



A By-Law Respecting Ditches

Passed in General Council Meeting May 1, 1952

Bylaw

1952

Ditches

THE SIX NATIONS INDIANS OF THE GRAND RIVER

Respecting Ditches, Watercourses, etc., which may be cited as "THE DITCHES AND WATERCOURSES ACT".

WHEREAS it is necessary to pass a by-law respecting Ditches, Watercourses, etc., which may be cited as "THE DITCHES AND WATERCOURSES ACT".

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

1. In the case of owners of adjoining or adjacent lands which would be benefitted by making a ditch or drain, or deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry lands, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same and such ditches or drains shall be kept and maintained so opened deepened or widened by the said owners, respectively, and their successors in such ownership, in such proportions as they have been so opened, deepened or widened.
2. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:-
3. Either owner may notify (form "A") the other owner or the occupant or the owner so to be notified, that he will not less than one week from the service of notice, cause the Fence-viewers of the Six Nations to arbitrate in the premises.
4. Such owner so notifying shall also notify (form "B") the Fence-viewers not less than one week before their services are required.
5. The notice 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 personally or by leaving the same at the place of abode of such owner or occupant, with some adult person residing thereat.
6. An occupant not the owner of the land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects to do so, shall be liable for all damages caused to the owner by such neglect.
7. 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, quality and descrip-

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description and cost of the ditch or drain 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 cost of proceedings shall be paid, or whether either party shall pay some proportion of such cost. In making such award, the Fence-viewers shall regard the nature of the ditches or drains in use in the locality, pecuniary circumstances of the parties between whom they arbitrate and generally the suitability of the ditch or drain ordered to the wants of each party.

8. The award and any ~~part~~, made as above provided for, shall be deposited in the office of the Superintendent of the Six Nations within one week after making thereof.

9. The Fence-viewers shall be entitled to receive \$5.00 for every day's work in connection with each dispute under this act.

10. An agreement in writing (form "D") between owners respecting such ditch, may be filed in the office of the Superintendent and enforced as if it were an award of the Fence-viewers.

11. The award may be enforced as follows:- The person desiring to enforce it, providing the work is not done within the time specified by the award, may do the work which the award directs, and may immediately receive 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 his share of annuity or interest money if any such are due or accruing to him or her. The amount of 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 the Council until the amount is paid in full, neither will the party in default be eligible for any public grant.

Passed in General Council at Ohsweken on the First day of May
A.D. 1852.

NOTICE OF FENCE

Form 'A'

Take notice that Mr. _____
and Mr. _____ Fence-viewers, Six Nations
Reserve, will attend on the _____ day of _____, A.D., 19____, at
the hour of _____ o'clock to view our properties, being lots _____
_____ in the _____ Concession, Township of _____
Six Nations Reserve, and arbitrate respecting the ditch in dispute
upon our said lots.

Dated this _____ day of _____, 19____.

To _____

Owner of lot _____ Owner of lot _____

Form 'B'

NOTICE TO FENCE-VIEWERS

Take notice that I require you to attend at _____
_____ on the _____ day of _____,
19____, at _____ o'clock, to view my property and that of
Mr. _____ being lots _____
in the _____ Concession of the Township
of _____, Six Nations Reserve, and
arbitrate on the ditch required on said lots.

Dated this _____ day of _____, 19____.

Owner of lot _____

Form 'G'

AWARD

We, _____, the duly appointed Fence-viewers of the Six Nations Reserve, having been nominated to view and arbitrate between _____ and _____ upon a ditch required on the property of _____ which ditch is to be made and maintained on said property, and having examined the premises and duly acted according to the ditching and watercourses regulations, do award as follows:- A ditch shall be made and maintained by the

_____ commencing at _____ (state point of commencement and then give course and point of ending).

The ditch shall be of the following description _____ (state kind of ditch, depth, width, &c.).

The work shall be commenced within _____ days, and completed within _____ days from this date, and the expense thereof shall be paid in the following proportion _____ (state by whom paid and amount),

and the costs of the Fence-viewers, amounting to \$ _____ shall be paid _____ (state by whom paid; if by both, in what proportion).

Dated this _____ day of _____, 19_____.

Witness _____

Fence-viewers.

Form 'D'

AGREEMENT

We, _____ and _____ owners respectively of lots _____, in the _____ Concession of the Township of _____, Six Nations Reserve, do agree that a ditch shall be made and maintained by us as follows _____ (follow the same form as the award).

Dated this _____ day of _____, 19_____.

(Signatures of parties.)