

4. In case of dispute between owners respecting such proposition, the following proceedings shall be adopted :

Disputes between owners, how to be settled

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fenceviewers of the locality to arbitrate in the premises.

Notice to owner or occupant of adjoining land.

2. The owners so notifying shall also notify (Form 2) the fenceviewers, not less than one week before their services are required.

And to fenceviewers

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown up person residing thereat : or in case of the lands being untenanted, by leaving the notice with any agent of such owner.

What to contain.

4. The owners notified may, within the week, object to any or all of the fenceviewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the fenceviewers who are to arbitrate. R. S. O., 1887, c. 219, s. 4.

When Judge to appoint fenceviewers.

5. An occupant, not the owner of land notified in the manner above-mentioned, shall immediately notify the owner ; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R. S. O., 1887, c. 219, s. 5.

Duty and liability of occupants as to notifying owners

6. The fenceviewers shall examine the premises, and if required by 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 an oath or affirmation for the purpose as in Courts of law. (c) R. S. O., 1887, c. 219, s. 6.

Duties and powers of fence-viewer.

7.—(1) The fenceviewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute : which 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 shall state by which of the said parties the costs of the proceedings shall be paid, or in what proportion the same shall be paid.

Award of fence-viewers.

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(2) In making the award, the fenceviewers 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.

Character of fence.