

late King at his coronation, but it was held this did not amount to *res judicata*. The Scotch Court of Session had decided in favour of the plaintiff the Earl of Lauderdale, but the House of Lords reversed that decision, holding that the "sharp fighters" had the better right. Their lordships also held that under an Act of the Scotch Parliament of 1455 it was not open to the King to make any grant in derogation of that to Scrymgeour; and that the office was hereditary, and was not capable of alienation voluntarily or in execution.

ESTOPPEL—RES JUDICATA—LANDLORD AND TENANT—AGREEMENT FOR LEASE—ACTION FOR RENT—DEFENCE NO CONCLUDED AGREEMENT—SECOND ACTION—DEFENCE STATUTE OF FRAUDS.

In *Humphries v. Humphries* (1910) 1 K.B. 796, the doctrine of *res judicata* was applied in somewhat peculiar circumstances. The plaintiff was owner of certain premises and entered into negotiations for leasing them to the defendant, and on 29 Oct., 1907, defendant handed to the plaintiff a stamped document which the plaintiff claimed constituted an agreement by the defendant to take a lease of the premises for fourteen years at a specified rent. The defendant, however, claimed that there was no concluded agreement and refused to take possession. The plaintiff then brought an action to recover rent due up to June, 1908. The defendant in this action denied the existence of any concluded agreement for a lease, but did not set up the Statute of Frauds. The action was tried and judgment given in favour of the plaintiff. Further rent having fallen due the present action was brought in which the defendant set up the fourth section of the Statute of Frauds as a defence. The judge of the County Court held that as in the former action the court had decided that there was a valid and binding agreement for a lease, the matter was *res judicata*, and the Divisional Court (Phillimore and Bucknill, JJ.) held that he was right.

WATER SUPPLY—"DOMESTIC PURPOSES"—RAILWAY.

*Metropolitan Water Board v. London, Brighton and South Coast Railway* (1910) 1 K.B. 804 may be briefly noticed for the fact that a Divisional Court (Phillimore and Bucknill, JJ.) decided that a supply of water to a railway station for drinking by officials and passengers, and for cleansing the station premises, does not come under the head of a supply for "domestic purposes," but is a supply for "railway purposes."