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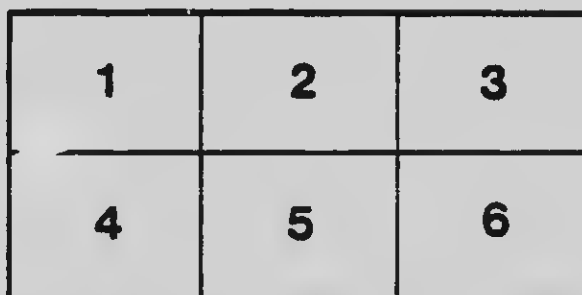
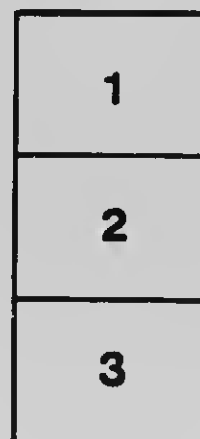
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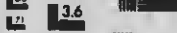
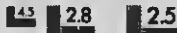
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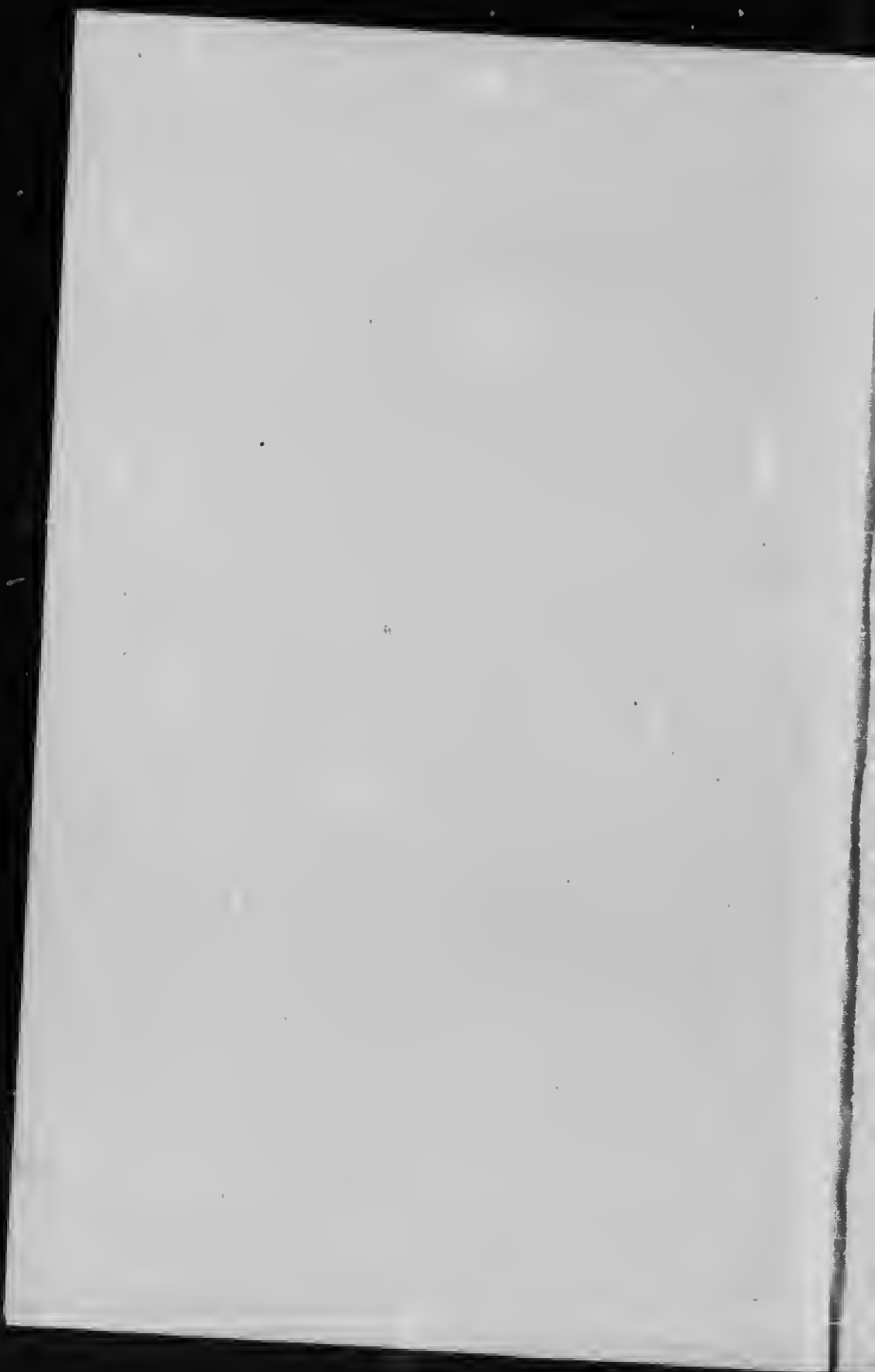
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# COMPENDIUM

—OF—

## LEGAL INFORMATION

—FOR—

Merchant, Farmer, Tradesman, Mechanic,  
Employer and Employee

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COMPILED BY

**J. ROBERT LONG, J.P.**

AUTHOR OF

"CANADIAN POLITICS."

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## PREFACE

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Recognizing the need of a volume that will enable the citizens of the West to familiarize themselves with such legal information as is constantly being sought, the compiler of this work has endeavored to put within these covers a synopsis of the laws governing the various phases of commercial, industrial and agricultural life that will make every man who avails himself of a copy, competent to determine the courses to pursue in respect to the many questions and points covered herein. Many people will avoid trouble and expense by perusing carefully these pages, hence we commend it to the public.

THE PUBLISHERS.



## General Information

Always put a contract in writing.

Persons under 21 years of age are minors.

Contracts with minors are not recognized by law.

Contracts with persons wholly intoxicated are null and void.

A minor's note cannot be collected.

A minor may act as agent for another person, and bind the principal in any contracts he enters into, but a minor cannot appoint another person to represent him.

A minor may on becoming of age, ratify a contract and thus make it valid and binding.

Parents are liable for necessities purchased by a minor, unless notice has been given to the contrary.

A person wholly intoxicated is incapacitated for making binding contracts or obligations, but drunkenness will not relieve a man from criminal prosecution.

All contracts should be signed in the presence of a disinterested witness, who will sign his or her name as witness.

When a man cannot write he should have another write his name and place his mark thus, John <sup>His</sup> X Brown, <sub>mark</sub> before a witness, who will sign his or her name as witness.

A man who cannot read should never sign any document until it has been read to him, and any document he signs should be so attested.

Always have a contract for any undertaking you enter into, it frequently avoids loss and expense.

Three days grace is allowed by law on all notes and acceptances.

Lien notes are not negotiable by indorsement, but may be freely transferred by assignment. They are better than a straight note, because of the additional security.

A lien note, however, must be registered within 30 days from the date of execution, or it is no better than a straight note.

The legal rate of interest in Canada is five per cent. but where a note mentions a certain fixed rate that rate is collectable.

A note drawing a higher rate than five per cent. if not paid at maturity will drop to five, unless otherwise stated.

A note drawing less than five per cent. or no interest will at maturity rise to five per cent.

Compound interest cannot be collected unless the contract so states.

A book account overdue will not draw interest unless the merchant has it printed on his bills and invoices that accompanies the goods. Then it can only be for five per cent. unless the debtor consents to pay more.

Judgments draw five per cent interest.

Chartered banks are allowed to charge seven per cent. and may charge more if they wish.

Obtaining goods by giving a cheque on a bank in which there are no funds would be obtaining goods under false pretenses, the penalty for which is three years imprisonment.

A receipt is not absolute evidence of payment. It may have been obtained before payment was made, and then payment refused, or it may have been obtained through fraud, or for some other purpose.

A receipt given in full of all demands to date would not prevent the creditor from collecting an additional item in an account if an error is found which he can establish.

A creditor cannot be compelled to give a receipt on the payment of a debt, but it is his duty to do so.

When an agent or collector gives you a receipt, see that the name of the principal, as well as that of the agent or collector, is thereon.

In case you demand a receipt and the creditor refuses to give one, do not pay unless in the presence of a witness.

Notes and acceptances outlaw, unless renewed, in six years, but if any payment or acknowledgment of the debt is made before six years expiry, it is renewed for another six years.

All actions for collection of accounts must therefore begin within six years after contracted or last payment or acknowledgment was made.

In all the provinces accounts are, with regard to outlawing "itemized," that is, each purchase is treated as a separate account, and money paid, is unless specifically

stated, applied to the oldest items. This should be particularly noted.

A debtor has the right to say on what item or account he is paying, and the creditor must then so apply it, but if the debtor does not specify, the creditor shall be at liberty to apply it to the oldest items.

The fact of placing all items, of different dates, on one bill will not merge the whole into one, so as to change the time for outlawing, each remains a separate account, nor does a payment on a running account keep the whole alive.

Judgments continue in force for twenty years.

In doing business with an agent, always be satisfied that he is authorized. A duly appointed agent always carries, or should carry, his authority with him, and if you wish to protect yourself demand the proof of his authority that you may be safe.

If you pay money to an agent who has no authority to collect it you suffer to the extent of the amount paid, if he does not apply it to the purpose for which it was paid to him.

Never pay money to an agent on a note unless he has the note with him. To protect yourself never pay a note unless the note is produced at the time you offer payment.

Notes, bills or agreements executed on Sunday are null and void.

A mechanic or laborer has priority over all other claims for wages.

Any person threshing grain has a lien upon such grain in the provinces of Manitoba, Saskatchewan and Alberta, to the amount due, and may take enough of the grain to cover the debt, after deducting  $2\frac{1}{2}$  cents per bushel for each ten miles, at the nearest market value, for drawing same to the nearest market, but such grain must be taken within sixty days after the threshing is done or the lien is lost.

The payment of wages to any workman or other person on the premises of any licensed hotel, except by the licensee to his ordinary servant or employees is a contravention of law, and shall not operate to discharge the debt of the employer in respect of such wages to such workman or other person. In other words, the employer can be compelled to pay the debt again.

## Leases

Leases are, unless in writing valid only for one year, but may be valid for three years provided it is completed by entry and payment of rent.

If the lease is to run for a period longer than seven years it must be recorded. If not registered a person buying the property could eject the tenant by giving six months' notice.

Rent may be payable in any way agreed upon.

A lease expires at the end of a definite time and neither party need give the other notice to terminate it or to vacate, but where the period is passed the tenant remains in possession and another tenancy is created, and after that, if he wishes to vacate, or the landlord wishes him to vacate, legal notice must be given.

The notice must be clear and distinct, without conditions or provisos.

When a tenancy reads "from year to year," six months notice is required. When a tenancy reads or is made on the month to month plan, a full calendar month's notice must be given.

Remember too, that "legal notice" cannot be given two or three months ahead, but must be given before the end of the month to terminate with the end of the succeeding month.

Farm leases should always be in writing and be most explicit.

A landlord cannot raise the rent on a property simply by notice that he intends to do so at a certain time. He cannot raise the rent without the consent of the tenant, the only way he can raise the rent is to terminate the tenancy, and notify the tenant that after the tenancy has expired the rent of the property will be whatever he decides. The tenant may then continue under the increased rent.

## Married Women's Rights

An unmarried woman, whether spinster or widow may enter into any contract, the same as a man.

A married woman may hold in her own name her own

separate property. She has the same rights in respect thereto as her husband has in his.

A married woman is entitled to all moneys she earns, and any income she receives is entirely free from her husband's control and debts.

A wife is not liable for a family debt. If in the case of a wife conducting a boarding house, the husband and his property only is liable, unless the merchant enters into a contract with the wife and her purchases are charged in her own name.

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### Legal Fences

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A legal fence shall be at least four feet high and may be of rails, or boards, if not less than four in number or in panels of more than 12 feet in length.

Of upright posts, boards or palings not more than six inches apart.

Of two barbed wires and a substantial top rail, posts not to be any more than 16½ feet apart.

Of three or more barbed wires, and posts as above, lowest wire to be not more than twenty inches from the ground.

Of not more than three barbed wires on posts not more than fifty feet apart, the wires fastened to droppers, not less than two inches in width and one inch in thickness, or willow or other poles not less than one inch in diameter at the small end or wire droppers, the said droppers or poles not to be more than seven feet apart.

Of two posts spiked together at the top and resting on the ground in the shape of an A which shall be joined by a brace firmly nailed near the base, with three rails firmly secured on the one side of the A the top rail not less than four feet and the bottom rail not less than eighteen inches from the ground, there being also firmly secured on the other side of the A one rail not more than twenty inches from the ground.

Of woven wire secured to posts not more than 35 feet apart; or any river bank or other natural boundary sufficient to keep domestic animals out of any land.

A fence shall not be deemed a lawful fence unless it is situated at least eight feet from growing crops

Any of above described fences shall be deemed lawful fences if surrounding stacks of hay or grain provided they are situated not less than ten feet from such stacks.

The owner of any domestic animal which breaks into or enters upon any land inclosed by a lawful fence shall be liable to compensate the owner of such land for damage done by such animals.

Any person erecting a wire fence across any trail that has been in use by the public for three months shall immediately previous to such erection place a top rail on such fence where it crosses and for a distance of two rods on each side from the centre of the trail.

### Synopsis of Game Laws

It is unlawful to shoot on Sunday.

It is unlawful to destroy game by poison, narcotics, sunken punts, nightlights, traps, snare, swivel spring, automatic or machine shot guns.

It is unlawful to export game without a permit.

It is unlawful to offer prairie chicken or partridge for sale except by the shooter.

It is unlawful to disturb nests or take eggs of birds.

It is unlawful to use dogs for hunting deer or to allow dogs used to such practice to run at large.

It is unlawful to export furs of lower grade than No. 3.

It is unlawful to destroy muskrat houses in winter or beaver dams at any time.

It is unlawful to accompany or aid a non-resident to shoot without a licence.

It is unlawful to kill any bird not mentioned in The Game Ordinance, except crows, eagles, goshawks, pigeon hawks, duck hawks, Cooper's hawks, hawk owls, black-birds, grackles, English sparrows, loons, cormorants, pelicans and mergansers.

A General Licence to shoot game may be procured from guardians for \$100.00.

A Bird Licence may be procured from guardians for \$50.00.

Permits to guests of residents may be procured from guardians for \$1.00.



Taxidermists may have animals or parts in possession in close season if accompanied by affidavit of owner showing game was lawfully killed.

No hunter shall hunt, trap, take, shoot at, wound or kill :

\*Any bison or buffalo at any time;

\*Any pronghorn antelope between the fifteenth day of November and the first day of October in the following year;

\*Any of the deer family whether known as caribou, moose, elk, wapiti, deer or otherwise between the fifteenth day of December in any year and the first day of December in the following year and in no case shall a person kill more than two of such animals in a season.

\*Any female of the deer family or the young under one year of age of any of the animals mentioned in this section.

No person shall hunt, trap, take, shoot at, wound or kill :

Any bird of the family Anatidæ, commonly known as ducks, geese and swans between the first day of January and the first day of September in any year ;

Any bird of the Gruidæ, commonly known as cranes, between the first day of January and the first day of August in any year ;

Any bird of the Rallidæ or rails and coots, between the first day of January and the first day of September in any year ;

Any bird of the Limicolæ, or shore birds, including snipe, sandpiper, plover and curlew between the first day of January and the first day of September in any year ;

Any bird of the Gallinæ, commonly known as grouse, partridge, pheasant, ptarmigan and prairie chicken between the first day of December in any year and the fifteenth day of December in the following year ;

Provided that no English pheasant shall be taken or killed at any time nor shall more than ten birds of the family Gallinæ be killed by one person in any one day nor more than one hundred in a season.

