

42 Legal Incapacity.—The classes of persons whose rights and interests the law protects by placing them more or less under legal incapacity to contract are:

1. Persons under 21 years of age.
2. Idiots and lunatics.
3. Persons wholly intoxicated.
4. Indians living on their reservations.
5. Those under sentence of death.

43 Minors or Infants.—Minors, called in the law books, Infants, are, in Canada, all persons, male or female, under twenty-one years of age. In a few of the States of the United States females are of age at eighteen years, but not so in Canada.

A minor cannot waive his rights of infancy by any possible agreement, either oral or written, that will bind him.

A wife, however, under age, may bar her right to dower.

A minor may sign as witness to any document, if old enough to understand what he is doing, and to give evidence in court, if necessary.

A minor may also act as agent and bind others in contracts.

In Quebec minors cannot sign as witnesses to Wills made in "Authentic Form."

44 Minors may Contract for Necessaries.—Whatever things are necessary for him in his station and condition in life he may contract for, if he is not living with his parents or guardians, who are able and willing to support him. If he should not pay for such necessary articles, the dealer from whom he purchased them may sue and recover from him just the same as though he were of full age.

The things usually reckoned as necessaries for minors are board, clothing, education and medical attendance, according to their station in life. A suit of tweed clothing for a son of a mechanic, or any person in a similar station in life, would be regarded as a necessary, but a sealskin overcoat or a gold watch would not be. A fur coat or a gold watch would be held a necessary for a millionaire under age.

Minors not at home and supporting themselves may sue and recover for wages earned by them. They are also liable for any damage done or wrong committed by them; also for any criminal offence. Wages of minors may be garnished in payment for necessaries only.

They may also contract for life insurance within certain limitations, and be held liable for the premiums (see Section 46).

But if the minor gives a note for the premium the note cannot be collected by suit.

In Quebec minors are emancipated from some of the disabilities of minority: 1. By marriage. 2. Judicially by a court. 3. By engaging in trade, as a banker, merchant, or mechanic, he is reputed of age for all acts relating to such trade or business. (C. C. Article 323).

But in all cases a curator or guardian must be appointed to such emancipated minor.

An emancipated minor may grant leases for terms not exceeding nine years, receive his revenues and give receipts for same and perform all other acts of mere administration, and be held liable on his contracts in connection with his business or trade.