

time the persons who had engaged the room arrived, and the whole of the plaintiff's luggage was placed, just as it was, in the corridor by the defendants' servants. When the plaintiff returned at night he asked for his room, and was told he had none. Ultimately it was found that a room had been vacated since the morning, and the plaintiff's luggage was brought from the corridor and placed in it, the plaintiff's name being then entered for the first time in the guest book of the hotel. The next morning the plaintiff discovered that jewellery had been stolen from an unlocked drawer in his dressing case.

*In an action against the defendants for the value of the jewellery: Held, that assuming the relation of innkeeper and guest to have continued between the plaintiff and the defendants until the arrival of the other guests, the onus was upon the defendants to show that the loss occurred before the removal of the luggage to the corridor, and consequently through the plaintiff's negligence alone, which they had failed to do; but that, as to any loss exceeding £30, the onus was upon the plaintiff, under 26 & 27 Vict. ch. 41, to show that it arose through the willful act, default or neglect, of the innkeeper or his servant, and that as the plaintiff had not shown that the loss occurred after the removal of the luggage to the corridor, he had not fulfilled that onus, and was not entitled to recover more than £30. Held, also that the true inference to be drawn from the facts was, that the relation of innkeeper and guest continued between the plaintiff and the defendants from the time of the plaintiff's arrival at the hotel till the arrival of the guests who had engaged the room where his luggage was.*

This was an appeal from the judgment of Smith, J., after the trial of the action before him without a jury at Liverpool.

The facts are fully stated in the head-note, and in the following written judgment of

SMITH, J. The plaintiff sued the defendants, who are innkeepers, for damages for loss of four trinkets, namely: a ring, valued at £35; diamond studs, valued at £15; a pearl breast pin, valued at £50; and a diamond ring, valued at £80—£140 in all—

which I find were stolen while in the defendants' hotel. There was a conflict of evidence as to the terms upon which the plaintiff was, with his luggage, received into the defendants' hotel, as well as to other matters, and the following are what I find to be the true facts of the case: On the night and morning of the 27th and 28th of March, 1890, the plaintiff travelled to Liverpool to attend the grand national steeplechase, which was run on the latter day. He arrived by train timed to reach Liverpool at 6 A. M. on the morning of the 28th. Early on that morning he went to the defendants' hotel, having with him three articles of luggage, namely: a portmanteau, a hat box, and what is termed a dressing case bag. Upon arrival at the hotel he asked for a bed room. He was told by the manageress that the hotel was full, that he could not have a bed room, but that there was one room on the fourth floor then vacant—namely, No. 97—which was engaged by and retained for a lady and gentleman who were expected to arrive during that day, but that the plaintiff could then utilize it for the purpose of washing and dressing. The plaintiff was thereupon shown up to No. 97, and his luggage was also taken up into it by the hotel porter. There was posted up in the hall of the hotel a notice pursuant to 26 and 27 Victoria, chapter 41, and at the foot thereof in leaded type was printed: "For the safe custody of money and valuables visitors are requested to apply at the office. By order." There was also hung up over the washing stand in No. 97 a printed table of charges and regulations, amongst which was as follows: "The proprietors will not be responsible for property lost in the hotel unless the same be deposited at the office and a receipt taken (*vide* 26 & 27 Vict. chap. 41, § 1), and as a matter of precaution request that visitors will bolt and lock their room doors at night." There was also pasted upon the inside of the door of No. 97, just above the door handle, the following notice: "Visitors are respectfully requested to lock and bolt their room doors at night." There was a key in the lock of this door, with a label attached with the number of the room thereon, so that the door could be locked and the key taken had it been desired to