

Thomas v Thomas (1842) 2 QB 851; 114 ER 330

Case reviews conditions that allow someone to stay in a house that is not that person's legal property.

Evidence

A husband said that he wanted his wife to live in their family house after his death. As he provided no will in writing in this regard, the wife was allowed to pay £1 per year to live in the house.

Problematics

It was important to define whether there was a contract between the wife and the legal owners of the house. The husband left no written will, and the wife was assigned a payment amount that was not enough to cover the cost for living in that house. The wife argued that she also kept the house in good repair, which should have been enough to cover the cost of living there.

Resolution

The contract was considered valid as the wife paid the rent, even though its amount was too small to cover expenses. If she was allowed to stay in the house without any payment, the house would be considered a gift.

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