Carriers--Baggage--What Constitutes Baggage

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Carriers—Baggage—What Constitutes Baggage.—A, a passenger on the X railroad, shipped as her personal baggage B's trunk, which was lost in transit. Held, B cannot recover from the X railroad the value of the trunk and its contents. Schuster v. Norfolk & Western R. Co., 102 S. E. 476 (W. Va. 1920).

A passenger may recover from the carrier for the loss of his own property taken with him for reasonable use on his journey, considering the purposes for which the journey is made and the passenger's station in life. Macrow v. Great Western etc. Co., L. R. 6 Q. B. 612; Chicago etc. Co. v. Whitten, 90 Ark. 462, 119 S. W. 835. See Elliott, Railroads, 2 ed., §§ 1646-7; Michie, Carriers, §§ 3429-3430. See also 3 L. R. A. 346 n.; 11 L. R. A. 759 n.; 39 L. R. A. N. S. 634 n.; 41 L. R. A. N. S. 371 n. The term "baggage" does not include the passenger's household effects or business stock intended for use only after the journey has been completed. St. Louis etc. Co. v. Miller, 103 Ark. 37, 145 S. W. 889; Macrow v. Great Western etc. Co., supra; Central etc. Co. v. Courson, 10 Ala. App. 561, 65 So. 698. See Elliott, Railroads, 2 ed., § 1647, n. 20, 21. See also 39 L. R. A. N. S. 634 n. Money in excess of that needed on the journey is not baggage for which the passenger may recover. Doyle v. Kiser, 6 Ind. 242. See Michie, Carriers, § 3438. Neither are articles intended as gifts, unless they were to be given to a member of the passenger's family. Dexter v. Syracuse etc. Co., 42 N. Y. 326. See 21 L. R. A. N. S. 850 n. The reason for making this distinction is not clear, and its soundness may be questioned. Nor can a passenger recover for the loss of merchandise carried as baggage, in the absence of a conversion or negligence, unless the carrier accepted the package with knowledge of its contents. Blumantele v. Fitchburg etc. Co., 127 Mass. 322; Ferris v. Minneapolis etc. Co., 143 Minn. 90, 173 N. W. 178. See Elliott, Railroads, 2 ed., § 1649; Michie, Carriers, §§ 3431-3433, 3437. See also 11 L. R. A. 761 n.; 39 L. R. A. N. S. 634 n. In general, neither the passenger nor the owner can recover from the carrier for the loss of baggage belonging to another, but carried as the passenger's personal baggage. Yaxoo etc. Co. v. Blackmar, 85 Miss. 7, 37 So. 500; Pennsylvania R. Co. v. Knight, 58 N. J. L. 287, 33 Atl. 845. See Michie, Carriers, § 3431. However, if the carrier had notice of the contents of the package, it is liable for the loss.

—W. F. K.

Conflict of Laws—Personal Jurisdiction—Award of the Custody of a Child After Divorce.—A court of California, where all the parties were domiciled awarded custody of the children, after a divorce decree, to the mother with a prohibition against taking them out of the jurisdiction without permission. She obtained permission to take them to Oregon, on condition that she bring them back. She did not do so. The California court then modified its first decree, after a defective service on the mother in Oregon, and gave custody to the father who brought habeas corpus in Oregon to obtain the children. Held, the petition should be denied. Griffin v. Griffin, 187 Pac. 598 (Ore. 1920).

For a discussion of this case, see Notes.

Corporations—Libel and Slander—Right of Corporation to Maintain Action for Slander.—A corporation, organized and doing business under the laws of the State of West Virginia, brought an action of trespass on the case to recover damages to plaintiff's business occasioned by certain alleged acts and conduct of the defendant, and published statements and offensive language used by him of and concerning the business and property of the plaintiff. Held, recovery should be allowed. Coal Land Development Co. v. Chidester, 103 S. E. 923 (W. Va. 1920).

It was held formerly that a corporation, having a purely intellectual and ideal existence, was incapable of malice, since that was an emotion of the heart; and, consequently, that a corporation could not maintain an action for libel and slander. See Newell, Libel and Slander, § 448. But the general rule now is that a corporation may maintain an action to recover damages for libel or slander concerning it in its trade or occupation. American Book Co. v. Gates, 85 Fed. 729; St. James Military Academy v. Gaiser, 125 Mo. 517, 28 S. W. 851. The words, in order to be ac-