

# Contentious line fence decision expected this week

BY MAGGIE  
PETRUSHEVSKY  
The New Tanner

Ron Oakes and Dave Loney will receive a written decision on their contentious line fence dispute this week.

Deputy referee Gary Ingram told the neighbouring Third Line farmers that he would get a decision to them as quickly as possible following a hearing in the Guelph/Eramosa Township council chamber Thursday.

"If the farmers can come up with a solution, that just makes job easier," he said, referring to a letter purported to show agreement between Loney and Oakes on some issues in their dispute.

Ingram received information from both parties to the issue, then went to see the actual location for the proposed boundary fence. Ontario Federation of Agriculture representative Keith Emiry presented Ingram with a letter outlining agreements reached between the two farmers since a panel of fence viewers brought down their decision on their boundary fence in July.

The men would be content to keep a 375 metre length of rail fence at the front of the property, which Oakes has built and maintained, he said. The fence viewers had scrapped that section and decreed a new fence should go straight up the middle of an unopened municipal road allowance, which separates the two farms.

Oakes runs beef cattle while Loney has fenced 15 of his 56 acres with special elk fencing.

Emiry said the second portion of the fence, which is in poor condition, should be

fenced and maintained by Loney. Then a third section would be evenly split between the two men with Loney getting the front half to abut his first piece and Oakes handling the rear.

Loney told Ingram he was unaware of the boundary dispute between Oakes and the former owner when he purchased the property in the mid 1990s. At that time the farm was purchased as a residential property, he said. Loney said when he approached Oakes after the fence viewers' decision in early August Oakes was not interested in discussing alternatives to the decision. He was seeing Emiry's syntheses of those discussions for the first time on Thursday and he felt that was unfair.

Loney pointed out that he had spent \$40,000 on the fences he built to contain his own stock, but those fences are not on his boundary because he is concerned about diseases and their transfer to his animals.

While line fences were of equal importance to neighbouring farmers when the Line Fences Act was written well over a century ago, that equality is long gone, he said. These days a cash cropper does not need fences around his property while a cattleman still does.

Ingram said line fences may no longer benefit both parties equally, but rarely are they 100 per cent for one party and zero for the other. A cash cropper, who does not seem to need a fence now, may well benefit from one later when he decides to switch to raising cattle.

Loney also questioned why the fence viewers did not walk the line on which they want

the fence put.

Viewer Dave Davies said no one could show them exactly where the centre of the property line would run when they were on site and denied seeing any survey stakes such as Loney showed in photo-

graphs presented to Ingram.

Davies also felt rail fences are too easily pushed over by cattle to make a good boundary between the two farms. He said when a farmer puts up a fence that isn't on his property line that fence becomes the

new line whether it is the surveyed boundary or not. That's why the viewers wanted a fence down the middle between the two farms.

John Reitker, past president of the Ontario Elk Breeders' Association and a neighbour

of Loney's, said the hearing showed him the need to put his fences right on his property line to protect himself from neighbours who may come along at some future time and demand he pay for half of their fence.

## Reunion answers questions about past

Continued from Last Week

BY MAGGIE  
PETRUSHEVSKY  
The New Tanner

The other touching part of this reunion was the genuine welcome we received from members of Dalhousie Mills United Church. Many, many of our ancestors are buried in their graveyard or in the nearby abandoned Free Church graveyard which they supposedly look after. They also look after the old stone Presbyterian Church at Cote St. Patrick where still more of our ancestors attended services and were buried. The church closed in the 1960s. They opened and painted the church for us and returned stored antiques, then joined us for a service where our forefathers worshiped.

I always knew Malcolm Morrison came to Newton Township, Canada West in 1802 and that era coincides with the early stages of the Highland clearances. I was also told that 32 unrelated families of Morrisons arrived at the same time from the same Scottish township of Glenelg.

As a little kid I never understood which relative belonged to which grandparent, but by my teenage years I understood that I was a double Morrison. My grandfather's ancestor was Malcolm and his wife's was Farquhar. This spring I discovered Malcolm was one of seven brothers who apparently all arrived together. We have no idea whether those men had married sisters who came along too. Little things like immigration documents apparently weren't important back then. And many records that did exist, have since gone up in flames along with the old churches in which they were stored.



**RECYCLING IN THE EXTREME:** Farquhar Morrison's log home was built prior to 1850, possibly as early as 1830. It's new owners have gutted the structure to its walls, installed a new furnace and are hard at work turning the antique into a very livable modern home. - Maggie Petrushevsky photo

In 40 years of searching I have never found birth or death dates for Malcolm. Indeed, records of his two marriages and birth certificates for his 10 children are the only proof I can find that he ever existed. I always hoped finding Malcolm's grave would give me his missing dates.

At the reunion Wayne told me about the pioneer habit of constructing dry graves near their homes. It seems they dug a grave in view of a west window of their new home where they could watch over it for the first few nights after a burial. It's hard to guess whether that tradition stemmed from superstition or practicality, or both.

Without modern storage facilities or heavy equipment, an already prepared grave was the only means of burying a body when winter froze the earth too solid for digging a fresh grave. Having a grave where it could be watched could also save a

victim from being buried alive when no doctors were available to ensure the person was truly dead, not just in a coma.

Then too, there was real need to protect the dead from grave robbers.

Newton Township is less than 60 miles from Montreal and McGill's medical students with their insatiable need for cadavers. Thanks to Wayne, I suspect I've finally figured out where Malcolm is buried. I just haven't found the dry grave on the old homestead.

That was another of the pleasures of the reunion. My cousins are the sixth generation of the family to work the original farm that Malcolm settled with his second wife Catherine on the Eighth Line of Newton Township just outside Dalhousie Mills. I visited my aunt in the original stone house in 1954 and was deeply hurt to see only a shell left after it burned last January. We've

been there so long the concession past my cousin's farm is now officially called Morrison Road.

That house was one of three original Morrison homes still standing in Newton Township. Wayne's family is the seventh generation still living on the property Ludvig Morrison settled on Little St. Patrice. Don't ask me how a German name got into common Scottish usage but it seems it did. And like Duncan, Farquhar, Christina and Margaret in our line, it persists in odd places throughout Wayne's family tree.

Then there's Farquhar Morrison's line. He didn't arrive until 1817 but he was on the list of the original family which Wayne found among family possessions. Farquhar arrived with four of his 13 children and seems to have been something of a community leader. Besides building the

Continued on Page 11

### CLEAR VISION AUTO GLASS



- Windshields
- Convertible Tops
- Upholstery
- Tinting

We Pay up to \$300 of your deductible.

10 Speedvale Ave. E., Guelph

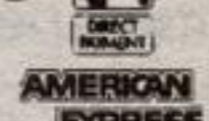
534 Hespler Rd. Cambridge

837-8039

622-3203



www.cv-autoglass.ca



# CLASSIFIEDS

small ads

# BIG

deals

Phone (519) 853-0051

Ask for Marie!