

THE

# Eastern Law Reporter.

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NOVA SCOTIA.

COUNTY COURT FOR DISTRICT No. 7. AUGUST 17TH, 1909.

DOMINION COAL COMPANY v. McLEOD.

*Landlord and Tenant—Overholding—Notice to Quit—  
Waiver by Subsequent Acceptance of Rent—Evidence—  
Procedure.*

L. A. Lovett, for landlord.

G. S. Harrington, for tenant.

FINLAYSON, Co. C.J.:—This is an action under Chapter 174 R. S. N. S. 1900, "The Overholding Tenant's Act."

The form of lease in question reads as follows:—

"Dom., No. 8, Glace Bay, N.S.,

October 20th, 1908.

"I, the undersigned, do hereby agree to become a tenant of number 86 house belonging to The Dominion Coal Company, Limited, and situated at....., on the following terms and conditions:—

"(1) That I will pay for the said house the fixed rental of \$4 per month and pay such rent monthly.

"(2) That I will keep the house clean and tidy, and will not in any way, cause or allow it to be damaged, beyond fair and reasonable wear and tear.

"(3) That I will allow the company's inspector, agent or representative at all reasonable times free access to the