

QUESTIONS AND ANSWERS.

EXECUTING JUDGMENT.

A judgment is registered against a place for \$250. One hundred is paid down one year. This judgment is secondary to a mortgage of \$1,500.

1. Can grain which grew on said place be seized as payment for the remaining \$150?

2. When a judgment is secured against a place is that not sufficient without a seizure of anything else?

Man. NEW COMER.

Ans.—1. Grain can be seized under execution as soon as it is cut. Of course as you know, there is an exemption under the Execution Act for enough grain to seed 80 acres of land, and to provide food for the farmer and his family for eleven months.

2. The fact that judgment has been registered against the land in no way prevents the judgment debtor from issuing an execution and seizing any personalty of the judgment debtor which he may find.

BURNING OF STACKS.

I am a thresher and in doing a farmer's job came to four stacks together. They were built in an oblong shape and when I had the machine set the smoke stack was only about 21 feet from the nearest stack notwithstanding I had a 160 foot belt. I told the farmer I would not take any chances of the stacks catching fire although I used a spark arrester and had a cable on the machine. Eventually the stacks caught fire and the farmer wants me to compensate him for his loss. Am I compelled to do so?

Man. W. J. E.

Ans.—If the farmer knew you placed your engine where you did and did not protest against it, you are not liable for the value of the stacks of grain, but if you placed the engine there on your own responsibility, and the farmer did not know that you had done so until after the damage was done, then you are liable. The fact that the four stacks were together does not seem to us to be material as your object for placing the thresher between them was evidently to avoid the trouble of moving it a second time, it is not an impossibility to thresh with a side wind.

WHO OWNS HOUSE?

A. sells B. one acre of land for \$270. B. pays \$70 down and promises to pay \$15 per month and to sign an agreement next morning to that effect, but when asked to sign refused to do so. B. builds a house on land and lives there three months and does not fence in as promised. At the end of three months B. buys a business in town and lets his house to another man. To-day the man whom B. bought his lumber from tells A. that he is going to sell house privately as he cannot get any money from B. B. also owes the man who built the house \$50. What I want to know is 1st: Is A. compelled to let B. have land? He has no receipt for money and nothing to state that he has bought land. 2nd Can A. stop the lumber dealer from removing the house? 3rd. Can A. put in a claim in any way?

Man. W. S. J.

Ans.—A's proper remedy is to take possession of the lot and house. Neither the man who supplied the lumber nor the man who built the house have any claim either against the lot or the house, unless they have filed mechanic's liens, which we expect they have not done. If you take possession of the house B. could not succeed in an action against you to recover possession for the simple reason that he has no writings to show his purchase, and also for the reason that if he did allege a verbal agreement he is himself violating it. Your remedy is to take the house and keep it, no one can legally disturb your possession.

FENCING OFF TRAIL.

There is a trail running across my place. It has been in use for some years. Now I want to fence it in for pasture. Can I prosecute any person who cuts the wire or breaks it down?

Man. N. A.

Ans.—First post up notices that the trail is closed and that trespassers will be prosecuted then you will be in a position to maintain your fence.

CALCULATING CONTENTS OF BINS.

Would you kindly tell me through the medium of your valuable paper how many bushels of oats the following measurements contain: Bin No. 1—13 feet 8 inches and 13 feet 6 inches by 5 feet 4 inches deep. Twelve feet 10 inches and 13 feet 2 inches by 4 feet 3 inches deep.

Man. L. A. W.

Ans.—There are 2150.4 cubic inches in a bushel. Find the number of cubic inches in each bin and then divide by 2150.4. This will give you the measured capacity; you can then weigh a bushel and from that calculate the number of bushels the bins will weigh out.

MORTGAGE OF HOUSE.

B. has a house but has not got a registered deed of it. Can C. register a mortgage against it?

E. D. S.

Ans.—Yes, but for the security of C. B. should get from A. who sold him the house an agreement of sale, the deed could then be had when B. had satisfied A's claim.

RE A CONTRACT FOR FLOUR.

In reply to subscriber T. N. Having bargained for the flour at \$2.50 per sack the price cannot be altered to \$2.75 and as you have the flour you would only be entitled to pay \$2.50 per sack. The price was evidently arranged at a reduction on account of the quantity taken and not as to whether paid in 30 days or otherwise.

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