No person shall at any time between the first day of November in one year and the first day of April in the following year, destroy the house of any muskrat nor shall any person at any time destroy a beaver dam.

No person shall use a dog for hunting any of the animals mentioned in paragraphs above marked \* at any time or shall permit a dog accustomed to pursue deer to run at large in any locality where big game is usually found, and such dog found running such game may be killed by any person without incurring any liability therefor.

### A Synopsis of the Herd Laws.

Animals running at large doing damage upon any cultivated land or land upon which there are stacks of grain or hay, or sloughs growing hay or on which a man has a license to cut hay, in a herd district, may be impounded in the nearest accessible pound.

The proprietor of any land in any herd district may drive and cause to be impounded any stallion or bull running at large.

After due notice according to law, any owner of such stallion or bull who does not capture and confine the same within forty-eight hours of such notice, shall be liable and on summary conviction before a Justice of the Peace to a penalty of \$5 for every day after the stallion or bull is at large.

Any such proprietor; that is the proprietor of such land as described in the first paragraph of this synopsis, upon whose property any animal is found trespassing, may (if he knows its owner) temporarily impound the animal in any convenient place for a period not exceeding three days, and shall within twenty-four hours after such impounding, notify the owner by a written memorandum and shall feed and maintain the animal, and may, if not sooner released, at the end of the three days deliver it to the nearest accessible pound. Such proprietor may make a charge the same as the pound keeper's fees, but shall not be entitled to any compensation for damage except for such as is done before the temporary impounding.

Any impounded animal not claimed within twenty days after legal notice has been inserted in the Official Gazette, shall be sold by public auction after notice of such sale has been posted for eight days in three conspicuous places within the herd district, one of which shall be the post-office nearest the pound.

When more than one animal is impounded and the owner is known there shall be only one animal sold, the owner thereof being entitled to those remaining unsold.

If the owner is not known all the animals impounded shall be sold.

#### FEEES.

The following and no other fees shall be allowed in connection with the impounding of animals within any herd district: To the proprietor of any land trespassed upon or other property injured by any animal, and for driving such animal to the pound keeper, his reasonable expenses; for capturing and impounding any stallion of any age over one year, and any hull of any age over nine months \$5.00 for any damage done by any animal not to exceed that mentioned in the statement of claim delivered to the owner or pound keeper with the animal when impounded; for notifying the owner or for every day any animal is lawfully detained before being placed in pound. Such fees for making notification and for sustenance of such animal, as a pound keeper may be authorized to make for like services. For care and sustenance the following tariff for each day such animal is impounded shall govern:

For each stallion, or bull twenty-five cents.

For each other horse, mule, jack, head of cattle or swine, fifteen cents,

For each sheep or goat, five cents.

For notifying owner of animal impounded, ten cents.

For forwarding notification to department for insertion in the Official Gazette, ten cents.

For posting notices of animals impounded \$1, and the actual cost of newspaper advertising, not to exceed \$1 when incurred.

For posting notices of sale \$1, for each mile a pound keeper travels in the performance of his duties, ten cents, to the pound keeper for selling impounded animals, 2½ per cent, commission upon the amount realized from such sale.

In respect to the disposition of any impounded or stray animals always consult a Justice of the Peace before taking any action.

### Keepers of Hotels and Boarding Houses.

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Any hotel, boarding or lodging house keeper may seize and detain in his hotel, house or on his premises, and before the same shall have been removed therefrom, the trunks and personal property of any person who is indebted to him for board and lodging and shall be responsible for the safe keeping of the same; and in addition to all remedies provided by law he shall have the right in case the charges remain unpaid for three months after seizure thereof to sell by public auction the baggage and property of such guest, boarder or lodger so seized, on posting and keeping posted during the period of one week on the outside of the door of such hotel, boarding or lodging house a notice of such intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer, and after such sale, such inn, hotel, boarding or lodging house keeper may apply the proceeds of such sale in payment of the amount due to him as aforesaid, and the costs of such advertising and sale; and he shall pay over the surplus if any to the person entitled thereto on application being made by him therefor; and in case application therefor be not forthwith made he shall immediately pay the same to the Territorial treasurer, to be kept by him for such owner for one year; after which time, if such owner has not previously claimed the amount so kept the same shall form part of the general revenue fund of the Territories.

### Synopsis of Mechanics' Lien Act.

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Every mechanic, machinist, builder, miner, laborer, contractor, or other person doing work or furnishing materials used in construction, alteration or repair of any building, erection or mine, shall by virtue of being so employed or furnishing, have a lien for the price of the work, machinery or material, upon the building erection or mine and the lands occupied there by or enjoyed therewith, limited in amount to the sum justly due, unless he signs an express agreement to the contrary.

Every mechanic, laborer or person who performs labor

as above stated has a lien thereon for wages, not exceeding the wages of thirty days, or a balance equal to his wages for thirty days.

All disputes shall be first determined by action in the Supreme Court or by arbitration.

A claim of lien shall be registered, and shall state the name and address of the claimant, and of the owner of the property to be charged, of the person for whom the work was done, or materials or machinery was furnished :

The work done or material or machinery furnished ;

The sum claimed as due or to become due ;

The description of the property to be charged ;

The date of expiring of the period of credit agreed to by the lienholder for payment for his work, materials or machinery where credit is given. Such claim to be verified by the affidavit of the claimant or his agent.

A claim for wages may include the claims of any number of workmen. All claims must be registered within thirty days after the last day's labor for which the wages are payable, or at any time within thirty days after the construction, alteration or repair of the building or erection or placing of the machinery.

### **A Synopsis of the Noxious Weeds Ordinance.**

Every owner or occupant of land shall destroy all noxious weeds thereon and if he makes default in so doing he shall be guilty of an offence, and shall on summary conviction therefor, be liable to a penalty not exceeding \$100 and costs.

Any person to whom notice is given by any inspector who neglects to carry out the directions contained therein shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding \$100 and costs.

In case noxious weeds are not cut down or destroyed on any land pursuant to notices given by an inspector, or in case the name and address of the owner is not known, the inspector or any person or persons directed by him, may forthwith enter upon the land with necessary teams and implements and destroy such weeds in such manner as he deems fit, the amounts so expended in the work to be received from the owner of the lands.

No person shall sell or dispose of or offer for sale or disposal any grain, grass, clover or other seeds intended for the purpose of seed in which there is seed of any noxious weed. Nor shall any person purchase, barter or otherwise dispose of or remove any bran, shorts, chopped or crushed grain or cleanings containing seeds of noxious weeds without first having destroyed their germinating qualities. It is contrary to law to place outside any mill, elevator or grain warehouse, except in a securely constructed building, shed or covered bin, any matter containing the seeds of noxious weeds that have not been destroyed in their germinating qualities.

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### Synopsis of Stray Animals Ordinance

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Any person who finds he has on his premises, or in his herd any estray animal (other than a stallion or bull) the owner of which is unknown to him, which cannot be driven away from such premises or herd, or any such animal the owner of which is known to him, which is not removed from the said premises or herd within ten days after such owner has been notified, shall at once forward to the department a notice to the effect that such animal is on his premises or in his herd, which notice shall contain the name, location and post office address of the finder and a full description of the animal with all its marks, color and probable age, and any other remarks likely to lead to identification; and such notice shall be published for two consecutive insertions in the official Gazette and in addition to this notice the finder may cause a copy of the same to be inserted in three consecutive issues of nearest newspaper, the cost of same not to exceed \$1, and these expenditures shall be reimbursed by the owner when the animal is claimed, or if not claimed, by the Justice after the sale of the animal in accordance with the Ordinances.

The finder of any animal may demand a statutory declaration from the owner of any estray animals before he delivers the same. In case of disputes as to charges or expenses a justice of the peace shall determine and his determination shall be conclusive between the parties, and for such the Justice shall be entitled to a fee of \$1, to be paid by the party against whose contention he determines.

In default of payment of expenses, the Justice shall fix a date and cause such animal to be sold by auction, either by the nearest accessible pound keeper or by any person authorized by him in writing, to sell such animal, and such Justice out of the proceeds of such sale shall first pay the expenses of sale and advertising and Justice's fees and then the cost of keeping to the finder, and the balance to the owner, otherwise to the Minister of Agriculture.

If any estray animal is not claimed within six months after the date of the first publication of the notice in the Official Gazette, the finder shall within sixty days thereof make application to a Justice who may proceed to sell the said animal, and at the time and place appointed for the sale the finder shall attend with the animal and shall present a statement of the fees legally entitled to, to the Justice or person authorized by the Justice to offer the animal for sale.

### FEES

THE FOLLOWING AND NO OTHER SHALL BE THE FEES PAYABLE TO THE FINDER.

For the care and sustenance of horses, no charge whatever; For the care and sustenance of every head of swine, ten cents per day from date of mailing of notice to owner, or to Official Gazette; For the care and sustenance of every goose, goat, sheep or head of cattle during the period from the fifteenth day of November to the fifteenth day of April, five cents per day from the date of mailing of notice to the owner or to the Official Gazette; but not exceeding \$2 for any goose, goat or sheep, or \$5 for any head of cattle, for advertising in the newspaper, not to exceed one dollar, the amount actually expended.

For mileage to and from place of sale, ten cents per mile for each mile necessarily travelled, not exceeding thirty. For postage the amount actually and necessarily expended.

### TO THE JUSTICE \*

For preparing and posting notices of sale \$1.  
For preparing application and administering oath \$1.  
For postage and exchange or commission on transmission of proceeds of sale, the actual amount expended.

TO THE SALESMAN

Two and one-half per cent. of the amount realized by the sale.

OFFENCES AND PENALTIES

On summary conviction before a Justice of the Peace any person who takes, rides or drives off any horse or herd of cattle belonging to another without owner's consent; who, when taking his own animal from pasture, without the owner's consent takes or drives off the animal of any other person grazing with his own;

Causes or allows any horse or herd of cattle belonging to another party (without consent of such party) to be driven with his band or herd more than five miles from its grazing place, or demands or receives any sum for keep of animals or any fee not authorized, shall be liable to a penalty not exceeding \$100.

The same penalty attaches to a person convicted, for neglect to provide sustenance for any animal he knows is on his premises; who rescues, or incites or attempts to rescue any animal without paying the fees and expenses against said animal; who rides, drives or otherwise works for his benefit any stray horse or ox captured or detained; who neglects to promptly notify the owner, if known, to promptly notify the Official Gazette; or being the finder, purchaser in person or by his agent or has any interest of any kind in any animal sold under the stray animals ordinance. The owners of any horse who neglects to remove the same from the premises where it has been found within fifteen days after he has been duly notified shall be liable to a penalty of \$1 per day for each day during which such neglect continues after the expiration of the said fifteen days.

Any person working any animal in his possession, not his own, or who improperly treats the same, shall be liable to civil action for damages in addition to any other penalties provided for.

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**Synopsis of Vital Statistics Ordinance**

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All births, deaths and marriages, must be registered within thirty days after occurrence thereof.



The father, mother or persons standing in their place, or the nurse present at the birth shall be held responsible for the registration of births.

Illegitimate children must also be registered, but unless the father at the joint request of the mother requests, no name shall be given the child, but the word "Illegitimate" shall appear on the registration form.

Officiating clergymen or other persons authorized by law to celebrate marriages shall be held responsible for the registration of all marriages.

The occupants of the house in which a death takes place, or in case the death is that of the occupant, then some one of the other persons in the house shall supply to the registrar the full particulars of such death. In case of coroners' investigations the result should be reported to the registrar of the district.

Every Clergyman, minister or any other person performing burial service shall, unless he has received a certificate under the hand of the Registrar of the district in which death took place, report the fact to the registrar of the district.

Every duly qualified medical practitioner in attendance at the last illness preceding death shall, after having knowledge of the death of such person, transmit to the register of the division a certificate of the cause of death.

Default of persons responsible for complying with these requirements renders the person on statutory conviction liable to a penalty not exceeding \$50.

### Synopsis of Master and Servants Act

Any person engaged howsoever, guilty of drunkenness or of absenting himself by day or night without leave from his proper service or employment, or by refusing or neglecting to perform his just duties or to obey the lawful commands of his master or of dissipating his employer's property or effects shall be deemed guilty of a violation of his contract and upon summary conviction of one or more of the said violations forfeit and pay such sum of money not exceeding \$30 as to the Justice or Magistrate seems meet together with costs of prosecution and in default of payment thereof, forthwith shall be imprisoned for any period not exceeding one month unless

the fine imposed and costs together with the cost of commitment and conveying such convicted person to the place of imprisonment be sooner paid.

If the Justice determines that an employee has been improperly dismissed, he may in addition to the payment of wages found to be due—to the limit of two months—direct that payment of such further sum as may be deemed reasonable but not exceeding four weeks' wages at the rate at which he was being paid. Failure of employer to pay results in the levy on and sale of any goods or chattels he possesses.

Any counter claim of merit will be considered by the Justice.

Proceeding must be instituted within three months after disagreement.

The determination of cases by a Justice does not curtail abridge or defeat over civil remedy or action.

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### **Use of Tobacco by Minors**

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Any person who either directly or indirectly sells or gives or furnishes to a minor under sixteen years of age cigarettes, cigars or tobacco in any form shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$1 or more than \$10 with or without costs or to imprisonment with or without hard labor for a term not exceeding ten days or to both fine, costs and imprisonment. The above shall not apply to a minor who bears a written request or order signed by his parent, lawful guardian or employer and only applies to persons in municipalities and villages.

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### **The Exemption Law**

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The following property is exempt from seizure under writs of execution in North-West Territories:

The necessary and ordinary clothing of the debtor and his family.

The furniture and household furnishings belonging to the debtor and his family to the value of \$500.00

The necessary food for the defendant's family during six months, which may include grain and flour, or vegetables and meat, either prepared for use or on foot.

Six cows, three oxen, horses or mules, or any three of them, six sheep, three pigs and fifty domestic fowls, besides the animals the defendant may have chosen to keep for food purposes, and food for the same for the months of November, December, January, February, March and April, or for such of those months as may follow the date of seizure, providing such seizure be made between the 1st of August and the 30th day of April next ensuing.

The harness necessary for three animals, one wagon or two carts, one mower or cradle and scythe, one breaking plow, one cross plow, one set harrows, one horse rake, one sewing machine, one reaper or binder, one set sleighs and one seed drill.

The books of a professional man.

The tools and necessary instruments used by the defendant in the practice of his trade or profession to the value of \$200.

Seed grain sufficient to seed all his land under cultivation, not exceeding 80 acres at the rate of two bushels per acre, defendant to have choice of seed, and fourteen bushels of potatoes.

The homestead of the defendant, provided the same be not more than 160 acres; in case it be more, the surplus may be sold subject to any lien or encumbrance thereon.

The house and buildings occupied by the defendant and also the lot or lots on which the same are situate to the extent of \$1,500.

No article is exempt from seizure, except for the food, clothing and bedding of the defendant and his family, if the debt is for that specific article.

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### Synopsis of Postal Laws

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Letters posted in Canada, addressed to any place within the Dominion, are carried for 2 cents per ounce. Letters mailed without postage will be sent to the dead letter office. Letters on which the postage is partially paid will be forwarded to destination and double the deficiency collected from the addressee.

Drop letters are one cent per ounce, except in cities where there is a system of mail delivery (by "drop" letters we mean letters addressed to persons who receive mail out of the office in which the letter is posted) Some people erroneously believe that by leaving a written letter unsealed it will pass at the one cent rate. Any letter having words written by pen or pencil, sealed or unsealed take the regular letter rate of 2 cents an ounce. This rate applies to any country in British possessions and protectorates.

