

VALUABLE LAW POINTS.

THE SIMPLE STEPS NECESSARY TO LOCATE A HOMESTEAD.

An Ex-Soldier and Citizen Have to Take Different Courses of Procedure. These Are Herein Described in Detail.

The steps to be taken by a citizen of the United States to entitle him to become the possessor of 160 acres of government land are exceedingly simple and the expense is trifling.

The first step, of course, is to select the land desired. Information as to the location of the public lands can be obtained from the land office at Washington.

After the site has been selected, the next step is to make an affidavit before the register or receiver of the local land office in the form prescribed by the United States Department of the Interior.

The affidavit is to be made by the applicant if the head of a family or is 18 or more years of age, or has performed service in the army or navy of the United States; that the application is made for his exclusive use and benefit, and that it is made for the purpose of actual settlement and cultivation, and neither directly or indirectly for the use or benefit of any other person.

A further condition of obtaining a patent or evidence of title to the land from the government is actual residence on the land or cultivation of it during five years, which must be proved by two witnesses, and who must further show that no part of the land has been sold or otherwise alienated.

The procedure in the case of an honorably discharged soldier or sailor is somewhat different, and the time of his residence or cultivation of the land is shorter. He has six months after locating his homestead and filing a declaratory statement within which to actual residence on the land or cultivation of it, and if he has served four years in the army or navy, or was enlisted for that time and discharged on account of wound received or disability incurred in the line of duty, he may perfect his title by residence or cultivation for the period of one year.

In other words, the term of his service in the army or navy is deducted from the five year residence or cultivation required of other persons.

The registry fee of one dollar for each declaratory statement filed, a commission to be paid by the homestead applicant at the time of entry of 1 per cent on the cash price as fixed by law of the land applied for, a like commission when the claim is finally established and a certificate issued therefor, and a fee of five dollars for the final certificate issued by the local land agent as the basis of the patent, constitute the total expense required of the soldier or sailor in the pre-emption of his homestead.

By Way of Killing. In an article in The Law we find the following, which apply points out several popular mistakes made in this respect. "A man has an especial right to defend himself, if attacked in his own dwelling house, and he may prevent a burglarious entry by slaying the aggressor. In all such cases, however, the accused in taking life has the strict limitation of necessity. A man, for example, has no right to slay a burglar whom he finds in his house, unless to prevent the burglary or to rescue life from the assault of the burglar."

"The popular notion as to the existence of a sort of general right to kill a burglar, merely because he is a burglar, and is found in one's house, is entirely erroneous. The pastime of 'taking a crack' as a burglar when he is retreating finds no sanction in law. The burglar has not forfeited his life to the injured party, and if the latter deliberately takes it without such necessity as is here pointed out, the law treats such act as murder. Even in the case of an injured husband finding the guilty parties in delicto, the provocation is legally deemed sufficient merely to reduce his act of killing either or both of the parties to the grade of manslaughter."

"So likewise in the case of an officer who makes an arrest, killing the prisoner is not excusable unless he resists and does, and cannot be otherwise overtaken, but even then the practical result is that the jury always believe a man's life in danger from the mere presence of the burglar, and the injured husband is always crazy. It is not unusual to see a case, however, where an officer has been let off for killing an escaping misdemeanant.—Albany Law Journal.

"The Law Merchant." This expression is frequently met with in the decisions of courts and in their reports of trial of important cases, and means the common law, which has grown out of the usage of trade and business in their application to mercantile contracts, and is used in contradistinction to the statute law, which are statutory provisions relating to statutory law passed by the legislature referring to particular branches of trade. It includes the customs which have become law relative to shipping, insurance, negotiable bills of exchange and promissory notes, checks and ordinary contracts of purchase and sale.



The contrast in English money of \$2.50 was once offered in London for the return of a favor to one who had stayed at home. It is a fact that one of the best of us should not gain the most, but rather the least. It is a fact that one of the best of us should not gain the most, but rather the least.

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