

either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law.

5. The fence-viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute. The award shall specify the locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done; and the award shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs; and in making such award, the fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of the fence ordered to the wants of each party; and where from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence from the line between the parties, it shall be lawful for the fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it may seem to be most convenient; but such location shall not in any way affect the title to the land; if necessary, the fence-viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds.

6. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested.

7. The award may be enforced as follows:—The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover its value and the costs from the owner by action, in any division court having jurisdiction in the locality: Provided always, that the judge of such division court may, on application of either party, extend the time for making such fence to such time as he may think just.

8. The award is a lien and charge upon the lands respecting which it is made, provided that it is registered in the Registry Office of the County in which the lands are. Such Registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands.

9. An occupant, not the owner of land notified in the manner above-mentioned, must immediately notify the owner; if he neglect to do so, he is liable for all damage caused to the owner by such neglect.

10. The fence-viewers are entitled to receive two dollars each for every day's work under this Act. Provincial land surveyors and witnesses are entitled to the same compensation as if they were subpoenaed in any division court.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate: for such appeal the proceedings shall be as follows:—The appellant shall serve upon the fence-viewers, and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award: such notice may be served as