Post cards from any place in Canada or to United States or Mexico, 1 cent each. British or Foreign 2 cents each.

#### PRIVATE POST CARDS

The face of a private post card may be used for advertisements, illustrations, etc., provided that a clear space of at least  $\frac{1}{4}$  of an inch is left along each of the four sides of the postage stamp and a clear space of  $3\frac{1}{4}$  inches long and  $1\frac{3}{4}$  inches wide reserved for the address at the lower hand corner of the card. Private post cards must not exceed in size of 6 inches by  $3\frac{3}{8}$  inches nor to be less than 4 inches by  $2\frac{3}{4}$  inches.

#### REGISTRATION OF LETTERS

Persons posting letters containing value should register them, and obtain from the postmaster a certificate of receipt for Registration. The charge for Registration is five cents, on any class of matter.

Registration is not an absolute guarantee against the miscarriage of a letter, but a Registered letter can be traced where an Unregistered letter cannot, and the posting and delivery or non-delivery can be proven.

#### INSURANCE OF REGISTERED LETTERS.

Registered letters may be insured, when addressed to post offices in Canada only, twenty-five dollars being the maximum insurance. The following fees, in addition to regular postage and registration are charged:

Insurance Fee	Limit of Compensation
3 cents	\$10.00
4 cents	15.00
5 cents	20.00
6 cents	25.00

### BOOK POST, ETC.

Book packets are limited to five pounds weight, unless consisting of a single book when the limit is ten pounds: for foreign post, four pounds. Limit of size, domestic: 30 inches by 12 inches; foreign: 24 inches by 12 inches.

Book packets must be open at both ends or both sides and must not contain any letter or sealed enclosure.

The rate on book packets for delivery in Canada, Great Britain, the United States and all postal union Countries is 1 cent. per 2 ounces.

### MISCELLANEOUS MATTER

The rate on this class of matter which includes practically everything in printed matter, such as maps, calendars, lithos, tickets, etc. is one cent. for each two ounces or fraction thereof. packets not to exceed 5 lbs. in weight nor more than 30 inches in length or 12 inches in width, nor may the combined length and girth of any packet exceed 6 feet.

### PATTERNS AND SAMPLES

These are transmitted at the rate of 1 cent for each two ounces or fraction thereof in the Dominion of Canada only, and all such packets or samples must be sent in covers open at the ends, so as to admit of easy examination. Liquids and oils, etc. can only pass through the mails by being carefully put up in strict accordance with directions which the post master is supposed to be able to give you.

Miscellaneous articles of merchandise, seeds, bulbs, etc. for delivery in Canada or the United States passes at the rate of 1 cent per ounce or fraction thereof under size limitations as referred to in miscellaneous matter.

All explosives, dangerous or destructive substances, glass bottles or glass in any form liable to break, all obscene or immoral books, publications, pictures, etc., libellous post cards and letters the covers of which bear words of an offensive character, and letters and circulars relating to illegal lotteries or other fraudulent schemes are prohibited from the mails.

## Legal Holidays

The following are legal holidays by the Dominion Act for all the Provinces: Sundays; New Year's Day, Good Friday; Easter Monday; Christmas Day; Victoria Day, May 24th; Dominion Day; H. M. Birthday, now November 9th; Thanksgiving Day;—any day appointed by proclamation of the Governor-General or Lieutenant-Governor as a public holiday or a general feast or Thanksgiving; Labor Day; Civic Holidays, appointed by proclamation of the chief magistrates of towns and cities. When New Year's, Christmas, King's Birthday, Victoria Day or Dominion Day falls upon Sunday, then the day following is a public holiday.

Promissory notes falling due upon Sunday or a holiday will legally mature on the day next following which is not a holiday.

The time limit also of any contract expiring or falling upon a holiday; the time so limited shall extend to, and such thing may be done on, the day next following which is not a holiday.

Civic Holidays being merely local are not bank or general holidays, hence negotiable paper and all outside contracts must be attended to.

Employees working by the week, month or year, unless otherwise specially agreed to, are entitled to their wages for the holidays.

## Definition of Contagious Diseases

The term "infectious or contagious disease" includes glanders, fary, maladie du coit, pleuro-pneumonia, foot and mouth diseases, rinderpest, anthrax, Texas fever, hog cholera, swineplague, mange, scab, rabies, tuberculosis, lump jaw, and variola ovina. By an order in Council tuberculosis and lump jaw do not require to be reported to the veterinary inspectors, and slaughtering is not demanded, but cattle which have reacted to the tuberculin test shall be deemed to be affected with tuberculosis and shall be permanently marked in such manner as the Veterinary Director-General may prescribe. The Department does not test any cattle for

tuberculosis, except those imported and exported for breeding purposes and such herds as are placed under the control of its officers. If any owner of cattle desire to have his animals tested he may procure the doses of tuberculin from the Department free of charge and employ a qualified veterinary surgeon on condition that he reports the results of the tests on charts. Animals affected with tuberculosis or lupus jaw can not be exported from Canada. Horses showing symptoms of glanders or which react to the mallein test are to be condemned by the inspectors and forthwith slaughtered.

### Naturalization in Canada

The law respecting the naturalization of aliens in Canada is contained in chapter 113 of the Revised Statutes of Canada. This Act provides that any alien, who is the full age of twenty-one years, and not an idiot, lunatic or married woman, may become a British subject as a Canadian, by taking the oath of allegiance as under, and also an oath that he intends to remain in Canada. He must have resided in Canada for not less than three years, or been in the service of the Government of Canada or any of the provinces of Canada for not less than three years. The naturalization of an alien confers upon him the municipal, provincial and parliamentary franchise, but before being able to exercise his right of franchise in a provincial or municipal election such naturalized citizen would have to fulfil the conditions as to provincial and municipal qualifications for voters of the franchise act of the province in which he happened to be residing.

#### THE OATH OF ALLEGIANCE

The schedule to the Naturalization Act, gives the oath of allegiance, which reads as follows: "I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King Edward VII., as lawful sovereign of the United Kingdom of Great Britain and Ireland and of the Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which

shall be made against his person, crown and dignity, and that I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors all treasons or traitorous conspiracies and attempts which I shall know to be against him or any of them, and all this I do swear without equivocation, mental evasion or secret reservation. So help me God.

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### Assignments for Benefit of Creditors

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Assignment of property by any person at any time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, with intent to defeat or give one a preference over the others, or over any one or more of them, or that has effect, is void; but an assignment made by the debtor for the purpose of paying all his creditors rately and proportionately and without priority, or any bona fide sale of goods, or payment made in the ordinary course of trade to innocent purchasers is valid. The court has a general jurisdiction to enforce the proper distribution of insolvent estates.

All persons employed by the insolvent at the time of or within one month before the assignment, are entitled to be paid in full, (if owing) before the claims of general creditors are paid, and may rank on any balance. No creditor is entitled to rank on the estate in respect of any claim for any period subsequent to the date of the assignment until after all claims for interest on such principal money (where interest is by law payable thereon) calculated down to the date of the assignment, have been fully paid and satisfied.

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### Bills of Sale and Chattel Mortgages

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Absolute bills of sale or transfer of chattels are void (except as between grantor and grantee) unless grantee forthwith upon execution thereof takes actual possession of chattels and grantor ceases to have possession. Chattel mortgage requires to be registered and to have an affidavit indorsed made by the grantee on his agent to the effect that grantor is really indebted to the grantee in



the amount expressed in the mortgage or that a consideration of nature and amount therein expressed really and truly exists, and that to the best of his knowledge and belief the mortgage was not executed for the purpose or with the intent of protecting the property therein described from creditors of the grantor, or of defrauding the creditors of the grantor or any of them. All conveyances and dispositions of property made with an intention of defrauding creditors are null and void against them. Chattel mortgages or other conveyances or transfer (except such as are given for a present actual bona fide payment or advance of money, or made in consideration of any present actual bona fide sale or delivery of goods or other property) are void if given by a debtor in insolvent circumstances with intent to give an undue preference over other creditors or to prejudice or delay any of his creditors.

In all cases registration is necessary and merchants should always take the precaution to ascertain from time to time if any bills of sale or chattel mortgages are registered against parties with whom they are dealing. They should also see that the chattel mortgages which they hold as security are kept renewed each year.

The validity of bills of sale and chattel mortgages depends upon compliance with the statutory requirements of the province where they are executed. If not so executed and renewed they are void as against the claims of other creditors.

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## Deeds of Land and Mortgages

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In all the Provinces, all deeds, judgments affecting lands must be registered in the registry office of the district or country in which the land is situated. All conveyances of land must be in writing, and, before registration, must be acknowledged by party executing same, or proved by the oath of a subscribing witness.

Lands may be within the "Torrens system" of Transfer, which is by certificate instead of deed.

Mortgages on lands should be executed, proved and registered like deeds. It may be discharged by a certificate signed by the mortgagee, or his assignee, or representative entitled to receive the money, and such

certificate should be registered in same Registry Office. A person paying off a mortgage is entitled to demand an assignment of the mortgage instead of a discharge. By Dominion legislation, after a mortgage has been in force for five years, the holder of the mortgage may be compelled to receive his money after three months' notice or payment of three months' interest. The usual means of collecting a mortgage are sale or foreclosure of the property, or a personal action upon the agreement to pay.

### Descent of Property

The laws relating to both real and personal property are the same in Manitoba, Alberta and Saskatchewan. If the intestate leaves a widow and any child or children or descendant of any child, the widow shall take a third part. If intestate leaves no issue, his widow shall take all, provided that she has lived chastely. The husband of a married woman is entitled to the whole of her effects on her death intestate. If the intestate leaves a widow, child or children, two-thirds of his estate shall go to such child or children. The father of any person dying intestate without wife or children take all intestate's property. The mother of any person dying intestate without wife, child or father takes all.

There is the following special legislation in Alberta and Saskatchewan. In the distribution of the personal property of any woman dying intestate, her illegitimate children shall be entitled to the same rights as if they were legitimate. The mother of any illegitimate child dying intestate shall take all the personal property of such child.

### Farmers' Law

In a deed to agricultural property the boundaries should be clearly determined. The question, What does the farmer get? is answered by these boundaries, and the deed to a farm always includes the dwelling houses, barns and other improvements thereon belonging to the grantor, even though these are not mentioned. It also conveys all the fences standing on the farm, but all

might not think it also included the fencing-stuff, posts, rails, etc., which had once been used in the fence, but had been taken down and piled up for future use again in the same place. But new fencing material just bought and never attached to the soil, would not pass. So piles of hop-poles, stored away, if once used on that land, and intended to be again so used, have been considered a part of it, but loose boards or scaffold poles, merely laid across the beams of a barn and never fastened to it, would not be, and the seller of the farm might take them away. Standing trees, of course, also pass, as part of the land; so do trees blown down or cut down, and still left in the woods where they fell, but not if cut and corded up for sale; the wood has then become personal property.

If there be any manure in the barn-yard or in the composed heap on the field, ready for immediate use, the buyer ordinarily, in the absence of any contrary agreement, takes that also as belonging to the farm, though it might not be so if the owner had previously sold it to some other party, and had collected it together in a heap by itself, for such an act might be a technical severance from the soil and so convert real into personal estate; and even a lessee of a farm could take away the manure made on the place while he was in occupation. Growing crops also pass by the deed of a farm unless they are expressly reserved, and when it is not intended to convey those, it should be so stated in the deed itself; a mere oral agreement to that effect would not be valid in law. Another mode is to stipulate that possession is not to be given until some future day, in which case the crops or manures may be removed before that time.

An adjoining road is, to its middle, owned by the former whose land is bounded by it, unless there are reservations to the contrary in the deeds through which he derives title, or unless the local laws vest the road absolutely in the Crown or municipality. But his ownership is subject to the right of the public to the use of the road.

If a tree grows so as to come over the land of a neighbor, the latter may cut away the parts which so come over, for he owns his land and all that is above or below, if it be a fruit tree he may cut every branch or twig which comes over his land, but he cannot touch the fruit which falls to the land. The owner of the tree may enter peaceably upon the land of the neighbor and take up the branches and fruit.

## Landlord and Tenant

If there is no agreement as to time, the tenant as a rule holds from year to year. A tenant is not responsible for taxes, unless it is so stated in the lease. The tenant may underlet as much of the property as he desires, unless it is expressly forbidden in the lease. A husband cannot make a lease which will bind his wife's property. A lease given by a guardian will not extend beyond the majority of the ward. A new lease renders void a former lease. In case there are no writings, the tenancy begins from the day possession is taken; where there are writings and the time of commencement is not stated, the tenancy will hold to commence from the date of said writings. Where a tenant assigns his lease even with the landlord's consent, he will remain liable for the rent unless his lease is surrendered or cancelled.

There are many special features of the law of landlord and tenant in relation to agricultural tenancy. Generally an outgoing tenant cannot sell or take away the manure. A tenant whose estate has terminated by an uncertain event which he could neither foresee nor control is entitled to the annual crop which he sowed while his estate continued, by the law of emblements. He may also, in certain cases, take the emblements or annual profits of the land after his tenancy has ended, and, unless restricted by some stipulation to the contrary, may remove such fixtures as he has erected during his occupation for convenience, profit or comfort: for in general what a tenant has added he may remove if he can do so without injury to the premises, unless he has actually built it in so as to make it an integral part of what was there originally.

The following are immovable fixtures:—Agricultural erections, fold-yard, wall, cart house, harns fixed in the ground, beast house, carpenter shop, fuel house, pigeon house, pineries substantially fixed, wagon house, box borders not belonging to a gardener by trade, flowers, trees, hedges, ale-house, bar, dressers, partitions, locks and keys, benches affixed to the house, staves erected as an ornament to grounds, sun dial, chimney piece not ornamental, closets not affixed to the house, conduits, conservatory, substantially affixed doors, fruit trees if a tenant be not a nurseryman by trade, glass windows, hearths, millstones, looms substantially fixed to the floor of a fac-

tory, threshing machines fixed by bolts and screws to posts let into the ground.

The tenant should not depend on promises of a landlord. All agreements should be embodied in the lease. The landlord's right against a subtenant is limited to the amount of rent due to the tenant by the subtenant.

Monthly tenants are entitled to and must give a month's notice; weekly tenants a week's notice; yearly tenants must give six months' clear notice, ending with the anniversary of the commencement of the tenancy. If there is a tenancy for a definite period, e. g., one year, six months, etc., on the expiration of that period no notice is required on either side. If the tenant continues to occupy the premises after the end of that period, and pays rent he becomes tenant from year to year.

A lease is not terminated by the death of either party.

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### Employers' Liability

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Employers are liable to their workmen for death or personal injuries caused:

1. By defect in the construction, arrangement or condition, arrangement or condition of ways, works, machinery, plant, stages, building, premises, etc., of the employer, where such defects arise or continue through the negligence of the employer or his responsible agent.
2. By the negligence of any person entrusted by the employer with superintendence, while such person is exercising superintendence.
3. By the negligence of any person in the service of the employer, to whose orders the person injured was bound to conform and did conform, where the injury has resulted from such conformance.
4. By the act or omission of any person engaged by the employer, made or done in obedience to the rules or instructions of the employer, where the injury results from some impropriety or defect in such rules or instructions.
5. By the negligence of any person in the service of the employer, who has charge of any signal, points, locomotive, engine, machinery or train upon a railway, tramway or street railway. The workman cannot recover.

er damages where he has been aware of the defect and has inexcusably failed to notify the employer or some person superior to himself in the employer's service, unless he was aware that the employer or superior already knew of the defect. Notice of the injury must be given within twelve weeks, and an action commenced within six months (two years in Manitoba) after the injury occurs. Damages are limited to three years' wages. Workmen can only contract to waive the benefit of the statute when there is some other consideration than the employment, and the court is of the opinion that such consideration is ample and adequate, and the contract reasonable and not improvident on the part of the workman. Employers are also liable for damages caused to workmen through accidents, if not brought about by the serious negligence of the workman. Such compensation in case of death, is limited to \$1,500. In case of total or partial disability the compensation is limited to a weekly sum not exceeding 50% of the claimant's average weekly earnings in the same employment, but not to exceed \$10 per week or \$1,500 in all.

