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## BIRKETT & HEIM

Phone 4289

447 Main Street, Winnipeg

### Questions and Answers

#### DEBTOR AND CREDITOR.

1. If A. bought a buggy and set of scales from B. for a certain sum to be paid in instalments of \$5.00 per month, and defaulted the third payment, could B. sue A. right away, when the agreement was that if A. had not the payment when due it would be all right providing A. paid it before it was all due?
2. When A. and B. were dealing for the buggy B. was to let A. have the free use of B.'s buggy shed till spring to keep his buggy in, providing C. did not make him move it, it being on C's lot. The first time A. took the buggy out B. started to pull the shed down, C. never ordering B. to do it. Can A. collect damages for making him leave his buggy out all winter?
3. When B. sold A. the set of scales he guaranteed them and said he had the certificate for them but when the inspector came around the other day he condemned the scales, and when A. went to B. for the certificate it was six years old and B. knew that it was only good for two years. Has A. any redress?
4. Can B. make A. pay for the scales?
5. If A. rents a stable from B. by the

month is he compelled to move the manure from said stable?

6. If B. sued A. for \$43.00 and the amount A. owed B. was only \$35.00 and afterwards B. acknowledged that it was only \$35.00 would A. have to pay the expense on account of B's mistake?

7. A. offered B. oats at two cents less than he was paying for oats to square account, but B. refused to accept them. Can B. force A. to pay for scales and buggy in full?

8. Is an account contracted by a boy not of age legal, whether in business or not?

Man.

W. B.

Ans.—Since there appears to be a mutual agreement to disagree we would suggest that the whole matter be laid before three arbitrators or taken into court and settled.

1. No, but if the agreement were only verbal it would probably be denied by the other party.

2. If there was a written agreement whereby B. agreed to store the buggy over winter and he broke this A. could claim redress.

3. A. would be entitled to redress.

4. Yes, if he accepted delivery.

5. No.

6. It would depend upon the award of the court.

7. B. is not compelled to take A's oats if he doesn't want them answered above.

8. If a minor in the contract that he is living with his parents and working for them he is not liable for a contract contracted, but if he is working for himself he is responsible.

#### FIRE LOSSES.

On a very windy day I attempted to back fire about the farm buildings which I had rented but in which I had some wheat stored. My object was to protect the buildings against fire which was burning on my neighbor's place. A change of wind swept the fire out of control and the buildings were burned together with some oats belonging to my tenant.

1. Can the insurance be recovered upon these buildings?

2. Am I responsible for the loss of the oats? The tenant took out the policy.

Sask.

F. E. W.

Ans.—1. We should think the insurance company would acknowledge the claim.

2. We should not think so, but at the same time you were not within your right to interfere with the fire protection unless there was very urgent need. You and your tenant had better come to some mutual arrangement with regard to bearing the cost and if necessary submit it to arbitration.

#### NEW SURVEY ROAD ALLOWANCES.

Will you kindly advise through the columns of your paper as to the correct area of a quarter section of land in Manitoba. A quarter section is supposed to contain 160 acres; if, as I have seen in the Farmer's Advocate, the road sides of the section and are six rods or ninety nine feet in width, the section being one square mile in area, therefore the S. E., S. W. and N. W. quarters will the area of road allowance, and the N. E. quarter will contain the full number, viz., 160 acres. This shortage is nearly eight acres. I have been looking for information on this question and have

met no one who is pointing the matter otherwise than to state that the quarter section is 160 rods on a side.

Swan Lake, Man.

B. J. C.

Ans.—A section of Dominion land contains 640 acres more or less, subject to the convergence of the Meridian, and the statutory road allowances are not deducted therefrom; this applies to the Province of Manitoba, Saskatchewan and Alberta and the North West Territories. The older surveys in the Province of Manitoba and parts of Saskatchewan and Alberta were made under the second system of survey, by which road allowances were laid out all around each section. The present system of survey, that is to say, the third system, only provides for a road allowance on the east and west of all sections and on the north of every second section, that is, on the north boundary of the township, on the north boundary of sections 19 to 24, and sections 7 to 12. In either survey the road is not deducted from the 640 acres.

In the Province of British Columbia under the fourth system of survey, no road allowances are laid out, but the sections are of such a size as to comprise 652 acres more or less, and a deduction of twelve acres for roads is made therefrom.

Under the fifth system of survey, which comprises certain townships in surveys are more irregular in respect to roads, as the system which existed at the time of the taking over of the Railway the time of the taking over of the Railway Belt by the Dominion had to be followed out in each township, so that in some townships there are road allowances and in others there are none.

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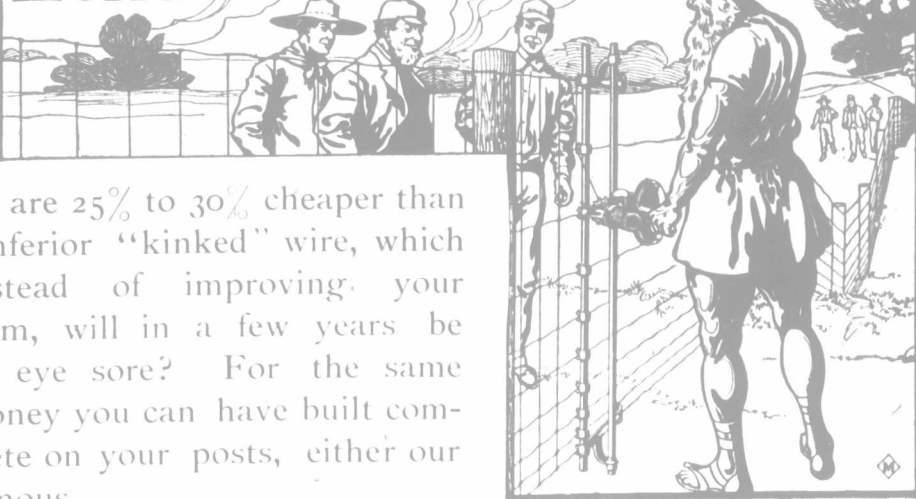


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