

and cannot maintain an action of trespass against the master for removing them"; that the master cannot obtain possession of the premises by means of statutory proceedings of a summary nature which, under the express terms of the enactment, are specifically applicable to the relation of landlord and tenant". But the owner may convert the occupation of the servant into that of a tenant at will by allowing him to remain in possession a sufficient length of time to warrant the implication of intentional acquiescence in the continuance of the occupation".

(e) The right of the master, or of a person authorized by him, to enter on the premises for the purpose of performing work in respect thereto.

(f) The right of the servant to assert an independent title to the premises. The rule that a tenant is estopped from disputing the title of his landlord", is applicable also to the case of a person coming in by permission as a servant".

(g) The right to sublet or transfer the possession of the premises. A person occupying as a tenant, and not as a servant, is entitled, with the permission of the landlord, to sublet the premises, and to collect from the sub-lessee the rent which accrues during the period covered by the sublease". But a person

¹²*Lake v. Campbell* (1862) 5 L.T.N.S. 582; *Mcad v. Pollock* (1901) 99 Ill. App. 151; *Haywood v. Miller* (1842) 3 Hill, 90.

¹³*People v. Annis* (1866) 45 Bart. 304; *McQuade v. Emmons* (1876) 38 N.J.L. 397.

It was held in *Hart v. O'Brien* (Quebec Ct. of Review, 1870) 15 Lower Can. Jur. 42, that an employé who was allowed the use of a dwelling-house as long as he remained in the employment, as part consideration for his services, was liable to ejectment under the Lessors and Leases Act, as soon as he ceased to be in the employ of the owner. But as already observed in note 5, supra, the doctrine prevailing in Quebec is not the same as in common law jurisdictions.

¹⁴*School Dist. v. Batsch* (1895) Mich. 29 L.R.A. 576, 64 N.W. 196, (servant held not to have become a tenant at will); *Kerrains v. People* (1873) 80 N.Y. 22 (see note 3, supra).

In *Jennings v. McCarthy* (1891) 46 N.Y.S.R. 678, this change in the character of the occupation was held to be inferable where the servant, after his employment was ended, was suffered to hold over for a longer period than was necessary to enable him to move conveniently.

The owner of the premises will not be presumed to have acquiesced in the conversion of the occupation into a tenancy at will, merely because he allowed a discharged servant to remain in possession, until his wife had recovered from an illness. *Doyle v. Gibbs* (1871) 6 Lans. 180.

¹⁵*Woodfall L. & T.* 237; *Taylor, L. & T.* § 629.

¹⁶*Doe v. Baytup* (1835) 3 Ad. & El. 188; *Doe v. Buchmore* (1839) 9 Ad. & El. 662.

¹⁷*Snedaker v. Powell* (1884) 32 Kan. 396.