

No. 78.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

**An Act for the protection of Hotel Keepers
from liability in certain cases.**

Received and read first time, Friday, 5th
April, 1861.

Second reading, Monday, 8th April, 1861.

Mr. BENJAMIN.

QUEBEC.

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An Act for the protection of Hotel Keepers in certain cases.

WHEREAS it is expedient to limit and declare, and place upon an equitable basis, the liability of Hotel Keepers and their guests for loss of moneys, jewels or ornaments belonging to or in the custody of such guests: Therefore, Her Majesty, &c., enacts as follows :

Preamble.

- 5 L. Whenever the Proprietor, Tenant, Keeper or Manager of any Hotel in this Province shall provide a Safe in the Office of such Hotel, or in some other place in such Hotel, suitable or convenient for the depositing and safe keeping of moneys, jewels, ornaments or valuables, and, for the purpose of providing a safe, suitable and convenient
10 place for the deposit of moneys, jewels, ornaments or valuables of his guests, and whenever such Proprietor, Tenant, Keeper or Manager, shall notify the guests of his said Hotel, generally or specially, of such provision, by posting a written or printed notice that such safe has been provided, and that such guests are at liberty to deposit their moneys,
15 jewels, ornaments and valuables therein, for safe custody during their stay in such Hotel, on the inside of the door of the room or rooms occupied by the guest or guests to whom such notice may be from time to time applicable, in a conspicuous manner and in the English and French languages; then if any such guest or guests shall thereafter neglect to
20 apply to such Proprietor, Tenant, Keeper or Manager, to be allowed to deposit such moneys, jewels, ornaments or valuables in such safe, and therefor to make a tender for that purpose of any such moneys, jewels, ornaments or valuables, the Proprietor, Tenant, Keeper or Manager of such Hotel shall not be liable for any loss of such moneys, jewels,
25 ornaments or valuables, not deposited in such safe, sustained by such guest or guests whilst staying in such Hotel, whether the same shall occur by theft or otherwise: Provided always, that the liability of every such Proprietor, Tenant, Keeper or Manager shall, with respect to all other things not included within the above description of valuables remain as
30 heretofore; and no such Proprietor, Tenant, Keeper or Manager shall be discharged from liability in respect of the loss of articles comprised in this Act, who shall refuse to any guest the privilege of depositing such articles as aforesaid in such place of deposit, on tender to him for that purpose; but the onus of proving the application, tender and refusal
35 shall on the trial of any action by the loser against the Proprietor, Tenant, Keeper or Manager, for the recovery of the value of any such articles lost, or of the said articles themselves, rest upon or with the guest or guests, affirming a liability of such Proprietor, Tenant or Keeper, notwithstanding the provisions of the Act.

Proprietor of an Hotel providing and notifying to his guests that he is ready to keep their money and valuables in a proper Safe:—not to be liable for the loss of those not delivered to him for deposit in such Safe.

Proviso: other liability not affected.

Onus of proof.