



**BERMUDA
1782 : 8**

ENCLOSURE ACT 1782

ARRANGEMENT OF SECTIONS

- 1 Application for Justice's warrant to have mode of enclosure and cost determined by panel of freeholders
- 2 Default by adjoining owner
- 3 Repair of post and rail enclosures at joint expense

[27 March 1782]

[preamble and words of enactment omitted]

Application for Justice's warrant to have mode of enclosure and cost determined by panel of freeholders

1 When and as often as the owner or owners, proprietor or proprietors, of any tract or parcel of land or ground lying within Bermuda, is desirous of enclosing the same, and the proprietor or proprietors of any other piece or parcel of land adjoining such tract or parcel by its proprietor desired to be enclosed, does or do not agree either in the manner how the same, or any part thereof shall be enclosed, or respecting the quantum of the costs or expenses attending such enclosure, or there is any other disagreement whatsoever between the said parties, respecting or attending such enclosure, then it shall and may be lawful for such owner or owners, proprietor or proprietors, to apply to the Justice or Justices of the Peace of the parish where the lands so desired to be enclosed so lie, and for a want of a Justice in such parish, to the next two Justices of the Peace of any other parish or parishes, who is or are hereby directed and empowered immediately, on such application, to grant his or their warrant to such and so many, not less than three, nor exceeding seven, reputable freeholders of the parish where such lands lie, requiring them, or any three or more of them, to

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view the said land, fix the mode of enclosing the same, either by walls, fence, post and rail, or ditch, or any or either of them, ascertain the cost of such enclosure, and fix such equitable proportions in their discretion, whether equal or unequal, that the owners of the lands adjoining to such tract or parcel of land or ground so about to be enclosed, shall be obliged to contribute and pay thereto, either in materials, labour or money; and such freeholders shall make a return of such warrant to such Justices, in writing, under their respective hands, and on oath of the said freeholders, who shall so execute such warrant by the said Justices granted as aforesaid.

Default by adjoining owner

2 In case of the neglect, refusal, or delay of the owner or owners, proprietor or proprietors, of any land or ground so adjoining the tract or parcel of land or ground about to be enclosed, to contribute to pay his, her, or their proportion of materials, labour, or money, so fixed and ascertained by such freeholders, upon complaint to and proof thereof before the Justice or Justices of the Peace of the parish where the party refusing, delaying, or neglecting, lives, then the said Justices shall issue their warrant, directed to the Parish Council of the parish where the lands are, thereby requiring them to put the complainant into possession of a moiety of the lands of the defendant so divided by the enclosure aforesaid, to hold to him the said complainant, his heirs and assigns, at a rent to be ascertained by the Justice or Justices of the Peace of the parish, annually, where the lands lie, until such time as the said money so due is paid by the rents thereof, unless the same is sooner paid by the proprietor thereof, or other person in his behalf.

Repair of post and rail enclosures at joint expense

3 When any lands are enclosed (by virtue of this Act) by posts and rails, then such posts and rails shall, from time to time, be repaired or renewed as often as the same is found necessary, at the joint expense of the parties whose lands are divided by posts and rails.

[See also Item 37 of this Title.]

[Amended by
1902 : 55]