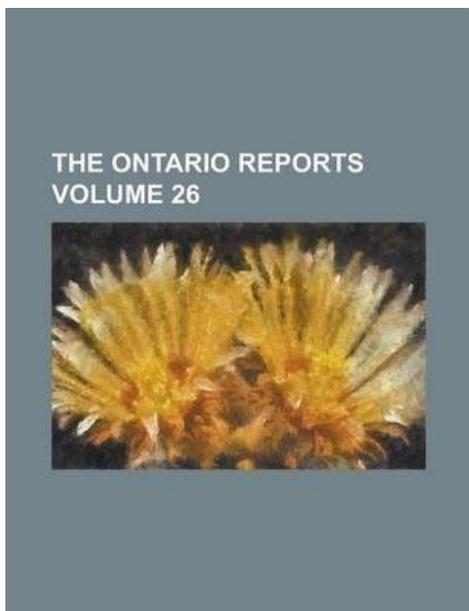


# The Ontario Reports Volume 26

Anonymous



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1895 edition. Excerpt: ...make, keep up and repair a just pro-portion of the fence which marks the boundary between them and (section 4) that in case of a dispute between owners respecting such proportion, the following proceedings may be adopted. By section 7 it is provided that the fence viewers shall make an award respecting the matters so in dispute, which award shall specify the locality, quantity, description and lowest price of the fence it orders to be made and that in making the award the fence viewers shall regard the nature of the fences in the locality. The by-law on the subject of line fences above referred to provides that all division or line fences between lots in the city shall be made, kept up and maintained as lawful fences by the parties owning or occupying the lands immediately adjoining thereto and divided by such fences, each party maintaining an equal proportion of the same: (section 1). By section 3 it provides (amongst other things) that whenever parties owning or occupying lands adjacent to each other shall not be able to agree in apportioning the cost of a lawful division fence between their lands, then and in such case the dispute shall be settled by the city commissioner and two arbitrators, who shall decide which part or proportion of such fence each party shall keep up and maintain and by section 4 they are to apportion to each party his share of the fence to be kept up and maintained by him and beyond. these, there does not seem to Judgment. be any subject of difference provided for by the Act or Ferguson, J. by-law to be referred to the fence viewers or arbitrators. In Murray v. Dawson, 17 C. P. at 591, the Court, in delivering judgment, quoted language of Cockburn, C....

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- [On the Preservation of the Health of Body and Mind](#)
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