

- of -

THE SIX NATIONS INDIANS OF THE GRAND RIVER

Respecting Line Fences, which may be Cited
as "Line Fence Act."

WHEREAS it is necessary to pass a by-law respecting
Line Fences, which may be cited as "Line Fence Act."

NOW THEREFORE THE COUNCIL OF THE SIX NATIONS INDIANS
OF THE GRAND RIVER HEREBY ENACTS AS FOLLOWS:

1. Owners of adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall make, keep up and repair the same proportion of any fence which is built to mark such boundary, and in case any owner refuses or neglects to build his proportion of the fence after notice in writing requiring him or her to do so, the adjoining owner so notifying, may at the expiration of one week after service of such notice notify (form "A") the other owner or occupant of the land of said owner, that he will, not less than one week from the service of such notice, cause the Fence-viewers of the Reserve to arbitrate in the premises.
2. Such owner so notifying shall also notify (form "B") the Fence-viewers, not less than one week before their services are required.
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 or of the Fence-viewers as the case may be, with some adult person residing thereat.
4. 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 damages caused to the owner by such neglect.

5. The Fence-viewers shall examine the premises, and make an award (form "C") in writing signed by them respecting the matter in dispute which award shall specify the locality, quantity, description and the correct price of the fence it orders to be made, and the time in which the work shall be done, and 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. In making such award, the Fence-viewers shall take into consideration the nature of the fences in use in the locality, pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of the fence ordered to the wants of each party.
6. The award shall be deposited in the office of the Superintendent within one week from the making thereof.
7. The Fence-viewers shall be entitled to receive \$5.00 each for every day's work in connection with each dispute under these regulations.
8. In the event of a new line fence being built by the owners of adjoining lands to replace a fence which was built and maintained by one of them, all the materials in the old fence shall be the property of the owner who built and maintained the fence so replaced.
9. The award may be enforced as follows:-
The person desiring to enforce it shall 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 three weeks after service of such notice, the person so desiring to enforce it may do the work as the award directs, and may immediately recover its value and the cost from the owner by action in any Court of Competent Jurisdiction having jurisdiction on the Reserve, or the amount of the award may be deducted from the share of annuity or interest money, if any such are due or accruing to him or her. The amount or any proportion of the Judgment not paid by the party liable may be charged against his or her property and no conveyance of said property to be approved by Council until the amount of Judgment is paid in full, neither will the party in default be eligible for any public grant, and the Council shall have the right to sell or rent

the said property to pay the award made by the Fence-viewers.

10. Any person dissatisfied with the award made, may appeal therefrom to the Six Nations Council by leaving notice in writing at the office of the Superintendent or with the Secretary of the Council, who shall at once forward it to the Superintendent, of his or her intention to appeal within one week of the time he or she has been notified of the award.

11. The Council shall hear and determine the appeal, and set aside, alter or affirm the award, correcting any error therein, and they may examine parties and witnesses, and their decision shall be final; and the award, as so altered or confirmed shall be dealt with in all respects as it would have been if it had not been appealed from.

12. Any agreement in writing (form "D") between owners respecting such line fence may be filed in the office of the Superintendent and enforced as if it were an award of Fence-viewers.

13. The owner of a whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fences.

14. The lawful fence shall be as follows: that is to say:-

(a) Rail fence slant, staked doubled ridged, four feet six inches in height.

(b) Rail and post fence, 4', 6" in height, the first three rails from bottom of fence shall not be more than 6 inches apart.

(c) Picket fence, 4', 6" in height.

(d) Board fence, 4', 6" in height, the first three boards from the bottom of fence shall not be more than 6 inches apart.

(e) Wire woven fence, stays not more than 22 inches apart, 4', 6" in height, bottom wire not to be more than 4 inches from the ground.

(f) Pine stump fence, banked, ridged or dyked at bottom of any of the herein described fences shall in all cases be considered as part of the height of fence.

(g) Any patent fence shall be recognized as a lawful fence, providing always that such fence shall be 4', 6" high and if rail, that the first 3 rails at the bottom are not further apart than 6 inches, and other

rails not more than 10 inches apart.

(n) When any fence crosses uneven ground or ditches, the space below the lower rail or wire, if more than 4 inches from the ground shall be dyked or staked not more than 4 inches apart.

(i) A boundary line fence shall be considered lawful, always providing that the occupants of the adjoining properties are agreed as to style and kind of fence that is put up between their respective properties.

15. Any person who wilfully cuts or destroys any fence ~~which~~ whether in the composition of a fence or otherwise on the premises of another member of the Six Nations shall upon summary conviction before a magistrate or a Justice of the Peace, be liable to a fine or penalty not exceeding \$50.00, plus costs, or in default thereof up to 30 days in jail at hard labour, or both fine and punishment.

16. The forms in the schedule hereto are to guide the parties, being varied according to circumstances.

17. No lease may be given for property unless all fences surrounding the property are in good condition.

Passed in General Council at Ohsweken on the

day of A.D. 1952.

..... *J. M. Paulsen*
Chief,

..... *E. L. H. Smith*
Superintendent

..... *J. William Hill*
Secretary.

bK