

and in the United States (except Louisiana) with but slight change. It was designed to prevent the frequent commission of frauds and perjuries in regard to the enforcing of old claims, and various kinds of promises to answer for the debts of others, and provided that certain contracts had to be in writing to be binding. The following are the requirements of the Statute which come within the scope of this work as they have been varied by our statutes:

1. That leases of land for more than three years must be in writing and under seal.
2. Contracts for the sale of lands, or for any interest in lands, must be in writing.
3. Every agreement that by its terms is not to be performed within one year must be in writing.
4. Every special promise to answer for the debt, default or miscarriage of another must be in writing.
5. Every agreement, promise or undertaking made upon consideration of marriage, except mutual promises to marry (engagement), must be in writing.
6. Contracts made for the sale of personal property of \$40 and upwards must be in writing, unless part or all of the goods have been delivered, or a part of the purchase price paid. In Quebec, British Columbia, Manitoba, Alberta, Saskatchewan, North-West Territories and Newfoundland the sum is \$50, and in Prince Edward Island, \$30.

Each of these divisions will be treated in appropriate chapters.

?? False Pretence is a representation either by words or otherwise (a shake or nod of the head) of a matter of fact either present or past, which representation is known to the person making it to be false, and which is made with a fraudulent intent to induce the person to whom it is made to act upon such representation; hence there are four essentials to constitute *false pretence*:

1. There must be a false statement or act.
2. The offender must know at the time of making the statement that it is false.
3. The goods or money in question must be parted with in consequence of such false statement.
4. The false statement must be made with the intent to *defraud*.

The penalty for obtaining goods or money by false pretence is three years' imprisonment.

?? Theft or False Pretence—In theft the owner of the property has no intention of parting with it to the person taking it; but in the case of false pretence the owner of the goods does intend to part with them, but his consent to part with them is secured by the false representations made to him. In general it is not stealing to take something growing out of the earth of less value than 25 cents.