

NEGLIGENCE—BOARDING HOUSE KEEPER—GOODS OF BOARDER—
THEFT BY INMATE OF BOARDING HOUSE.

Scarborough v. Cosgrove (1905) 2 K.B. 805 was an action by husband and wife to recover damages against a boarding house keeper with whom the plaintiffs boarded, for the loss of goods by theft. The defendant had refused to allow the plaintiffs to remove the key of their room from the lock on the ground that it was required to be left for the purpose of giving the servants access, and that the room would be quite safe as the people in the house were all known. The plaintiffs had also asked for a key for a chest of drawers in their room, but none was supplied. The female plaintiff having left some jewellery, in a locked hand bag in one of the drawers, it was stolen by another inmate of the house, who had been admitted without references, or introduction, and the action was brought to recover damages for the loss sustained. The action was tried by Darling, J., who nonsuited the plaintiffs, but the Court of Appeal (Collins, M.R., and Mathew, and Romer, L.JJ.,) reversed his decision and held that the plaintiffs were entitled to recover on the ground that there was a duty on the part of the boarding house keeper to take reasonable care for the safety of property brought by a boarder into his house, and evidence for the jury of a breach of that duty.

CROWN—PREROGATIVE—CHATTELS BELONGING TO CROWN—DISTRESS FOR RENT—PROPERTY EXEMPT FROM DISTRESS—LANDLORD AND TENANT.

Secretary of State for War v. Wynne (1905) 2 K.B. 845 was an action for illegally distraining a horse for rent, such horse being the property of the Crown. The County Court judge dismissed the action on the ground that the property of the Crown was not by law exempt from distress for rent. On the appeal of the plaintiff this decision was reversed by the Divisional Court (Lord Alverstone, C.J., and Wills, and Darling, JJ.,) that Court holding that no distress for rent can be levied against the Crown and no property of the Crown can be taken under a distress against a subject, although strange to say no direct authority could be found on the point.