### Fish and Game Laws

Throughout the Dominion generally, possession, sale or transportation of fish or game in the close season is prohibited, except that in some cases a few days grace are allowed for the disposal of game and fish after the open season has ended.

In Manitoba the open seasons for fishing are as follows:—

Maskinonge, May 16th to April 14th.

Pickrel (dore), May 16 to April 14th.

Speckled Trout, May 2nd to September 14th.

Sturgeon, June 16th to May 14th.

Whitefish, Salmon or Lake Trout, December 1st to October 4th.

The open seasons for fishing in Saskatchewan are as follows:—

Maskinonge, May 16th to April 14th.

Pickrel (dore), May 16th to April 14th.

Salmon trout, December 16th to October 4th.

Speckled trout, May 2nd to September 14th.

Sturgeon, June 16th to May 14th.

Whitefish, December 16th to October 4th.

In Alberta fishing is permitted as follows :—

Maskinonge, May 16th to April 14th.

Pickrel (dore), May 16th to April 14th.

Salmon trout, December 16th to October 4th.

Speckled trout, May 2nd to September 14th.

Sturgeon, June 16th to May 14th.

Whitefish, December 16th to October 4th.

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### Canadian Standard Weight and Measure

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The legal standards of weight and measures of Canada are the imperial yard, imperial pound avoirdupois, the imperial gallon and the imperial bushel. The imperial gallon is equal to 277.273 cubic inches, or 4.54174 litres of the metric system. The wine gallon used in the United States is equal to 231 cubic inches, or 3.785 litres.

The bushel should be determined by weighing, unless a bushel measure be specially agreed upon, the weight equivalent to a bushel being as follows: Wheat, 60 lbs.; Indian corn, 56 lbs.; peas, 60 lbs.; barley, 48 lbs.; malt, 36 lbs.; oats, 34 lbs.; beans, 60 lbs.; flax seed, 56 lbs.; hemp, 44 lbs.; blue grass seed, 14 lbs.; lime, 80 lbs.; castor beans, 48 lbs.; potatoes, turnips, carrots, parsnips and beets, 60 lbs.; onions, 50 lbs.; bituminous coal, 70 lbs.; clover seed, 60.; timothy and buckwheat, 48 lbs. By an Act of Parliament passed in 1879 the British hundredweight of 112 pounds and the ton of 2,240 were abolished and the hundredweight was declared to be 100 pounds, and the ton 2,000 pounds avoirdupois.

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### Synopsis of An Act Respecting Wills

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Wills made by any person under the age of twenty-one years are not valid.

Wills made by married women are as valid as those made by unmarried women, whether made with or without her husband's knowledge.

Wills are not valid unless in writing, and signed by the testator or by some one in his or her presence and by his or her direction, which signature must be witnessed by two persons.

An executor may be a witness.

A will is not revoked by reason of any change in the testators domicile.

A will is revoked by the marriage of the testator unless it is declared in the will that the same is made in the contemplation of such marriage, or ;

Where a will is made in exercise of a power of appointment and the real or personal property thereby appointed would not in default of such appointment pass to the heir, executor or administrator or the person entitled as next of Kin; obliteration, interlineation or alteration are not valid after execution unless the obliterations are subscribed to by the witnesses in the margin or some other part of the will, or in some other part of the will opposite or near to such alteration or at the foot or end of or opposite to a memorandum referring to such alteration and written at the end or in some other part of the will.

Where a person has any doubt whatever about the proper wording of a will, consult a lawyer and have him draw the will to avoid any legal entanglements after your death.

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### **Synopsis of Act Respecting Devolution of Estates of Deceased Persons**

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When any person dies intestate the real and personal estate of the deceased except in so far as either is excepted by law or enactment shall be chargeable with all legal debts, liabilities and funeral expenses; but the personal property shall be exhausted before resort is made to the real property.

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### **Distribution of Estate of Intestates**

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If any intestate dies leaving a widow and a child or children or issue one-third of his real and personal property shall go to his widow and the remaining two-thirds



shall go to his child or if more than one to his children in equal shares and in case of the decease of any of his children to such as shall legally represent them such representatives to take the share of the deceased child in equal proportions and if there is no child of the intestate living at the time of his death to the other lineal descendants of such intestate.

If all such descendants are in the same degree of kindred to the intestate they shall take the property equally otherwise they shall take according to the right of representation.

If an intestate dies leaving a widow and no issue his whole estate, real and personal, shall go to his widow.

If an intestate dies leaving a child or children, or issue and no widow his whole estate, real and personal, shall go to his child or children in equal shares and if any of the children shall have died leaving issue such issue shall take according to their right of representation.

If an intestate dies leaving no widow or issue his whole estate real and personal, shall go to his father.

If an intestate dies leaving no widow, issue or father his whole estate, real and personal, shall go to his mother.

If an intestate dies leaving no widow or issue or father or mother his whole estate, real and personal, shall go to his brothers and sisters in equal shares and if any of his brothers or sisters be dead the children of such deceased brother or sister shall take the parent's share.

If an intestate dies leaving no widow, issue, father, mother, brother or sister or children of any brother or sister his estate, real and personal, shall go in equal shares to his next to kin in equal degrees excepting where there are two or more collateral kindred in equal degree but claiming through different ancestors those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor who is more remote; but in no case shall representatives be admitted among collaterals after brother's and sister's children.

If an intestate dies leaving several children or one child and the issue of one or more children and any surviving child dies under age and not having been married all the property, real and personal, that came to the deceased child by inheritance from such deceased parent shall go in equal shares to the other children of

the same parent and to the issue of any of such other children who have died by right of representation.

If at the death of such child who dies under age and not having been married all the other children of his parent are also dead and any of them shall have left issue all the property, real or personal, that came to such child by inheritance from his parents shall descend to all the issue of the other children of the same parent; and if all the issue are in the same degree of kindred to such child they shall take such property equally, otherwise they shall take according to the right of representation.

#### MARRIED WOMEN

The real and personal property of a married woman dying intestate shall be distributed in the same proportions and in the same manner as the real and personal property of a husband dying intestate.

#### DESERTION AND ADULTERY

If a wife has left her husband and has lived in adultery after leaving him she shall take no part of his real or personal estate.

If a husband has left his wife and lived in adultery after leaving her he shall take no part of her real or personal estate.

#### GENERAL PROVISIONS

For the purposes of this Act degrees of kindred shall be computed according to the rules of the civil law; and the kindred of the half blood shall inherit equally with those of the whole blood in the same degree.

Descendants and relatives of the intestate begotten before his death but born thereafter shall in all cases inherit in the same manner as if they had been born in the life time of the intestate and had survived him.

Any child born after the death of his father for whom no provision is made in the will of the father shall have the like interest in the real and personal property of his father as if the father had died intestate; and all the devisees and legatees under such will shall abate in proportion their respective devises and bequests.

The share of such posthumous child shall be set out and assigned by the supreme court or other court having

jurisdiction so as to effect as little as possible the disposition made by the testator of his property.

If any child of an intestate has been advanced by the intestate by settlement or by portion of real or personal property or both of them and the same has been so expressed by the intestate in writing or so acknowledged in writing by the child the value thereof shall be reckoned for the purpose of this section only as part of the real and personal property of such intestate distributable according to law; and if such advancement is equal or superior to the amount of the share which such child would be entitled to receive of the real and personal property of the deceased as above reckoned then such child and his descendants shall be excluded from any share in the real and personal property of the intestate.

If such advancement is not equal to such share such child and his descendants shall be entitled to receive so much only of the personal property and to inherit so much only of the real property of the intestate as is sufficient to make all the shares of the children in such real and personal property and advancement to be equal as nearly as can be estimated.

The value of any real or personal property so advanced shall be deemed to be that which has been expressed by the intestate or acknowledged by the child in any instrument in writing otherwise such value shall be estimated according to the value of the property when given.

The maintaining or educating or the giving of money to a child without a view to a portion or settlement in life shall not be deemed an advancement within the meaning of this Act.

All such property, real and personal, as is not devised by will shall be distributed as if the testator had died intestate.

When any person dies seized of or entitled to any estate or interest in any real property which at the time of his death is charged with the payment of any sum or sums of money by way of mortgage and such person has not by his will or deed or other document signified any contrary or other intention the heir or devisee to whom such real property descends or is devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal property or any other real property of such person; but the property so charged shall as

between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same is charged every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof.

Nothing herein contained shall affect or diminish any right of the mortgagee of such real property to obtain full payment or satisfaction of his mortgage debt out of any property liable to payment thereof or otherwise and nothing in this section contained shall affect the right of any person claiming under or by virtue of any will, deed or instrument made before the passing of this Act.

#### LAND

Land in the province shall descend to the personal representatives of the deceased owner thereof and be distributed as if it were personal estate.

No widow shall be entitled to dower in the land of her deceased husband but she shall have the same rights in such land as if it were personal property; and no husband shall be entitled to any estate by the courtesy in the land of his deceased wife but he shall have the same rights therein as a wife has in the personal property of her deceased husband.

#### SPECIAL PROVISIONS RESPECTING ILLEGITIMATE CHILDREN

Illegitimate children shall inherit from the mother as if they were legitimate and through the mother if dead any real or personal property which she would if living have taken by purchase, gift, demise or descent from any other person.

If an intestate being an illegitimate child dies leaving widow or husband or issue the whole of such intestate's property, real and personal, shall go to his or her mother.

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#### Synopsis of Act Respecting Open Wells and Other Things Dangerous to Stock

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No person shall have on his premises or on any premises occupied by him any open well or other excavation

in the nature thereof of a sufficient area and depth to be dangerous to stock and accessible to stock of any other person which may come or stay upon such premises.

No person shall have or store on his premises or on any premises occupied by him any kind of threshed grain accessible to stock of any other person which may come or stay upon such premises.

No proceeding to recover any penalty for violation of any of the provisions of this Act shall be taken except at the instance of a person whose stock has been killed or injured or whose stock is liable to be killed or injured by reason of the nonobservance of such provisions and in any such proceeding it shall be a sufficient defence thereto if it be shown that such well, excavation or grain was kept enclosed by a lawful fence.

Persons violating any of the provisions of this Act shall in addition to any civil liability, if any, be guilty of an offence and be liable upon summary conviction to a penalty not exceeding \$25 and costs.

## Execution of Judgement

### SEIZURE IN EXECUTION

The property of a debtor is the common pledge of his creditors and all his property, moveable and immovable, present and future, is liable for the execution of his obligations except such as are declared exempt from seizure.

A creditor may seize in execution and cause to be sold in satisfaction of a judgment, the moveable or immovable property of his debtor in such debtor's possession as well as any corporeal moveable in the possession of the creditor or third parties who consent thereto. Debentures, promissory notes whether negotiable or not, shares in corporations and other instruments payable to order or to bearer, bank notes included, may be seized like other moveables.

### GARNISHMENT

Execution upon the moveable property of a debtor in the possession of a third party may, in all cases, and must, when such party does not consent to its immediate seizure, be affected by a seizure by garnishment. The

same means must be adopted in execution on debts due to the debtor. The writ orders such third party or garnishee not to dispossess himself of the moveables in their possession belonging to the debtor or of such money or other things as he owes the debtor or will have to pay him, until the court has pronounced on the matter and to appear at a time fixed to declare under oath what property of the debtor he may have or what he owes or will have to pay him.

In seizing salaries or wages, the seizure by garnishment remains binding for the seizable portion as long as the contract or engagements continues or as long as the debtor remains in the employ of the garnishee.

#### SALARIES EXEMPTED FROM SEIZURE

1. Pay and pensions of persons belonging to the Army or Navy; 2, contingent emoluments and fees due to ministers of worship for current services and the income of their clerical endowment; 3, salary of professors, tutors and school teachers; 4, four-fifths of the earnings of pilots of Quebec and below Quebec.

5. All pensions granted by financial or other institutions to their employees, by means of retiring funds or pension funds.

6. Salaries of public officers except those of public officers and employees of the Province, of city or town clerks and other functionaries and other municipal employees and assessors in incorporated cities or towns which are seizable for: (a) one-fifth of every monthly salary not exceeding \$1,000 a year; (b) one-fourth of every monthly salary exceeding \$1,000 a year; (c) one-third of every monthly salary exceeding \$2,000 a year.

The following portions of all other salaries however and wherever payable are exempt; (a) four-fifths, when they do not exceed \$3 a day; (b) three-quarters, if they exceed \$3, but do not exceed \$6 a day; (c) Two-thirds, when they exceed \$6 a day.

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### Marriage

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#### AGE, CONSENTS AND PERSONALITIES

To contract marriage a man must be of the full age of 14 and a woman of the full age 12. Minors must obtain

the consent of their parents before marriage, in case of disagreement, the consent of the father suffices. Marriage is prohibited between uncle and niece, aunt and nephew. A man may, however, marry his deceased wife's sister.

There is no civil marriages in the Province. All priests and ministers authorized to keep registers of civil states are competent to celebrate marriage but cannot be compelled to do so against the doctrine or discipline of their church. Banns must be published unless duly dispensed with or unless a licence is obtained.

A marriage contracted without the consent of the parties, or where there is an error as to person, or without the consent of parents or tutor when necessary, can be annulled by the courts.

#### RIGHTS OF HUSBAND AND WIFE AS TO PROPERTY

The rights of husband and wife respecting their property may be regulated by contract which must be made before marriage and by a notary. In such contract the parties may make any arrangement they see fit. It cannot be altered after marriage. If there is no contract they are governed by the law respecting legal community and dower. During marriage the husband or wife cannot confer benefits on each other except as regards the insurance of the life of the husband in favor of his wife and children.

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#### Servitudes on Property

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Servitudes are charges on real estate which lessen the proprietary rights of the owner. Servitudes arise either from the position of the property, or from the law or from the act of man. Lands on a lower level must receive the waters flowing naturally from those on a higher level. The owner of the lower land cannot build a dam to prevent this flow and the other owner cannot aggravate it in any way.

The owner of land bordering on a running stream, not forming part of the public domain, may use it as it passes provided he does not prevent the same use to others entitled thereto.

Legal servitudes establish the obligations to leave a foot-road or tow-path along the banks of navigable or floatable rivers and other obligations regarding division walls, ditches, views, eaves of roofs and rights of way.

Ditches and hedges separating lands, and walls between buildings, yards, gardens and enclosed fields are presumed to be common if there is no mark, title or proof to the contrary. The repairing and building of common ditches and walls are chargeable to all who have any rights in them in proportion to such rights.

Trees growing nearer the boundary than the distance prescribed by law, usage or the reasonable protection of the neighbor, must be uprooted at the request of the neighbor and branches extending over the neighboring land must be cut. The neighbor may himself cut roots extending into his property. The owner of cultivated land may compel the owner of a contiguous uncleared land to clear a space of 15 feet in width adjoining the boundary of such uncleared land. Fruit trees, maple trees, and others used for decorative purposes are excepted from this clearance though subject to the other rules above given.

#### RIGHT OF WAY

An owner whose land is enclosed on all sides by that of others, without access to the public road, may claim a right of way on that of his neighbors subject to an indemnity to the latter. This way must generally be had by the shortest crossing and always by the way and in the manner least burdensome to the neighbor on whose land it is granted.

