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Questions & Answers

LINE FENCE QUESTIONS

1. I want to fence a quarter-section for pasture. My neighbor on the adjoining quarter crops his land. I am told that a legal fence has to be 8 ft. from the standing crop. Does this mean that I must put my fence 4 ft. in on my own land, or must I build the fence 8 ft. in from the line between us?

2. If my neighbor has to keep his crop back 4 ft. and will not do it, and my cattle in reaching through to the grain, break the fence and get into his grain, can he collect damages?

3. If I have to keep in 8 ft. on my own land, and make the fence legal, and my cattle break out and get into my neighbor's grain, can he collect damages? (There is a herd law.) Please make plain what I should do to make my fence legal.

Sask. A. M.

Ans.—1. You should put the line fence on the line, and your neighbor should not put his crop any nearer than 8 ft. to the fence.

2. Your neighbor must keep his crop back 8 ft. from the fence.

"No fence surrounding growing crops in process of being harvested, shall be deemed a lawful fence unless it is situated at least 8 ft. from such crop and otherwise complies with the provisions of this ordinance."

This section was put in to apply to those who were putting up a fence around their own crop.

3. If you have a lawful fence, according to the fence ordinance, and your cattle break through by reason of the neighbor's neglect to keep his crop back from the fence, he could not collect damages if it were shown that by reason of the crop being too near the fence that the cattle got through. The neighbor would be guilty of contributory negligence.

DISPUTE ABOUT A BORROWED HORSE

While haying, one of my horses injured itself, and I borrowed a colt from a neighbor who had horses running idle. I worked him for a time, and then the man wanted him returned. He never said a word then about charging me for the use of the colt, but about three months afterwards he wanted 50 cents a day, or \$10, for the use of the colt. He had been borrowing implements from me all the season, and, except the seed drill, for the use of which I charged everybody 15 cents per acre, he got everything free of charge. I cut his grain, and when he came to settle he kept back \$10 for the use of the colt. We agreed to leave the matter to three disinterested men to settle the question, but thus far we have been unable to have the men meet and settle the dispute. I wanted him to go with me and see a magistrate about it, but he refuses to go, and, as he is leaving here in March, it looks to me as if he wanted to get out of the right way to settle this matter, and what would be a fair settlement between us?

Alta. J. T.

Ans.—As good a way as any to settle this matter would be for each of you to choose a neighbor, let those two name a third disinterested man, lay the whole case before them and abide by their decision. You have evidently attempted this, but failed to effect a settlement. This plan works well where both those concerned are anxious to reach an understanding, but in this case it looks as if the man who has the ten dollars does not care much whether a settlement is reached or not. If the facts are as you state them, it is our opinion that no charge should be made for the use of the horse in view of the fact that you were lending implements frequently to the man from whom you borrowed the

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