

LEGAL COLUMN

Holidays on the Farm.—Will you please give me information as to whether or not a third man is entitled to Sundays and legal holidays on the farm? I do not expect anything that is not right and legal, but I understand that the law applies equally to all, even in the country.—J. H. Hinton Co., Ont.

The question of whether a farm laborer is entitled to legal holidays depends primarily upon any particular agreement which may have been made between the employer and employee. In the absence of any specific arrangements as to this, the custom of the neighborhood prevails. It is usually the custom that on Sundays and legal holidays no more work than that which is absolutely necessary is done, and the employer usually allows his men the day after those duties, usually called chores, which are necessary for that day, are performed.

Removing Trees.—A and B have land adjoining, on which several elm trees are growing along the line, and some right of line. Can B cut and remove any or all of those trees for his own use, without A's knowledge or consent? Can A claim half of trees, or value thereof, when he finds they are cut? The trees belong to A, and trees have been protected by good fences.—W. H. C. Hamilton Co., Ont.

Growing trees belong to the owner of the land on which they stand. If a tree is on the dividing line, each owner would have a share in same, and the tree cannot be interfered with but by the consent of both owners. If a tree standing on the line were cut down by one of the adjacent owners, the other owner would have the right of action against the one so cutting the tree for his share of the wood. It is entitled to cut down any trees that are wholly on his property.

Ownership of Hay Fork.—A sells stock, implements and loose effects to B, and afterwards the farm to C. In the horse fork car a chisel, and C removes it, or has C a right to claim same as a fixture to which he is legally entitled through purchase of farm.—W. L. H. Lenoir Co., Ont.

Unless there is some agreement to the contrary, the horse fork car has become a fixture, and must pass with the freehold to the purchaser of the farm. The general rule in these matters is that anything becoming attached to the freehold, or to something which had been previously made part of the freehold, becomes what is called in law a fixture, and goes with the land. In this instance we understand that the truck could be lifted from the track, and no doubt this has been the cause of the dispute.

There has been a similar case decided in our court, where a hay-fork was part of a plant consisting of a track, a truck, pulleys, a rope, and the fork. The track was fastened with bolts or screws to the barn roof. Without the track, the truck would be useless; in fact, each of the articles was a joint in the whole, and the whole would be useless without its part, or without any one of them. These conditions are, apparently, similar to the case in hand, and in that case it was held that the hay-fork was a fixture, and the circumstance that it could be used again in connection with another truck, pulleys, and rope, of similar kind and dimensions, did not deprive it of its character.

So then, in case there has been no special agreement with regard to this horse fork car, it goes to "C", the purchaser of the farm.

Farm Machinery—25 Years Ago and Now

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to pass. The fork which had a single line was only used for unloading hay and after being pushed into the load, on the wagon, or the grange at the side egressed out, the

horse was started and such hay as remained attached to the fork was trailed up an incline to the back of the mow. Of course, such a crude affair did not clean the load up very closely, and half of it had to be pitched by hand after this fork was through. It was, however, looked upon as a great convenience in its day, and was by far the oldest implement of any description which remained on the farm.

I well remember the first cultivator that we bought. It was a rigid framed affair and the first we had ever seen which allowed the teeth to be taken out of the ground. It was called the file harrow and did good work, but was not very well suited to rough ground, so that when the sectional cultivator came in, it was soon put out of business. It had a great sale for a year or two, as it was much in advance of anything that had previously appeared on the market and saved a great deal of spring plowing.

Our mower was the first in the neighborhood, though I cannot tell that time. It had been used before that time. It was more by the same firm as the old Harvest Queen reaper. It was narrow, only cutting four feet wide and was speeded a little slow, going in heavy hay had to keep it at damp. Otherwise it did just as good work as the up-to-date machines that I use on the farms around us here.

There are, of course, some machines that are out of view to me. The two-row corn cultivator was not in use when I quit farming. The disc harrow has also made its appearance, as well as the hay loader and the side delivery rake. Gasoline engines on the farm were also new to me when I got back to the land. The cream separator was not commonly used 25 years ago, and I understand that the milking machine has been practically perfected, though I had never seen one in use. I also notice that instead of the old fashioned threshing machines that had to be fed by hand and that had straw carriers attached, they are now using machines with blowers and self feeders. Of all the improvements in farm machinery, those in threshing machines seem to be the most advantageous for the farmer. I remember when we used to have to attend every threshing within a mile and a half of our gate in order to have enough men to operate the old fashioned machines. The result was that although there were plenty of men compared with what there is now, our full work was seriously interfered with.

With rural depopulation as acute as it is in most sections, if we had to depend on the old fashioned machine, we would have to trade work with practically every neighbor within two and one-half miles, to get one's threshing done. We would, therefore, get very little fall work accomplished. This I consider very important for fall work well cleaned up means a quick, early seeding and results in better crops.

I do not wish to convey the impression that I do not think any improvement has been made in implements during the last 25 years, but these improvements are not so great in the commonest machines as some would appear to think. The old implements did good work and modern implements copy them largely in detail, the greatest difference being that they are larger in size. This is probably due to the scarcity of farm help at the present time compared with what it was in Ontario 25 years ago and which forces farmers to devise some method by which a man can drive more horses.

Many cows highly recommended have been a disappointment to the purchaser and the cause of much hard feeling. In many cases good feeding would have brought satisfaction all round.



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