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#### Prescription

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Under the law of prescription rights are acquired and obligations discharged by the mere lapse of time.

In general and where not otherwise provided property and obligations are prescribed by the lapse of thirty years. A possessor during that period without title acquires ownership.

A purchaser of an immovable in good faith acquires a good title by the lapse of ten years.



Ten years also prescribe actions in restitution of minors for wrongs, in rectification of tutors' account or in rescission of contracts for error, fraud, violence or fear. The action for indemnity under architects and contractors' warranty must be taken within ten years from the date of loss. If the defect is gradually revealed, prescription runs from the date of the 10 years warranty.

Five years prescribe actions for services and disbursements for advocates and notaries and fees of officers of justice; against advocates notaries and functionaries for recovery of papers and titles confided to them; on inland and foreign bills of exchange, promissory notes, etc.; on sales of moveables; for hire of labor or price of manual professional or intellectual work, or materials furnished; for visits, services, operations and medicines of physicians or surgeons.

School taxes are prescribed by three years as also are municipal taxes, except in Montreal and Sherbrooke where four years are required.

Actions for seduction and damages from offences and quasi-offences unless otherwise provided; for wages of workmen hired for a year or more and snas des school-masters for tuition, board and lodging are prescribed by two years.

One year prescribes actions for slander or libel, for bodily injuries unless otherwise provided, for wages of domestic or farm servants, clerks, and others hired by day, week or month or less than year; and for hotel and boarding house charges. An action against a municipality for bodily injuries is prescribed six months after the accident.

## Synopsis of Homestead Regulations.

### HOMESTEAD ENTRY

Even numbered sections of surveyed Dominion Lands (excepting 8 and 26 in each township) in Manitoba, Saskatchewan and Alberta, not reserved, being agricultural lands, and unoccupied, are open to homestead entry.

Every person who is the sole head of a family and every male who has attained the age of 18 years, is entitled to obtain entry for a homestead to the extent of

one quarter-section, on payment of an entry fee of ten dollars.

A widow having minor children dependent on her is permitted to make homestead entry as the sole head of a family.

Application for a homestead entry may be made by a person eligible under the provisions of 'The Dominion Lands Act,' either at the Land Agency for the district in which the land is situate, or at the office of a Sub-agent authorized to transact business in the district.

When application for homestead entry is made before a Sub-agent such application must be transmitted to the Agent forthwith and has no force and effect until received by him.

Notice of receipt of the application may be wired by the Sub-agent at the expense of the applicant, to the Agent and in such case the land, if available, will be held until the application papers are received.

When a Sub-agent has received an application for homestead entry for a quarter section, he must not receive another application for the same quarter-section from any other person until the first application has been dealt with by the Agent.

Application for entry must be made by the applicant in person.

Application for entry by proxy is permitted, however, in the case of a person making entry on behalf of a father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed. In such case the proxy must appear before the Land Agent for the district in person. Application for entry by proxy cannot be accepted by a Sub-Agent.

The homesteader on whose behalf such entry is made, must before the expiration of six months, from the date of the entry, appear personally before the Agent (not a Sub-agent) and satisfy him by declaration as provided that he is already in residence or on his way to commence such residence and in the latter case that he will be in residence before the end of six months. Should he fail to appear, the Agent must cancel the entry without notice at the end of six months from date of entry.

The privilege of entry for a second homestead is restricted by 'The Dominion Lands Act' to those who com-

pleted the duties on their first homesteads to entitle them to patent on or before the 2nd June, 1889.

An application for homestead entry must not be accepted from an agent who is employed in a Dominion Lands Agency or as a Homestead Inspector during the continuance of such employment.

When, in the opinion of an Agent, a homestead entry has been secured by misrepresentation, perjury, or fraud, it shall be his duty to secure all available evidence and to forward same to Head Office. If the evidence is sufficient, Head Office will cancel the entry promptly, and the Agent will be advised accordingly.

When homestead entry is applied for upon a quarter-section on which there is believed to be valuable timber the applicant is required to make statutory declaration on the proper form, stating that there are not more than twenty-five acres of 'merchantable timber' (spruce, jack pine or tamarack suitable for lumber, railway ties or telegraph poles; or timber of poplar, birch, spruce, jack-pine or tamarack, suitable for building timber over ten inches at butt).

If an entry be made for land on which there are more than twenty-five acres of 'merchantable timber,' such entry will be liable to cancellation.

Occupation of surveyed lands by squatting thereon without authority gives no right thereto, and all persons are warned that such occupation is illegal and the squatter liable to ejectment and forfeiture of improvements.

### HOMESTEAD DUTIES

A homesteader is required by the provisions of 'The Dominion Lands Act' to perform residence and cultivation duties in each year during a term of three years, as follows:—

### RESIDENCE DUTIES

1. A homesteader may perform the residence duties by living on his homestead at least six months in each year during the term of three years.
2. A homesteader may, if he so desires, perform the required six months residence duties by living on farming land owned solely by him, not less than eighty (80)

acres in extent' in the vicinity of his homestead. Joint ownership in land will not meet this requirement.

3. If the father (or mother, if the father is deceased) of a homesteader has permanent residence on farming land owned solely by him, not less than eighty (80) acres in extent, in the vicinity of the homestead, or upon a homestead entered for by him in the vicinity, such homesteader may perform his own residence duties by living with the father (or mother).

4. The term 'vicinity' in the two preceding paragraphs is defining not more than nine miles in a direct line, exclusive of the width of road allowances crossed in the measurement.

5. A homesteader intending to perform his residence duties in accordance with the above while living with parents or on farming land owned by himself must notify the Agent for the district of such intention and keep him informed as to post office address. Otherwise his entry is liable to become the subject of cancellation proceedings.

#### CULTIVATION DUTIES

1. It is the practice of the department to require a settler residing on his homestead to bring a total of at least fifteen acres of the same under cultivation.

Cultivation of the land during each of the three years is required. If a homesteader breaks five acres of the homestead the first year and crops it the second year, breaking another five acres the second year, and so on, it will be satisfactory to the department.

2. A settler who is performing his residence duties by living in the vicinity of his homestead, either with parents or on land owned by him, is required to bring a total of at least thirty acres of the homestead under cultivation.

#### NONFULFILMENT OF DUTIES

The entry of any homesteader who does not comply with the requirements as to residence and cultivation duties is liable to cancellation.

#### PERFECTING AN ENTRY

A homesteader is allowed six months from the date of

his entry within which to perfect the same by taking possession of the land and beginning his residence duties in connection therewith. Any entry not so perfected within that period is liable to cancellation.

For cause shown, however, Head Office may protect an entry for an additional period of six months. This does not apply to entries made by proxy.

#### DECEASED HOMESTEADERS

In the event of the death of a homesteader before the duties have been completed, the unfulfilled duties may be performed by the legal representative or his nominee (or one of the legal representatives or their nominee, as the case may be) in the same manner as the homesteader himself was entitled to do.

The residence duties in connection with the homestead of the deceased may also be completed, if so desired:

- (1) by the legal representative (or nominee) living on farming land owned by the estate of the deceased, of an area not less than eighty acres, if within nine miles of the homestead;
- (2) by the legal representative (or nominee) living on farming land of the area stated owned by himself (or nominee, as the case may be) if within nine miles of the homestead;
- (3) by the legal representative (or nominee, as the case may be) living on his own homestead if within the said distance.

#### CANCELLATION PROCEEDINGS

Application for the cancellation of the entry of a homesteader in default must be made in person at the Land Agency for the district within which the land is situate, or at the office of a Sub-agent authorized to transact business for that district.

When application for cancellation is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant as in the case of homestead entry.

When a Sub-agent has received an application for cancellation, he must not receive another application in connection with the same quarter-section or from the same person until the first application has been dealt with by the Agent.

An application for cancellation will not be accepted or considered if made within six months of the date on which the homestead entry was granted unless application should be made on the ground of ineligibility or fraud. In such case the application may be accepted at any time after date of entry and must be accompanied by a statement on oath giving full particulars.

Only one application for cancellation will be accepted against a homestead entry until such application has been finally disposed of, and, if subsequent applications are received, the applicants must be promptly advised that they cannot be considered.

An applicant for cancellation must be eligible to make homestead entry, except in the case of a minor who must be at least seventeen years and six months of age, and eligible to have land reserved for him.

An applicant for cancellation may not make a second application until the first is disposed of.

An applicant for cancellation may withdraw his application and the Agent must report such withdrawal to Head Office. In this case, or in case an applicant for cancellation homesteads elsewhere, the cancellation proceedings will be continued. Another application must not be accepted in connection with the quarter section and should cancellation occur, the land will be available for the first eligible applicant thereafter.

The applicant for cancellation must state in what particulars the homesteader is in default, and, if his statement should subsequently be found to be incorrect in material points, the applicant will lose his right to enter for the land in case it should become available, or if entry has been granted him it may be summarily cancelled.

Although an entry may be under protection by order of Head Office, an application for cancellation must be accepted, and cancellation proceedings will begin or commence, as the case may be, at the expiration of the protection period, unless the Agent has evidence (which must be recorded) that the duties are being performed.

Such homesteader granted protection is required to satisfy the Agent before the expiration of the protection period that he is complying with the regulations, failing which his entry may be cancelled without further notice.

If an application for cancellation is filed after a declaration of abandonment is executed and before the Agent is advised by the Head Office of its acceptance or refusal, such application for cancellation has no standing and does not confer any right on the applicant.

When an application for cancellation is accepted by the Agent he shall on the prescribed form give the homesteader sixty days within which to show cause why his entry should not be cancelled.

Should the homesteader fail to file a defence, his entry may be summarily cancelled.

In the event of the homesteader filing a defence, it must be submitted for consideration to Head Office, who may order that an inspection be made by the homestead inspector, or take such other action as the circumstances of the case may warrant.

The Agent must, when an application for cancellation is accepted, forward notices to the homesteader at the address given by him when making entry, at his latest address, and to him at the post office nearest the homestead, also to the postmaster nearest to the homestead.

#### CANCELLATION

When a homestead entry is cancelled by proceedings taken upon an application for cancellation, or when there is an application for cancellation prior to cancellation, the applicant shall be given thirty days to make entry, failing in which, the land will be available to the first eligible applicant thereafter for same.

Homestead entries otherwise cancelled shall be available to the first eligible applicants thereafter, and the Land Agent shall immediately post notices of such cancellations in his office, available for public inspection, giving date and hour of such posting. The Sub-agent must also be notified and must also post notices.

Notice to an applicant for cancellation shall be by mail. Should he fail to appear within the thirty days allowed, notice of the cancellation must be immediately posted as above for public inspection, and the Agent is

not required to notify any other person in connection with that quarter section.

#### SPECIAL INSPECTION

Where townships touch upon a railway line, or lie within two miles of any railway line, the Agents shall from time to time from office records prepare a list of lands for special inspection. Such list shall include all lands in said townships for which homestead entry has been granted for one year and over and upon which the records do not show that the duties are being performed. The Inspector shall make his report in duplicate and and marked 'Special.'

In cases where the Homestead Inspector's report shows nothing done in the way of residence or improvements, the Agent shall at once institute cancellation proceedings, giving the homesteader sixty days to file a defence, notifying Head Office of the same.

One copy of the Inspector's report of all special inspections must be forwarded to Head Office, the other kept upon the office file relating to the land.

#### APPLICATION FOR LANDS NOT AVAILABLE

An application made either in person or in writing for vacant land not then available, or land under reservation, or land unavailable for any reason, will not give the applicant any prior right with respect to such land in the event of its becoming available.

#### RESERVATION FOR MINORS

An Agent may reserve an available quarter-section of land for a minor over seventeen years of age, until he is eighteen, on the following condition:—

First.—His father (or mother if the father is deceased) must live upon his homestead, or upon farming land owned solely by him not less than eighty acres in extent, within nine miles of the quarter-section applied for.

Second.—The father (or mother) must file with the Agent a statutory declaration, properly executed, giving the date of the son's birth and the names and residence of the parents. When this information has been satisfactorily furnished, the agent may reserve the quarter-



section; reporting same to Head Office, at the same time forwarding the declaration, retaining a copy on file in his office.

If the period of reservation includes the months of June and July five acres of the homestead must be broken during these months; unless this requirement is complied with the reservation may be withdrawn.

Entry must be made within one month after the applicant reaches the age of eighteen years.

#### LOCATION OF SCRIP

Location of Half-breed Scrip must in every case be made at the Land Agency for the district in which the land is situate. Scrip cannot be located at any of the sub-agencies.

If a homestead entry is in good standing, or if it is not the subject of cancellation proceedings, the homesteader may be permitted to abandon his entry with a view to the location of scrip upon the land under entry. When a homesteader avails himself of this privilege he will thereby exhaust his homestead right.

#### ABANDONMENT OF HOMESTEAD ENTRY

A homesteader may by permission of the Head Office abandon his entry and obtain authority to make another entry upon executing the prescribed declaration.

The regulation permitting cancellation by the Agent upon unconditional abandonment has been rescinded.

A homesteader whose entry is not the subject of cancellation proceedings, may abandon the same in favor of a father, mother, son, daughter, brother or sister, if eligible, upon filing the usual declaration and subject to the approval of the Head Office, but this privilege is strictly limited to the above.

In future all declarations of abandonment must reach Head Office before permission will be given the applicant to re-enter for a homestead. No abandonments by wife will be accepted.

#### APPLICATION FOR PATENT

Application for patent may, after completion of the duties, be made by a homesteader before an Agent or Homestead Inspector, or before a Sub-agent for the District.

Patent cannot be issued to any homesteader who is not a British subject by birth or naturalization.

Application for patent must not be taken until the three full years have completely elapsed from the date of entry or commencement of residence.

In calculating the residence on a homestead it is to be noted that the homesteader cannot become entitled to patent in less than three full years from the date of entry (except in cases in which the time counts from the commencement of residence before entry).

Special care must be taken by all officers receiving evidence in connection with applications for patent to ascertain exactly what duties have been performed in the way of residence and improvements.

Care should also be taken to see that the applicant for patent and the witnesses thereto clearly understand the questions set forth in the application.

Evidence must be taken only from disinterested witnesses who are all able to testify from their personal knowledge and not from hearsay.

If an officer suspects that the evidence given in connection with an application is incorrect, he should report the case to the Agent so that it may be fully investigated before submission to Head Office.

Only such applications for patent as are recommended by the Agent, or which the Agent may desire brought to the attention of the Commissioner, should be submitted to the Head Office.

In all cases where the applicant has not completed his duties, or the evidence is incomplete, the Agent should promptly communicate with the applicant, pointing out in what respects the performance of duties or the evidence is defective, and setting forth exactly what he is required to do, sending copies of all such communications to Head Office.

Where a homesteader claims to have performed his residence duties on farming land, owned by himself or by parents in vicinity, it is necessary that evidence of ownership and the date of same be produced, so that the officer receiving the application, or the Agent, may certify on the application whether the applicant is the sole BONA FIDE owner of such land and give the area thereof.

Failure on the part of a homesteader to apply for patent within a period of five years from the date of entry renders his right to the homestead liable to forfeiture.

#### TRAFFICKING IN HOMESTEADS

An assignment or transfer of a homestead or an agreement to assign or transfer made before the issue of the recommendation for patent is null and void, and the person so transferring, assigning or agreeing to assign or transfer is liable to forfeit his homestead.

Any person who receives, directly or indirectly, any consideration of any kind in connection with the abandonment of an entry held by him, and the person paying or instrumental in paying, directly or indirectly, such consideration, shall be liable to forfeiture of the entry or of homestead right, at the discretion of the department.

