

in which the dwelling was held to have been rightly described as that of the servant*.

municated by a trap-door and a ladder, it was held that a burglary committed in the banking room was well laid to be in the dwelling-house of the partners. *R. v. Stork* (Exch. Ch. 1810) 2 Taunt. 339. Lord Ellenborough asked: "Could Stevenson [the servant] have maintained trespass against his employers for entering these rooms? Or if a man assigns to his coachman the rooms over his stable does he thereby make him his tenant?"

A burglary committed in a banker's shop, in which no person slept but to which there was a communication by a trap-door, and a ladder from the upper rooms of the house, in which only a weekly workman and his family lived, by the permission of the three partners, who were owners of the whole house, may be laid to have been committed in the dwelling-house of those partners. *R. v. Stork* (1809) Leach C.C. 1015.

Where an indictment charged a burglary in breaking into the mansion-house of the master, fellows, and scholars of Bennet College, in Cambridge, the fact being that the prisoner broke into the buttery of the college, all the judges, upon reference to them, held that it was burglary. *R. v. Maynard* 2 East P.C. 15, § 14, p. 501; 2 Russell on Crimes (6th ed.) p. 28.

Where upon an indictment for burglary in the dwelling-house of B., it appeared that B. worked for one W. who did business as a carpenter for the N.R. Company, and put him in to take care of the house and flock mills adjoining which belonged to the company, and he received no more wages than he did before he lived there, nor had any agreement for any, it was doubted whether the house was properly laid, and it was thought that there might be some difference between this and *R. v. Smith*, as here the man was put in by a person who did the work for the company, and it was thought the safest course to consider the indictment as not properly laying it to be the dwelling-house of B. *R. v. Rawlins* (1835) 7 C. & P. 150, per Vaughan and Gaselee, JJ.; 2 Russell on Crimes (6th ed) p. 31.

Where the tenant of a house permitted a servant of a woman who had held it under him to continue occupying it rent free after the subtenant had vacated it, the house is rightly laid as the dwelling-house of the servant, as she was there not as a servant, but as a tenant at will. *R. v. Collett* (1823) Russ. & Ry. C.C.R. 498.

Where a farmer's servant resides in a cottage annexed to and under the same roof as, his master's dwelling-house, the arrangement being that he is to pay no rent but that an abatement is to be made in his wages in consideration of the use of the cottage, there is a mere license to lodge in it, and not a letting of it to him. *Brown's Case* (1787), cited in 2 Leach C.C. 1016, note.

When a servant has part of a house for his own occupation, and the rest is reserved by the proprietor for other purposes, the part reserved cannot be deemed part of the servant's dwelling-house; and it will be the same if any other person has part of the house, and the rest is reserved. *R. v. Wilson* (1806) Russ. & Ry. C.C. 115.

A. was in the service of B. and lived in a house close to B.'s place of business. B. did not live in the house himself, but he paid the rent and taxes. A. paid nothing for his occupation by deduction from his wages or otherwise. Part of the house was used as storerooms for B.'s goods. Held, that this was the dwelling-house of B. and was improperly described in the indictment as the dwelling-house of A. *Reg. v. Courtenay* (1850) 5 Cox C.C. 218, per Parke, B.

If a man die in his leasehold house, and his executors put servants in it, and keep them there at board wages, burglary may be committed in breaking into it and it may be laid as the executor's property. 2 East P.C. 499.

**R. v. Jobbing* (1823) Russ. & Ry. 525, where the dwelling was a cottage in which the owner allowed one of his workmen live free of rent and taxes, his residence there being principally, if not wholly, for his own benefit.