

## It's The Law

"It's the Law" with simple answers is offered by LANCASTER FARMING in cooperation with the Pennsylvania Bar Association. General interest questions are welcomed, and will be answered as soon as possible. Letters must be signed. Answer will not be published on a specified, requested day. Questions cannot be answered by mail, and LANCASTER FARMING will reject any inquiry which is not of general public interest. Address all inquiries to "It's the Law," LANCASTER FARMING, Quarryville, Pa. (Fictitious initials will be used to protect the identity of the questions).

Q How wide can you make a lane that crosses other people's land leading from the highway to my farm? It has been in use for years and years. I would like to improve it. The right-of-way is on my deed, but no width is mentioned. — P L D

A. The answer to your question depends almost entirely upon the language which was used when the right-of-way over your neighbor's land was created. The character, extent and use of the right-of-way would first have to be determined by the world used in creating the right-of-way or easement as it is called in the law. If the words creating the right-of-way should prove to be ambiguous, then, in determining

the extent of the right-of-way, you would have to look further to the intent of the parties in creating the right-of-way.

For example, a right-of-way which was created "for teams and wagons" has been held to include automobiles, for an automobile is in a general sense a wagon. It would seem that you would have the right to improve the lane, or right-of-way, at least to the same width which the lane has been used in the past. Should you wish to improve the lane to a width wider than that used in the past, it is possible that you would have to obtain consent of your neighbors for this additional use.

Q We have a large collie. He is confined to our yard except when he is taken for a stroll. If he should bite someone when confined to our yard (surrounded by a fence) are we legally or morally responsible? Do the police have the authority to take him away from us without a court order? — A G. K.

A Under the provisions of the Pennsylvania Dog Law, an owner of a dog, which bears a proper license tag and is properly confined to the owner's premises, would not be legally responsible for injuries caused to someone who comes upon the premises and is bitten by the dog, and the police would have no power to come upon the property and take the dog away.

However, if the owner of the dog was aware of the dog's vicious propensities, he would have the

duty, it would seem, even to those who come upon his property, to warn them of the dog's vicious habits. Should he fail to perform this duty, he could be held responsible for injuries caused to persons by the dog's biting.

Q Last year I decided to take a correspondence course and signed my name to all the papers. I stated that I was 23 years old, while in fact I was 19. I wrote and asked them to stop it, which they did not do. I have paid the \$30 out of the total for the course of \$125. I do not wish to continue and certainly do not want to pay the remainder. Is it possible for them to sue me for the remainder of the money? — M M.

A A contract made by a child under 21 years of age is voidable even though the child misrepresented his or her age in entering into the contract. Such a child would have the right to disaffirm such contract he made at any time before reaching the age of 21 years, or within a reasonable time thereafter.

Since you have apparently told the parties from whom you agreed to take the correspondence course that you want to cancel your contract with them, as long as you did this before you reached the age of 21 years, you would no longer be liable on the contract, and your disaffirming of the contract would be a valid defense to any suit brought against you on the contract.

Q I married a man in November, 1932. After a couple of weeks he told me he had been married twice, and did not believe in getting divorces as it was only money wasted. He left me after a month. I had property in my own right. Can I sell any or all of that property without his consent? I have not seen or heard from him in all those years, nor has he paid any taxes. If I should die, could he contest my

## MASTITIS: The Dairyman's Dilemma



The emblem in this picture identifies publications obtainable at your county agricultural extension office directed at helping farmers prevent mastitis. Drugs are no cure-all and inheritance is a factor in the prevention of this disease. Sudden changes in feeding, temperature or daily routine of dairy cows sometimes set off outbreaks. Udder injuries are another cause. Careless use of milking machines results in more cases than any other single cause, in the opinion of W. J. Reid, bacteriologist at the Pennsylvania State University Agricultural Experiment Station, who has conducted investigations of mastitis in the dairy herds of Pennsylvania for many years.

will leaving everything to four children by a former marriage? — C M.

A Assuming that the first wife of the man whom you married in 1932 was still living at that time, your alleged marriage to him was absolutely void and you are probably free to marry again and to dispose of any property which you own free of any claim of this man.

To be absolutely safe however, it is suggested you consult an attorney and go through whatever procedure (either annulment or

divorce he recommends so that your husband will later have absolutely no recourse against your property or your estate.

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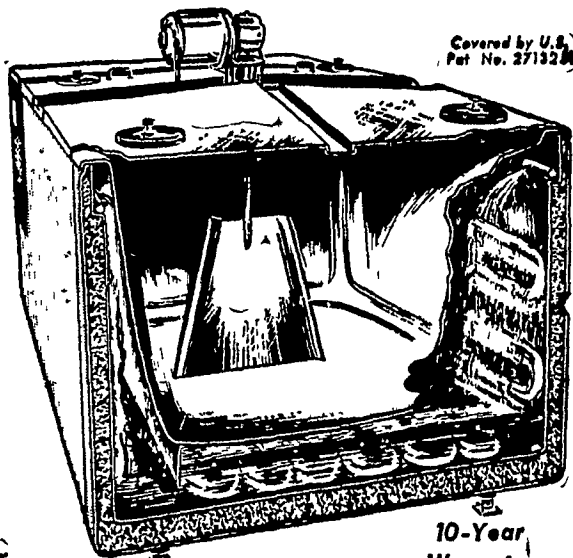
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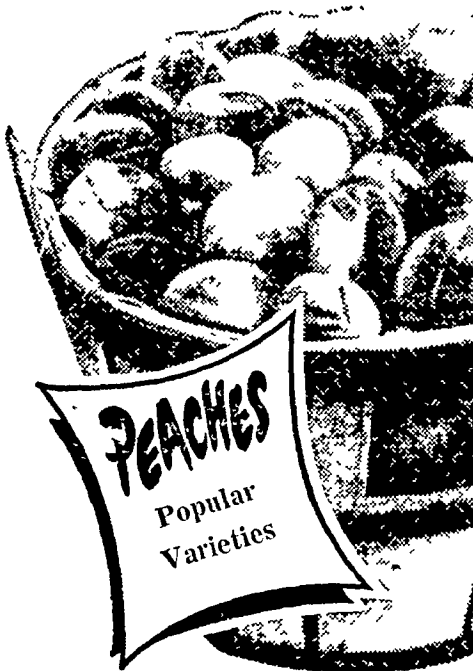
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