#### ODD-NUMBERED SECTIONS

Odd-numbered sections, in surveyed townships are reserved from sale and settlement, and all persons are warned against squatting thereon, as they thereby do not acquire any right thereto, and are liable to ejection under the provisions of the Dominion Lands Act.

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### Joint Stock Companies

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A joint stock company is an association of individuals possessing corporate powers, enabling them to transact business as a single individual.

In British Columbia, N.-W. Territories, Nova Scotia and Newfoundland stock companies are formed by Registration instead of by Letters Patent, as in the other provinces. In British Columbia and N. W. Territories no company consisting of more than twenty persons, and in Newfoundland ten persons, can carry on business within the scope of the Stock Companies' Act for the purpose of gain unless registered as a stock company, or unless working under some other Act or Letters Patent.

To form a company any five or more persons, twenty-one years of age, may subscribe their names to the memorandum of the association, and forward the same with the necessary affidavits, Government fee, etc., to the

Registrar of Joint Stock Companies, and thus become an incorporated company either with or without limited liability, according to the articles of association.

If any incorporated company carries on business when the number of members is less than five for a period of six months thereafter, every member that is cognizant of that fact becomes personally liable for debts contracted during such period the same as in a General partnership.

Where the liability is to be limited to the amount unpaid on the shares, the Memorandum of Association must contain :

1. The name of the proposed company, with the addition of the word "Limited" as the last word of the name.
2. The place where the registered office of the company is to be located.
3. The objects for which the company is to be established.
4. The time for its continuance, if for a fixed time.
5. A declaration that the liability of the members is to be limited.
6. The amount of capital, divided into shares of fixed amount.

No subscriber can take less than one share.

The name of the company must not be the same or even similar to that of any other company, whether incorporated or not, and must not be objectionable in any other way. The word "Royal" cannot be used as part of the name without a special license from the Home Office.

Books to be Kept.—The law requires certain books to be kept, giving the names of the stockholders and the shares owned by each, the amount paid in on stock, the names and addresses of the directors.

They are as follows :

1. A book containing a copy of Letters Patent.
2. A register of shareholders present and past.
3. A register of transfers of stock.
4. A register of directors.
5. The stock ledger, giving number of shares held by each stockholder.
6. A minute book containing proceedings of all meetings.

7. And, lastly, books of account containing a full record of all the company's business.

All these books are to be at the head office of the company, and open for inspection by shareholders and creditors at all reasonable hours on business days.

Shareholders in a company are not like partners in a partnership business. They may contract with the company the same as any other person, sue and execute their judgments against the company's goods, and in case of winding up they rank with the other creditors.

They have, however, no right to the property of the company nor to the profits until a dividend has been declared. In conducting company business they can only work through the company. They cannot be expelled from the company nor deprived of their right to vote by either the officers or directors and the other shareholders combined.

If the business is carried on when the number of shareholders is less than the number required by statute to sign the petition, for a period of six months, the members individually become liable for company debts if they know the number has been so reduced. They may free themselves from personal liability by serving a written protest upon the company, and by registered letter notifying the Provincial Secretary of such protest and the facts upon which it is based. If company refuses to increase the number of members to the required number its charter may be revoked.

Managing Directors and officers in signing notes, accepting drafts, etc., if they do not use the name of the company with the word "Limited" they render themselves personally liable for the amount, and the company liable to a fine.

Also personally liable for knowingly permitting the use of a seal without the word "Limited" on it.

All the Provinces make the directors liable for false statements in prospectus, for malfeasance in office, for false reports of the condition of the business; and some of the Provinces if they fail to make the required return to Government make the directors and officers responsible for the neglect liable to a penalty as well as the company.

### LIMITED LIABILITY.

In stock companies a shareholder is only liable to creditors to the amount of stock he has subscribed for. This is the great distinctive feature of joint stock companies. The company may be wrecked by bad management and subscribers lose the amount of the stock they purchased, but there their loss stops. Creditors cannot touch their private business nor enter their homes to seize and sell. It is very much safer than a general partnership.

#### THERE ARE THREE CLASSES OF GENERAL PARTNERSHIP

There is the dormant, silent or sleeping partner, who has an interest in the business, but whose name does not appear. He is represented in the firm name by & "Co."

There is the ostensible partner who lends his name to the firm but has no financial interest in the business.

And there is the actual partner who has both an interest and whose name appears in the firm name. They are all liable to the public for partnership debts.

General partnership holds the members not only jointly liable for the debts and liabilities of the firm, but each member is also personally liable for all the debts of the firm if the partnership assets are not sufficient to pay them in full.

Limited partnership is composed of one or more persons called general partners, who conduct the business, and one or more persons who contribute in actual cash payments a specific sum as capital to the common stock, who are called special or limited partners. Such special partners are not liable for the debts of the partnership business beyond the amounts they contributed to the capital. This Special or Limited partner must not have anything whatever to do with the management of the business, and take no part in the work. He may give counsel to the firm, examine the state and progress of the business, but if he takes any part in the management he makes himself a general partner, and thus liable for all the debts of the firm.

### The Alien Labor Law

The Alien Labor Law is one of the most important pieces of labor legislation in the statutes of Canada. It

was passed first in 1897, and underwent amendment in 1898 and 1901. As it now stands, the main provision of the law forbids any person, company, partnership or corporation assisting or encouraging in any way the importation or immigration of an alien into Canada under contract of any kind to perform labour. Any such contract, whether express or implied, written or verbal, is in the eye of the law void and of no effect, and is punishable by a fine of not less than \$50 and not more than \$1,000. The master of a vessel who knowingly lands such an immigrant in Canada may be punished by a fine of not more than \$500 for each alien so brought in, and may also be imprisoned for a term not exceeding six months. An alien landed in Canada in contravention of the Act may be seized and deported at the expense of the person bringing him here. The Act also considers a promise of employment through advertisements printed or published in a foreign country as illegal.

### . Securing a Copyright

Copyright may be obtained by any person domiciled in Canada, or in any part of the British possessions, or any citizen of any country which has an International Copyright Treaty with the United Kingdom, who is the author of any book, musical composition, original painting, drawing, etc. The term of a copyright is twenty-eight years, with a right to a farther term of fourteen years. The fees are \$1 for registry and 50 cents for certificate. The condition for obtaining copyright is that the work shall be printed and published, or reprinted and republished, in Canada, whether for the first time or contemporaneously with, or subsequently to, publication elsewhere. In no case can the right exist after it has ceased elsewhere. Foreign reprints of English copyright works may be disposed of if imported into Canada before the obtaining of Canadian copyright. The proof of establishing the regularity of the proceeding is upon the person selling. The above are the provisions of Chapter 62 of the Revised Statutes of Canada. Copyright of literary and musical productions secured in England is extended to Canada by virtue of the Imperial Statute, but recent decisions by the Canadian Courts support the contention that registration at Ottawa is necessary to the

possession of copyright in Canada of artistic productions. The Registrar of Copyrights for the Dominion is Phillip E. Ritchie, B. A., B. C. L., Department of Agriculture, Ottawa.

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### Securing a Patent

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Applications for patents in Canada should be addressed to the Commissioner of Patents, Ottawa, Ont. The term for the duration of a patent is limited to eighteen years. The fee for a patent for the full term of eighteen years is \$60, but may be paid by three instalments of \$20, each payment protecting for six years. Any intending applicant for a patent who has not yet perfected his invention, and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention so far, with or without plans, when the commissioner, on payment of a fee of \$5, causes the document, which is called a caveat, to be preserved in secrecy; but the secrecy of the document ceases when the applicant obtains a patent for his invention.

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### Butter and Cheese Adulteration Act

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The manufacture or sale of fraudulent or adulterated butter or cheese is strictly prohibited in Canada by Act of Parliament. The legislation in regard to butter is summarized in the Act of 1903 which forbids the manufacture, importation or sale of butter containing over 16 per cent. of water. No person shall manufacture, import or offer for sale any oleo-margarine, butterine or other substitute for butter manufactured wholly or in part from any other fat than that of milk or cream. The manufacture or sale of renovated or process butter is prohibited. The word "creamery" must not be used on butter packages unless the butter contained has been manufactured in a creamery. This does not apply to butter in rolls, prints or packages of less than twenty-five pounds in weight not intended for export, provided the said butter is manufactured in a building equipped with the appliances used in creameries.



Cheese made from milk that has been skimmed must be marked or branded "skim milk" cheese before being offered for sale. The law also prohibits the manufacture or sale of cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk. Penalties are prescribed for persons supplying to factories any milk that has been diluted with water or milk from which any cream has been taken. It is forbidden to keep back any portion of the milk known as strippings and the supplying of tainted or partly sour milk from a diseased animal is an offence under the provisions of the law.

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### Divorce Laws

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In Manitoba, Ontario, Alberta and Saskatchewan, there is no Divorce Court. Application must be made to the Dominion Parliament by means of a private bill, praying for a relief by reason of adultery, or adultery and cruelty, if it is a wife who is seeking a divorce from her husband. The charges made are investigated by a special committee of the Senate, and if a favorable report is presented to the House the bill usually passes. The expense of obtaining the bill is very great, exceeding, in any event five hundred dollars.

In British Columbia, New Brunswick, Nova Scotia, and Prince Edward Island the courts grant divorces for adultery and other serious causes. The superior provincial courts have power to grant separation for cruelty, etc., without dissolving the marriage tie.

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### Extradition Laws

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Canada will surrender to foreign countries with which she has an extradition treaty fugitive criminals who have fled from such countries to the Dominion.

The treaties between Great Britain and the United States specify the following crimes as extraditable: murder, assault with intent to murder, piracy, arson, robbery, forgery, utterance of forged paper, voluntary manslaughter, counterfeiting or altering money, uttering or bring-

ing into circulation counterfeit or altered money, embezzlement, larceny, receiving any money, valuable security or other property knowing the same to have been stolen, embezzled or fraudulently obtained; fraud by a bailee, banker, agent, factor, trustee or director or member or officer of any company made criminal by the laws of both countries; perjury or subornation of perjury; rape, abduction, child stealing, kidnapping; burglary, house-breaking or shop-breaking; revolt or conspiracy to revolt by one or more persons on board a ship on the high seas against the authority of the master; wrongfully sinking or destroying a vessel or attempting to do so; assault on board a ship on the high seas with intent to do grievous bodily harm; crimes and offences against the laws of both countries for the suppression of slavery and slave-trading; obtaining money, valuable securities or other property by false pretenses; wilful destruction or obstruction of railroads endangering human life; and procuring abortion.

No surrender will be allowed if the offence charged is a political offence or if the proceedings are taken to punish the fugitive for such an offence.

The fugitive is arrested on a warrant issued by a judge on a foreign warrant or information, and he then goes before an extradition commissioner who hears the evidence and decides whether the extradition should be granted and the accused surrendered to the foreign country for trial.

Such fugitive, if surrendered, cannot be tried or punished for an offence other than the one for which he was surrendered.

A requisition for the surrender of a fugitive criminal from Canada who is in a foreign state may be made by the Minister of Justice of Canada to a consular officer of such state at Ottawa or to the Minister of Justice or other minister of such state through a diplomatic representative of His Majesty in that state.

### Sales For Taxes

Alberta and Saskatchewan:—Land may be sold for two years' arrears of taxes (municipal) after due notice in the Provincial Gazette and advertisement in a local

newspaper and may be redeemed by any person acting in the owner's behalf or interested therein at any time before the expiration of one year there-after.

Manitoba:—Lands may be sold for taxes, when in arrears for one year and upward, by the secretary-treasurer of the municipality within which the lands lie, and may be redeemed at any time within two years after the date of sale, upon payment of the arrears of taxes and costs for which land is sold, together with ten per cent. interest if redeemed within one year, or twenty per cent. interest if redeemed after one year from sale. If the land is not redeemed within two years the treasurer forwards a memorandum showing same to the District Registrar of the Land Titles District in which the municipality lies. If the purchaser at a tax sale desires to become the owner of property he makes application to the District Registrar. A notice is then served on those who had any interest in the land at the time of the tax sale, and they are allowed a further period of six months from service thereof to redeem. If property is not then redeemed a certificate of title is issued to the purchaser upon payment of the proper fee therefor.

British Columbia:—Real estate sold for taxes may be redeemed within one year in municipalities, and two years elsewhere, on payment of the amount paid therefor by the purchaser with interest at 12 per cent. Lands and goods seized for taxes are not entitled to the protection of the Homesteads and Exemptions Act.



## Remember the Following Points

Law does not regard the fraction of a day.

A covenant is any promise in a sealed instrument.

Equity requires that to be done which ought to be done under the circumstances.

A Will to be valid must absolutely have at least two witnesses.

Bequest is a gift of land by Will, and a legacy is a gift of personal property or money by Will.

A thing is deemed to be done in good faith when it is done honestly, whether it is done negligently or not.

Foreign Bills of Exchange require to be protested both for non-acceptance and non-payment.

A note or acceptance is not invalid because it chances not to be dated.

Compound interest cannot be collected except upon agreement.

A person signing a note or any contract in an assumed name is as liable as though he used his own proper signature.

When a debt is transferred by assignment the assignee should notify the debtor of the transfer, otherwise he may legally pay the first creditor.

Rent payable in advance may be collected by suit when due, but cannot be distrained for unless there has been an agreement to that effect.

A forged note or cheque in the hands of innocent holders for value cannot be collected; but a note or cheque obtained through fraud may be.

A person purchasing a note even for value and knowing at the time that it was tainted with fraud or illegality, cannot enforce payment.

Money may be loaned on goods placed in a storage warehouse without registering a Bill of Sale or having a pawnbroker's license.

A note given for an interest in a patent right is void unless the words "given for patent right" are written or printed across its face.

To hold the indorser of a note liable the paper must be presented to the maker or at the place payable and the

payment demanded on the third day of grace. And if payment is not made the indorser must be notified.

A promissory note written, as they sometimes are, "with interest at the rate of two per cent a month" legally draws only five per cent. per annum.

A written acknowledgment of the claim or debt is as good as a payment to prevent debts from outlawing, or to revive them after they have become barred by Statute. A word of moath acknowledgment, however, is worthless.

When a judgment debtor is paying monthly or other instalments under a judge's orders and falls in arrears the creditor cannot for the same debt garnishee a debt due such debtor without leave from the judge.

A chattel mortgage holds the claim against the debtor for twenty years as the promise to pay is under seal and the instrument does not affect the title of lands.

The indorser on a promissory note or acceptance is free if the paper has not been properly presented for payment on the third day of grace.

A promissory note outlaws in six years from date of maturity or last payment of either principal or interest, or a written acknowledgment.

A valid agreement to buy real estate can only be made in writing. It needs no seal or payment in money.

A verbal agreement to buy real estate accompanied by the payment of money on the purchase price is not binding.

To place a seal on a promissary note makes it hold good for twenty years, but it destroys its negotiability. It may, however, be transferred by assignment.

Negotiable paper and all contracts maturing on Sunday or a legal holiday have the next business day thereafter as the legal date of maturity.

Giving permission to the mortgagor to dispose of any article covered by a chattel mortgage (except those mortgages covering goods intended for sale) destroys the priority of the mortgagee's claim over other creditors.

A chattel mortgage is a lien on goods or chattels given usually to secure the payment of borrowed money; but

A Bill of sale is taken when goods or chattels are actually purchased, but, for some reason are left in the hands of the seller. For instance, live stock, or saw logs may be purchased but left several months in possession of the

seller and in all such cases, if a Bill of Sale is not registered according to Statute execution creditors could seize them, or subsequent purchasers or mortgagees for value would also claim them.

In a General Partnership each member of the firm is liable for the whole debt of the firm if the partnership assets fail to pay them;

But a Special Partner in a Limited Partnership is only liable to creditors or the public to the amount of the capital he invested in it, or the interest he took in the business.

