as it was, out of the dressing-bag. On the luggage being brought to a room which had been found for him, the plaintiff found that some of the