

CHAPTER 327

HOTELS AND PUBLIC RESORTS

NOTE: See, Chapter 157 relating to the regulation and protection of health in hotels, restaurants, lodging and boarding houses.

327.01 INNKEEPER'S LIABILITY TO GUEST LIMITED IF SAFE IS PROVIDED.

The rule adopted in this state is that all losses of property suffered by guests at a public hotel or inn from fire are prima facie due to the negligence of the proprietor; but he may discharge or relieve himself from liability by showing that the loss happened by an irresistible force or unavoidable accident, such as a fire originating upon premises over which he had no control, without fault or negligence on his part. *Asseltyne v Fay Hotel*, 222 M 91, 23 NW(2d) 358.

Effect of the maximum liability of innkeepers when the guest's property is stolen by a servant. 13 MLR 615; 14 MLR 419.

327.03 LIABILITY OF HOTEL AND INNKEEPER.

The court properly regarded the relation between the parties as that of innkeeper and guest which placed the burden of proving itself free from negligence on the defendant. There was ample proof of negligence on defendant's part in failing to rescue plaintiff and his property after a fire started in his room. *Knutson v Fidelity Mutual*, 202 M 642, 279 NW 714.

The general rule is that an innkeeper is responsible for the loss in his inn of the goods of a traveler who is his guest, except when the loss arises from the negligence of the guest, an act of God, or of the public enemy. *Asseltyne v Fay Hotel*, 222 M 91, 23 NW(2d) 358.

327.04 LOSS OR INJURY TO OTHER RECEPTACLES AND APPAREL.

A hotel accepted the ring for delivery to a guest, a manufacturing jeweler who had long been one of its regular patrons, well known to the management. The resulting bailment was for the benefit of bailor and bailee. Where property is lost or stolen while in the hands of the bailee, he has the burden of proof that his negligence did not cause the loss; and plaintiff properly recovered a verdict for the value of the ring. *Peet v Roth Hotel*, 191 M 151, 253 NW 546.

Plaintiff found a wad of paper currency under a rug while decorating a room in defendant's hotel. Such discovery and plaintiff's domination over the money afforded him a valid basis for maintaining an action for recovering possession thereof since possession is in itself prima facie evidence of title. Whether the money so found was abandoned or lost is a fact issue, and the court's finding that it had been abandoned is sustained by the evidence. *Erickson v Synykin*, 223 M 232, 26 NW(2d) 172.

327.05 LIEN OF INNKEEPER.

Distinction between guests, lodgers, and tenants. 22 MLR 1055.

327.09 EQUAL RIGHTS IN HOTELS.

The distinction between certain types of modern boarding houses or similar establishments and inns or hotels is frequently a question of fact to be determined from the circumstances of the case. The proprietor of a public lodging house or boarding house is not bound to accept all who apply but may select his guests and

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contract specially with each, while the hotel keeper must receive all who come in a situation in which they are fit to be received. All losses of property suffered by guests at a public hotel or inn from fire are prima facie due from the negligence of the proprietor; but he may discharge or relieve himself from liability by showing that the loss happened by an irresistible force or unavoidable accident over which he had no control. *Asseltyné v Fay Hotel*, 222 M 91, 23 NW(2d) 358.

327.10 TOURIST CAMP OPERATOR SHALL REGISTER NAME, ADDRESS, AND VEHICLE NUMBER OF GUEST.

Wherever land is developed under a general plan, reasonably restrictive covenants which appear in deeds to all lots sold are enforceable alike by the vendor and by the vendees and by their successor in title; and the restriction on the use of property "for any purpose other than a place of residence" is violated by the erection and operation of ten tourist cabins on a 50-foot lot as a cabin camp for transient guests. *Cantiény v Boze*, 209 M 407, 296 NW 491.