In a Joint Stock Company each member is only liable to creditors to the amount of shares he purchases, when they are paid his liability ceases.



## An Act Respecting Public Lands

### SCHOOL LANDS

Sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have BONA FIDE settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the lands so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry.

In every such case the Minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the CANADA GAZETTE withdraw it from sale and settlement and set it apart as school lands. R.S., c. 54, s. 23; 57-58 V., c. 26, s. 1.

The school lands shall be administered by the Minister under the direction of the Governor in Council. R.S., c. 54, s. 24.

All sales of school lands shall be at public auction, and an upset price shall be fixed, from time to time, by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands are situate. R.S., c. 54, s. 25

The terms of sale of all school lands, except as herein-after provided, shall be at least one-tenth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in nine equal successive annual instalments, with interest at the rate of five per centum per annum, which shall be paid with each instalment of purchase money on the balance thereof from time to time remaining unpaid: Provided that if the Minister

considers it will be to the advantage of the purposes for which school lands have been set apart under the provisions of this act, he may dispose of any section or part of a section of school lands in legal subdivisions or in smaller subdivisions, or in town lots into which the Minister is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on a proper plan of survey by a duly qualified Dominion land surveyor; and the terms of sale of such legal subdivisions, smaller subdivisions or town lots shall be, at least one-fifth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in four equal successive annual instalments, with interest at the rate before mentioned payable as herein specified. 62-63 V., c. 16, s. 1; 1 E. VII., c. 20, s. 7.

All moneys, from time to time, realized from the sale of school lands shall be invested in securities of Canada, to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province or territory within which such lands are situated, towards the support of public schools therein; and the moneys so paid shall be distributed for that purpose by such government in such manner as it deems expedient. R.S., c. 54, s. 25.

Notwithstanding anything herein contained, in any case where pursuant to the provisions of a certain order in council of the twelfth day of October, one thousand eight hundred and ninety-two, a lease of a grazing ranch in the Northwest Territories has been determined, the Governor in Council may authorize the school lands comprised in such lease to the former lessee thereof at the rate of one dollar and twenty-five cents per acre as part of the ten per cent. of his leasehold which under the said order in council he was given the privilege of purchasing: Provided that such sale shall not take place until the Minister by notice in the CANADA GAZETTE, has set apart, as school lands, in lieu of the school lands comprised within such leasehold and sold to such lessee, other lands of equal area and value, as nearly as may be. 60-61 V., c. 29, s. 8.

#### MINING AND MINING LANDS

Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead



entry, but the Governor in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof. 55-56 V., c. 15, s. 5.

No disposition of mines or mining interests in the Rocky Mountains Park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years. 55-56 V., c. 15, s. 5.

No grant from the Crown of lands in freehold or for any less estate, shall be deemed to have conveyed or to convey the gold or silver mines therein, unless the same are expressly conveyed in such grant. R.S., c. 54, s. 48.

Every discoverer of minerals upon surveyed or unsurveyed lands, or his assigns and associates, who had applied for a grant of such lands before the passing of chapter twenty-six of the Acts passed in the forty-third year of the reign of Her late Majesty Queen Victoria, shall be held to have the same rights as if that Act had not been passed. R.S., c. 54, s. 49.

#### GRAZING LANDS

Leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions as in that behalf are set forth in regulations authorized from time to time by the Governor in Council.

#### HAY LANDS

A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding a quarter-section, or forty acres, such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut.

## Partnership

Partnership is a contract between two or more persons, not an incorporated company, who join together for the purpose of conducting a certain business, with an understanding to participate in certain proportions in the profits or losses. They may join their money, goods, labor, and skill, or any or all of them. Firm, House or Co-partnership are all synonymous terms used to represent a partnership business.

They are formed by agreement of the parties, either expressed or implied. The express may be either oral, written or under seal. The test of partnership is a "common fund" and a community of profits", hence, in any case where parties are associated in business, if it is necessary to prove the existence of a partnership, about all that is needful to do is to prove that there is "a common fund" for the parties associated, and "a community of profits," and it would be difficult for such parties to establish the fact that there was not a partnership.

Partnership may be formed for commercial enterprises, manufacturing and mining in all the provinces and Newfoundland: but not for banking, railway construction, or insurance.

The capital a partner contributes to the partnership may be in cash, real estate, personal property, or secret process of manufacture, a patent right, copyright, labor, skill, or time in management, good-will of an established business, etc., and in each case be subject to the same liabilities and possess equal privileges.

In cases of insolvency Special partners do not rank as creditors until the claims of all others have been satisfied neither are they personally liable for the debts of the firm beyond the amount of capital they invested.

Limited partnership is not deemed to be formed until the certificate is filed. If business is done before filing it is deemed a General partnership and all are individually liable.

### REGISTRATION OF PARTNERSHIP

Every General partnership must be registered or filed within a definite time, which varies some in the different Provinces, or be liable to a heavy penalty.

In Manitoba General partnership must be filed within six months. For the Eastern Judicial District they are filed at the office of the Clerk of the Court of Queen's Bench, and for the Western Judicial District with the Deputy Clerk of the Crown and Pleas. The fee for filing is \$1. Limited partnership to be filed in the office of the Judicial District in which the principal place of business is situated, and if the principal place of business is not in a land Titles district then it must also be filed in the Office of the Registrar of the registration district in which it is situated. Fees for filing \$1.

In British Columbia General partnership must be registered within three months with the Registrar of the County Court. Fee for filing, \$1, if not over 200 words, and 20 cents for every 100 words thereafter. Limited partnership certificate must be signed before a notary public and filed in the office of the Registrar of the County in which the principal place of business is situated. Fee for filing, \$2.

In North West Territories General partnership must be registered within six months in the office of the Registration district for registration of chattel mortgages in which the business is to be conducted. Fee for filing, 50c.

The certificate for Limited partnership must be signed by a notary public, who will certify the same, and then filed in the office of the Deputy Clerk of the Supreme Court where the principal place of business is situated. Fee, 25c.

Each general partner unless prohibited in the articles of co-partnership, becomes a general agent of the firm and has power to act for the firm.

He may bind the firm in all matters that come within the limits of the business undertaken by the firm. For instance: If a firm were in the grocery business a partner could bind a firm in such transactions as would properly belong to the grocery trade; but he could not for anything pertaining to a coal business, or in real estate, etc.

Each partner can act for the firm unless he is prohibited in the partnership agreement. He may receive payments of bills and accounts, compromise with a debtor, or represent the firm in a suit at court, or borrow money necessary to carry on the firm's business.

He may make a note or accept a draft for the firm in the regular course of business, if the partnership does not prohibit him, or do any other act he deems necessary in the interest of the firm.

If a bill or note is signed by one of the firm the firm can be held liable, providing that two things can be proved, viz., that it was for firm purposes, and that the person signing it had proper authority to do so.

A promissory note or acceptance bearing the firm name signed by a partner, although not given for firm purposes, will be collected if it passes before maturity into the hands of an innocent holder for value.

A partner not invested with the right, and hindering his co-partners, renders himself liable to them.

One partner cannot bind the firm by an instrument under seal unless he has been empowered by an instrument under seal to do so, for instance, in the Articles of Partnership which should be under seal.

One member of a firm has no right to sign the firm name for purposes of suretyship or on private account. He must not employ the property of the firm for his own private use. He must not pledge the credit of the firm for his own personal benefit. He must not give a firm note in payment of a private debt. He should not issue a firm cheque in payment of a private account, unless he makes the cheque payable to his own order, and then indorses it before delivery.

In general, he must not do anything contrary to the partnership agreement or anything prejudicial to the interests of the firm.

A partner cannot sell his interest without the consent of his associates. If he should sell without such consent it voids the partnership agreement and a dissolution must take place. The remaining partners may accept the new member, but it makes a new partnership even though no other change may be made in the articles of agreement, and must be registered again.

A partner cannot sue the firm, as that would be in reality suing himself, for the firm does not exist without him. If, however, he has a private debt or claim against the firm which the firm will not pay he may assign it to a third party and they may sue.

### DISSOLUTION OF PARTNERSHIP

The following are among the things that call for a dissolution of partnership:

1. Insolvency of one of the partners in his private business.
2. Insanity of one of the partners.
3. Death of one of the partners.
4. Mutual consent.
5. Marriage of one of the female partner in some of the provinces.

The above events do not necessitate a dissolution, but they are a sufficient cause, and if any of the firm demand a dissolution it must be complied with.

They are dissolved by expiration of time, by completion of the work for which they were formed, or by decree of the court.

### Torrens System of Lands Transfer

Has come to us from Australia. A similar system has been in force in England for centuries under the name of Copyhold. It is now in force in Manitoba, North-West Territories, British Columbia and Ontario. So far in Ontario it has only been adopted by the County of York and City of Toronto, County of Elgin and City of St. Thomas, County of Ontario and the Districts of Algoma, Muskokn, Parry Sound, Nipissing, Manitoulin, Thunder Bay and Rainy River. Other municipalities may introduce it simply by by-law, which should be speedily done. It is referred to as the "Land Titles Act."

Lands granted by the Crown since the introduction of this system are subject to this Act, and the old cumbersome system of conveyancing cannot be used, but all dealings with such lands must be recorded on the "Certificate of Title." All other lands may be brought under the Act on the application of the persons interested and payment of a small fee.

The application, with the deeds, is left at the Land Titles Office, where the necessary blanks and all information may be obtained. The title is there fully investigated, and if found secure against ejection or against the claims of any other person, the proprietor will receive a "certificate of title", which operates as a government

guaranteed that the title is perfect and there is no going behind it. If a certificate of title should be issued to the wrong person the government is liable for the damages to the injured party. The certificates are issued in duplicate, one being given to the proprietor and the other retained in the Land Titles Office. Crown grants of land bought since the Act came into force are also issued in duplicate. The one retained in the office constitutes the Register Book. Therefore, if a proprietor wishes to mortgage, lease, or in any wise encumber his land he executes a memorandum of such mortgage in duplicate or lease in triplicate or encumbrance, which he presents at the Land Titles Office with the "certificate of title". The proper officer makes a record of the transaction on the certificate of title, and also on the duplicate certificate which is in the office. This constitutes the registration of the instrument, and a note under the head and seal of such officer of the fact of such registration is made on both duplicates of the instrument, one duplicate is then filed in the office, and the other handed to the mortgagee or lessee; thus each party will have a certificate showing him exactly the nature of his interest.

When a mortgage is paid under this system a receipt is indorsed on the duplicate mortgage held by the mortgagee, which is then brought to the Land Titles Office, and the fact of the payment of the mortgage is noted on the certificate of title.

When a lease is surrendered it has "surrendered" indorsed on it, "signed" by the lessee and "accepted" by the lessor, and being properly attested is brought to the office where the proper officer records the fact of its surrender on the certificate of title.

Both mortgages and leases under this system may be transferred by indorsement written upon the copy of the instrument held by the proprietor and then registered.

All instruments for registration must be free from erasures, properly witnessed, and proved. For deeds or transfer in fee one instrument is sufficient, while mortgages require two copies and leases three.

In this system it must not be forgotten that it is not the execution of an instrument that transfers the title, but its registration in the Land Titles Office.

All necessary information can be obtained at the Land Titles Office.

\$175.00

UNIONVILLE, September 28th, 1905.

Six months after date I promise to pay Jas. Best, or bearer, when I sell six harrows, the sum of ONE HUNDRED AND SEVENTY-FIVE DOLLARS when collected, to be payable at Regina, with interest at eight per cent. per annum if not paid when due.

Wm. J. Smithers, Agent for Jas. Best.

Witness: W. Thatcher



## Swindling Note

The form of swindling note shown on this page—which is made by merely cutting off the right hand end of what was supposed to be simply an agreement to sell six harrows, to be paid for after they were sold—is an old one. After the end is removed and the witness' name at the bottom is cut off, it is a regular promissory note, which could be sold to any person who knew nothing of the swindle, and by being thus transferred to an innocent holder for value it would be collected. The swindle does not always take this form, but sometimes the note would be in the middle of a sheet, and by cutting away the top, bottom and sides a regular form of note would be left. This illustration, however, is enough to put thoughtful persons on their guard against all such similar forms of trickery.

It is seldom that such documents are necessary in legitimate business, and the attempt to use them should be received as a strong suspicion of some kind.

## Canadian Paper Currency

The paper currency of Canada—the notes of the Dominion Government and the notes of incorporated banks—is made in Canada, being printed for the Government and the banks by companies making a specialty of that kind of work, including the printing of postage and revenue stamps, postal cards, cheques, etc. The banking law of Canada provides a system of virtual insurance for the security of those taking bank notes. The banks pay into a government fund five per cent. of the value of their average circulation as a “bank circulation redemption fund,” and this is to be used at any time to ensure that notes of a failed bank shall be redeemed at par to their holders. Notes of banks in liquidation bear interest until thus redeemed.

## Early Canadian Currency

In the early days all sorts of currency were used in British North America. The first step taken in Canada for a revision of the currency was in 1795, when an act was passed which fixed a standard of value founded upon the average intrinsic worth of the gold and silver coins of Great Britain, Portugal, Spain, France, and the United States. Subsequently various acts of the legislatures established a valuation for these pieces, at which they were accepted in commercial transactions. Finally in 1858, the Province of Canada adopted dollars and cents, pounds, shillings and pence as the only moneys of account. In 1871 the Federal Parliament passed the Act (Chap. 4, Acts of 1871) which gave to the provinces of the Dominion a uniform currency. The single gold standard adopted was that of the British sovereign of the weight and fineness prescribed by the laws of the United Kingdom. This was to pass current at \$4.86 $\frac{2}{3}$ . Provision was also made that until otherwise ordered by royal authority, the gold eagle of the United States, of the fixed weight of 10 pennyweights and 18 grains troy, and of a settled standard of fineness, should be legal tender in Canada. The same act provided for a gold coinage for Canada, but special Canadian gold coinage has never been minted. Silver coin was made legal tender to \$10, and minor coin to 25 cents.



## **Regulations Regarding Importation**

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Persons intending to import animals other than horses from any part of the world except the United States and Newfoundland must first obtain from the Minister of Agriculture a permit stating the number and kind of animals to be imported and the port at which they are to be landed. All animals arriving at ports on the seaboard are subject to inspection and diseased animals must be destroyed.

A quarantine of sixty days is enforced upon cattle imported from the United Kingdom and ninety days for cattle from all other countries except the United States, Newfoundland and Mexico. A quarantine of thirty days is enforced upon all swine, sheep and goats imported from countries other than the United States, Newfoundland and Mexico. The importation of branded or range western horses, mules and asses from the United States is prohibited: All live stock is subject to inspection when imported from the United States or Newfoundland to guard especially against animals affected with glanders tuberculosis, scab and hog cholera.

## **Food Inspection Law**

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The Act provides that all establishments carrying on packing or canning industries shall be suitably lighted and ventilated, and that all appliances of every kind shall be kept clean and sanitary. The rooms in which the work is done must be frequently whitewashed or painted, and the equipment must be of a kind readily cleaned. Employes must all be subjected to a medical examination and declared free from tuberculosis and other communicable diseases. They must observe such rules as seem necessary to guarantee the purity and cleanliness of the articles they handle, and their clothing or the coverings used to protect it must be of material that will wash easily. Dressing rooms and lavatories must be kept apart from the rooms where the food is produced or stored.

