
CHAPTER 159**DIVISION WALLS AND FENCES****ARRANGEMENT OF SECTIONS**

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CHAPTER 159

DIVISION WALLS AND FENCES

An Act for regulating the making and repairing of division walls and fences.*[Commencement 22nd December, 1806]*

*12 of 1806
2 of 1833
10 of 1839
G.N. 7(21)/1964
E.L.A.O., 1974
5 of 1987*

- 1.** This Act may be cited as the Division Walls and Fences Act. Short title.
- 2.** In this Act, unless the context otherwise requires — Interpretation.
“Minister” means the Minister responsible for Public Works. *E.L.A.O., 1974.*
- 3.** It shall and may be lawful for the proprietor of any lot, tenement or tract of land, situate in any part of The Bahamas, to require the proprietor of any adjacent lot, tenement or tract of land, or his tenant, attorney or other person in possession of the same, to assist in a fair and equitable proportion to make or repair the division wall and fence between such lots, tenements or tracts of land. Proprietors of land to assist in making division, walls.
- 4.** If any such proprietor, or his tenant, attorney or other person in possession as aforesaid, shall neglect or refuse to comply with such requisition, it shall and may be lawful for any two justices of the peace or the Minister, upon application to them or him made of that purpose, to grant a warrant or precept, directed to any three indifferent freeholders of the district, commanding them to view the premises, and to make a report in writing to such justices or Minister respecting the propriety of the requisition for such wall or fence, and what kind of wall or fence will be most proper for the situation of the premises, or what repairs will be necessary, if there be an old or insufficient wall or fence; which report, having been made, it shall and may be lawful for the person who shall have made such requisition and application to proceed, under the order of such justices or Minister in laying out, making or repairing such walls or fences, agreeably to the report of such freeholders; and when the same shall be completed, the same freeholders, or any three other indifferent Proceeding in case of neglect or refusal so to do.

freeholders of the district, shall, in like manner, be summoned to fix the price of the same, and to consider and make a report in writing, to such justices or Minister, respecting the particular convenience which such wall or fence may be to the parties respectively; and if the same shall be found more advantageous to one party than to the other, then such freeholders shall apportion the expenses thereof accordingly; and if either of the parties shall neglect or refuse to pay his proportion of such price or expense, it shall and may be lawful for the justices or the Minister to grant a warrant for levying the same by distress and sale of the defaulters' goods and chattels.

Penalty for non-attendance of freeholders.
5 of 1987, Sch.

5. If any freeholder be summoned to attend, and shall neglect or refuse so to do, he shall forfeit and pay the sum of fifteen dollars, unless he shall assign a reasonable excuse, upon oath, for such neglect to the satisfaction of the said justices or Minister, which penalty shall be recovered summarily.