

In order to avoid these imperfections, chapter two "Of the lease or hire of things" has been divided into six sections, instead of three, these sections being : 1st, general provisions ; 2nd, the obligations and rights of the lessor ; 3rd, the obligations and rights of the lessee ; 4th, rules particular to the lease or hire of houses ; 5th, rules particular to the lease or hire of farms and rural estates ; and 6th, the termination of the lease or hire of things.—This classification includes all descriptions of property and appears to comprehend the whole subject ; and an attempt has been made to adhere to it as closely as possible in the arrangement of the articles.

Sec. 1. General provisions. Arts. 5, 5a. Articles 5 and 5a declare what things may be the object of lease or hire, they do not differ in principle from the intention of article 1713, C. N., but the expression of that article is not adopted, as being too general, and obviously incorrect.

Arts. 6, 10. Articles 6 and 10 require no remark.

Art. 7. Article 7 is taken from our statute-book ; an addition has been made in the article to the statute, in terms which make the lease of farms terminate on the first of October instead of the first of May ; this is not regarded as a change of the existing law, for such has ever been the recognized usage with respect to the lease of farms. It is manifestly advisable that its omission from the statute should be supplied.

Art. 8. Article 8 expresses both the ancient law and the modern, articles 1738, 1739, C. N. The time of holding over is fixed at eight days,—if this be exceeded, the tacit renewal takes place under the conditions specified in this article and article

Art. 9. 9 which corresponds with 1739, C. N.

Sec. 2. Of the obligations and rights of the lessor. Arts. 11, 12, 13, 14, 15. Articles 11, 12, 13, 14, 15, declare the rules of the existing law, and are expressed nearly in the same terms as the corresponding articles of the Code Napoleon.

Art. 15a. Article 15a is a reference to the rules contained in 54a as governing the case stated in that article.

Art. 16. Article 16 comprises articles 1726, 1727, C. N., but it differs from the latter, by declaring the existing law, under which the lessee is entitled to be put out of the cause on disclosing the name of his lessor, without being obliged to call him in as *garant*, as is made necessary by the article of the Code Napoleon.

Arts. 17, 18, 19, 20, 21. Articles 17, 18, 19, 20, 21 contain the well established rules of our law,—they are not framed upon the articles of the Code Napoleon, except 19, which corresponds with 1753.—There are also references to article 2102, in the title "*Des privilèges et hypothèques*" of that code.—It is to be noted of article 21 that the *droit de suite* is limited to eight days, and merchandize cannot even within that delay be followed in the hands of third persons who have acquired it.—This exception to the rule seems to have been admitted in France, and is evidently one which ought to prevail in the interests of commercial dealings in this country.

Arts. 22, 22a. Article 22 is derived from the statute ; 22a is necessary in order to render certain a rule which was somewhat lax under the old law.—It is in the same terms as the article in amendment of 61 in the title *Of Sale*, relating to the dissolution of the contract for non-payment of the price.

Sec. 2. Of the obligations and rights of the lessee. Arts. 36, 37. This section consists of sixteen articles, of which a few only require special remark ; the others, while they express the existing law, differ from the corresponding articles of the Code Napoleon, cited under them, in the wording only.—Of 36 and 37 however it should be noted, that no articles corresponding with them are found in the Code Napoleon,—the former of them is nevertheless a rule of practical usefulness which ought to be expressed, and the latter is a nearly verbal transcript from the act concerning lessors and lessees.

The articles of the section which require to be more specially noticed are those numbered 26, 26a, 27 and 30.