Not only must the plant, machinery process and employes conform to a high sanitary standard, but the raw material must pass a careful inspection. Yards and pens must be kept clean, and it is also an offence to use

any offal or refuse from the establishment as feed for animals to be later turned into food. Every animal killed must be examined, and shall be accepted only when it is declared free from disease. Other animals must be destroyed, and the carcasses cooked by steam for four hours and then injected with dye to prevent use. After slaughtering, the healthy animal must be once more examined. The packer is not permitted to stuff sausages with worthless portions of the carcass, nor can he treat any of his product with drugs, preservatives or coloring matter.

#### CARCASSES FROM OTHER COUNTRIES

The package or container must be plainly labelled with the name and address of the manufacturer, and must contain a truthful description of its contents. Carcasses from the United States marked "U.S. inspected and passed," carcasses from other countries certified to have passed Government inspection there, and other carcasses of animals killed in Canada, with the vital organs attached, may be packed in Canada after passing another inspection. No clearance from a Canadian port will be granted to a vessel carrying carcasses, unless the carcasses and parts are marked, and companies are forbidden to accept shipments designed for export unless accompanied by a certificate that the meats or foods have been officially inspected.

All meat, fish, vegetable and fruit canneries doing an export or interprovincial business come under the provisions of the Act, and as there are few, if any, canneries that do not sell stuff outside one province, practically the whole trade is included. In the large packing houses one or more inspectors are on duty every working hour; and the smaller establishments are visited at unexpected times by officials clothed with authority to practically close down the business if the laws are not obeyed. If everything about the premises—including plant and machinery, men and methods, raw material and product—is in a perfectly clean and wholesome condition, the manufacturer has the right to use a stamp consisting of a crown and the words "Canada approved," which serves as a guarantee to the world. A fine of five hundred dollars may be imposed for breaches of the law, while the sum of \$75,000 has been set aside to ensure enforcement of the Act.

## Lord's Day Act

The Lord's Day Act, or Sabbath Observance Act, came into force on March 1st, 1907. The following is a summary of its provisions:

1. All buying and selling is prohibited except drugs and medicines, meals, and travellers' tickets.

2. All labor, business and work of one's ordinary calling or for which he is paid, is prohibited.

3. Exceptions:--In general works of necessity or mercy, and in particular:

Work in connection with divine worship,

Work for the relief of sickness and suffering.

Receiving, transmitting and delivering telegraph and telephone messages.

Unavoidable work in connection with necessarily continuous industrial processes.

Starting or maintaining fires, and ventilating, pumping, and inspecting mines, when any such work is essential to the protection of life, health and property.

Supplying for lawful purposes Light, Heat, Cold Air, Water or Gas.

Continuing to their destination of freight trains and vessels, but not making up or starting out such, nor way freight work nor gathering or distributing cars.

Loading and unloading merchandise at intermediate points on or from passenger boats or passenger trains not at terminals, nor on or from freight boats or trains.

Work necessary to keep railway lines and tracks open. No construction work of any kind, nor work of clerks in offices, nor any but emergency repair work, is allowed.

Work before 6 A. M. and after 8 P. M. of yard crews in handling cars but not between these hours.

Loading and unloading vessels:--

(a) Ocean-Going vessels if necessary to avoid undue delay beyond scheduled time.

(b) Any vessels if necessary to avoid being tied up by the closing of navigation.

(c) Before 2 a. m. and after 8 p. m. of grain, coal or ore carrying vessels after the 15th September each year.

Caring for milk, cheese and live animals and the deliv.

ery of milk for domestic use, and the work of domestic servants and of watchmen.

Liveries—hiring horses, carriages or small boats for personal use if not intended for labor, business, or conveying pleasure excursions for hire.

Unavoidable work after 6 p. m., in preparing the regular Monday Edition of a Morning Daily Paper, but not the publication, sale or distribution of papers on Sunday.

Work by fishermen after 6 p. m. in taking fish.

Making Maple Sugar or Syrup if done in the woods.

Unavoidable work in Saving Property in imminent danger of destruction, e.g. by fire or flood.

Operation of ferries where authorized by competent authority.

Work authorized by the Railway Commission in special circumstances in handling freight on railways.

4. Those compelled to work on Sunday are allowed a full day's rest during the week if on railway, telegraph, telephone, or industrial work.

5. The Business of Amusements, etc., is absolutely prohibited. In Ontario, all noisy amusements, etc., and in New Brunswick and P. E. I., all amusements are prohibited by the old Provincial laws, which are still valid.

6. It is unlawful to run, conduct or convey any excursion for hire and with the object of pleasure by any mode of conveyance.

7. Advertising in Canada anything to be done in any other country, which if done in Canada, would be unlawful, is prohibited.

8. Shooting for gain or so as to disturb others. (It is to be noted that the game laws of almost all the provinces prohibit all shooting at or hunting of game on Sunday.)

9. The importation on Sunday for sale or distribution in Canada on Sunday, of foreign newspapers, and publications classified as such, is absolutely prohibited.

10. The penalties for infractions of the law are as follows: (1) For the employee who violates the law—from \$1 to \$40. (2) For the employer who causes its violation—from \$20 to \$100. (3) For a corporation that causes or even permits its violation—from \$50 to \$500.

11. Electric and other Provincial railways are left to be controlled by the Provincial laws.

12. All valid Provincial Sunday laws continue in force. This includes the game, liquor, shops' regulation and railway laws of the provinces, also the ante-Confederation laws. Whether any particular provincial law affecting Sunday observance is valid or not depends not on anything in the Lord's Day Act but on the British North America Act as interpreted by the courts. A decision of the Privy Council in 1903, seems to show that the ante-Confederation Provincial Sunday laws are now valid, and that the Provinces cannot since Confederation pass general Sunday laws. And it does not follow from this that they cannot pass game or electric railway legislation including Sunday sections.

13. The consent of the Provincial Attorney-General must be obtained before any action or prosecution is commenced, and such action must be begun within 60 days.

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### Solemnization of Marriage

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In Ontario, before a marriage can be solemnized a license must be obtained or banns published. If either of the parties is under eighteen years, the consent of the father, if alive, or if not, of the mother or guardian, must be obtained and also an affidavit sworn by one of the contracting parties that one or the other is of the full age of eighteen years or that consent, when necessary, has been obtained.

The minimum age at which a man and woman can be married in Manitoba, Saskatchewan and Alberta without the consent of any other person is twenty-one. There is no statutory law in any of these Provinces settling the age at which a marriage ceremony can be performed where the consent of the proper parties is obtained, but the common law of England prevails.

In Saskatchewan and Alberta there is also special provision made that a girl, who is not living at home or with a guardian but is earning her own living, does not need to obtain the consent of any one after she is eighteen years of age.

In British Columbia the age at which persons are permitted to marry without the consent of the parents or guardians of the contracting parties is twenty-one years.

## Banking

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The general business of a bank is to deal in money, to lend upon the security of promissory notes, stocks, etc., but it cannot engage in the business of buying or selling property. It may, however, hold mortgages as an additional security for debts due it.

A bank may issue notes for circulation payable to bearer on demand of the value of \$5 or any multiple of \$5. These notes are first charge on the assets of the bank in case of insolvency. Each bank must deposit with the Minister of Finance an amount equal to five per cent. of the average note circulation. These deposits form a circulation redemption fund.

A bank may hold warehouse receipts, etc., as collateral security, and it may make advances to manufacturers and shippers on goods manufactured or shipped. Its rate of interest charged borrowers must not exceed 8 per cent. per annum and in addition to discount it may exact a collection fee.

Any person whatever his age or condition may deposit in a bank and the bank may pay out to such person provided that if, by the law of the Province, such person could not deposit and withdraw money in and from a bank, the total amount to be received from such person on deposit under the authority of this law shall not exceed \$500.

In the event of the insolvency of the bank, each shareholder shall be liable to the creditors to an amount equal to the par value of his shares, in addition to any amount not paid up on such shares.

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## Compulsory Voting

"Any person who does not vote at an election at which he is qualified to vote shall be disfranchised for a term of six years from the date of such election.

"No person shall, however, be disfranchised if he has been prevented from voting by illness or by absence from the electoral district, if he did not absent himself therefrom in order that he might avoid voting, or if more than one election was being held at the same time and

such person voted in some other electoral district where he was qualified to vote: Provided always that a judge of any court of record, upon being satisfied that any person entitled to vote had any other good and sufficient reason for not voting, may grant such person a certificate of enfranchisement annulling the disfranchisement, which certificate may be in the form of KK.

\* "Any person who, while disfranchised under the provisions of this section, votes or attempts to vote in any electoral district, shall be guilty of an indictable offence and shall be liable to a fine of not less than one hundred dollars and costs and not exceeding two hundred dollars and costs, or, in default of payment of such fine and costs, to imprisonment for any term not exceeding six months and not less than three months, with or without hard labour."

The said Act is further amended by inserting the following section immediately after section 131:—

"The day on which the poll for taking the votes of the electors at a general election of the Dominion is to be held shall be a public holiday throughout Canada."



## LIST OF LEGAL TERMS

- ABATEMENT.** A reduction. To abate a nuisance is to discontinue it.
- AD VALOREM.** According to value.
- ALIAS.** (1) Otherwise. (2) Assumed name. (3) A second or further writ after a first writ has expired.
- ALIEI.** In soother place.
- ANNO DOMINI.** In the year of our Lord.
- ATTORNEY.** A person appointed to act in place of another.
- BAILMENT.** The receiving and keeping of goods for a time by one person from another.
- BEQUEST.** A gift by will of personal property.
- BONA-FIDE.** In good faith.
- CAPIAS.** A writ authorizing the arrest of a person.
- CAUSA MORTIS.** On account of death.
- CAVEAT.** Meaning "to take care"; a warning.
- CERTIORARI.** A writ from a superior court commanding the record of a cause pending in a lower court to be brought before such higher court.
- CHATELS.** Every species of personal property.
- CODICIL.** A supplement under seal to a will for the purpose of altering or adding to its contents.
- COLLATERAL.** Additional security by depositing stocks, mortgages, etc.
- CONSIGNEE.** One to whom goods are consigned.
- CONTRA BONOS MORES.** Inconsistent with good morals.
- COVERTURE.** The legal state of a married woman.
- CURTESY.** A husband's interest in the estate of his deceased wife.
- DE FACTO.** In fact; actually existing or done.
- DE JURE.** By right; by law.
- DE NOVO.** Anew; from the beginning.
- DEPOSITION.** Written testimony given under oath.
- DETINET.** Action at law to recover possession of specific property; replevin.
- DEVISE.** A gift by will of real estate.
- DIES NON.** A court holiday; a day on which the judges do not sit.
- DOMICILE.** The place where a person permanently resides.
- DONATIO MORTIS CAUSA.** A gift of personal property made in contemplation of death.
- EASEMENT.** A privilege which the owner of one adjacent has over another.
- EX OFFICIO.** By virtue of office.
- EX PARTE.** One part.
- EX PARTE FACTO.** After the act has been performed.
- EX TEMPORE.** Without premeditation; offhand.
- FAC SIMILE.** An exact copy.



- FEE SIMPLE.** Title to property without any restrictions or conditions.
- FEME COVERT.** A married woman.
- FEME SOLE.** An unmarried woman.
- FERÆ NATURÆ.** Wild animals or birds in which no person can claim property.
- FIAT.** An imperative command; decree.
- FIERI FACIÆ.** A writ of execution.
- FLOTSAM.** Goods found floating in the sea.
- HABEAS CORPUS.** You may have the body; a writ whereby the legality of any imprisonment may be judicially inquired into.
- HYPOTHECATE.** To pledge as security.
- IN ESSE.** In being; actually existing.
- IN POSSE.** Within possibility.
- IN PROPRIA PERSONA.** In one's own person.
- INEOLVENT.** Unable to pay debts in full.
- IN TRANSITU.** On the passage.
- IPSE DIXIT.** He himself said it; mere assertion.
- IPSO FACTO.** By that fact.
- IPSO JURE.** By the law itself.
- JUDICIAL SALE.** Sale ordered by the court.
- JURE GENTIUM.** By the law of nations.
- LACHES.** Negligence in prosecuting legal rights.
- LEVARI FACIAS.** A writ of execution against goods and chattels.
- LEX LOCI.** The law of the place.
- LEX TALIONIS.** The law of retaliation in kind.
- LIQUIDATION.** Winding up a business and adjusting the debts.
- LIQUIDATED DAMAGES.** Damages agreed upon at the time of making the contract if a breach occur.
- LOCO PARENTIS.** In the place of the parent.
- L. S. (LOCUS SIGILLI).** The place of the seal.
- MALA FIDES.** Bad faith.
- MALFEASANCE.** A wrongful act.
- MALPRACTICE.** Bad or unskilful practice.
- MALA IN SE.** Evils in themselves, such as murder, perjury, etc.
- MALUM PROHIBITUM.** Bad, because forbidden, as trespass, etc.
- MANDAMUS.** We command; a peremptory writ from a superior court to perform a duty.
- MANU FORTI.** With a strong hand; a term used with reference to forcible entry.
- MENSE.** Intervening; middle.
- MESSAGE.** An old legal term for a residence.
- MISFEASANCE.** The doing of a lawful act in an unlawful manner.
- MISNOMER.** A wrong name; mistaking the true name.
- NE EXEAT PROVINCIA.** A writ to arrest a debtor absconding from the province.
- NEMINE CONTRADICENTE (NEM. CON.).** None dissenting.

- NISI PRIUS.** A court where actions are tried before a judge and jury.
- NON COMPOS MENTIS.** Of unsound mind.
- NADUM FACTUM.** Naked contract, none invalid at law.
- ONUS PROBANDI.** The burden of proof.
- PAROLE.** By word of mouth.
- PER CAPITA.** Per head.
- PER SE.** By himself or itself.
- PLURIES.** Very often; used for the third or further writ against same defendant.
- PRESCRIPTION.** In law a right acquired by long use.
- PRIMA FACIE.** At first appearance.
- PROBATE.** The proof of a will before a surrogate court or judge.
- PRO TANTO.** For so much.
- PUISNE.** Inferior judges of the Supreme Court.
- QUANTUM MERUIT.** As much as he deserved.
- QUO ANIMO.** By what intention.
- REMISEION.** In civil law a release of a debt or claim.
- REPLICATION.** The plaintiff's answer to a defendant's plea.
- RESPONDENT.** One who answers; a defendant.
- RES INTEGRA.** An entire matter.
- REVERSION.** The right to future possession.
- SCIAE FACIAS.** That you declare; a writ commanding a party to show cause why a certain thing should not be done.
- SEISIN.** Possession of land.
- SEQUESTRATION.** In courts of equity a process depriving a delinquent party of his entire estate.
- SINE DIE.** Without day; adjournment without a day fixed for assembling.
- SS (SCILICET).** To wit; namely.
- SOLVENT.** Able to pay all just debts in full.
- SUBPENA.** Writ to compel witnesses to attend a trial or court.
- SUPERSEDEAS.** A writ to stay proceedings.
- TERSE TENANT.** The person in actual possession.
- TORT.** A wrongful act or injury, as slander, libel, false imprisonment, trespass, etc.
- TRANSITU.** In the act of passage.
- TROVER.** Action at law to recover goods or their value.
- USURY.** Interest in excess of the legal rate.
- VENDOR.** The seller.
- VENDUE.** Sale by auction.
- VENUE.** The county in which the action is to be tried.
- VICE VERSA.** On the contrary.
- VIVA VOCE.** With the living voice, orally.





## SPECIAL NOTICE

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As the laws of the provinces are liable to amendments, and as new laws are likely to come into effect at each sitting of the Legislature, and of the Dominion Parliament, purchasers of this book may obtain from the author, for a fee of ten cents each year, printed sheets, giving a synopsis of such new legislation as effects any question dealt with in this work.

Always address

**J. ROBT. LONG, J.P.,**

CARON, SASK.



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