

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

Com. Sub. for  
HOUSE BILL No. 698

(By Mr. *Organizing on the Committee*  
*on the Judiciary*)



PASSED.....1969

In Effect.....Passage



FILED IN THE OFFICE  
JOHN D. BOLGER, III  
SECRETARY OF STATE

THIS DATE 3-14-69

#698

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 698**

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[Passed March 4, 1969; in effect ninety days from passage.]

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AN ACT to amend and reenact sections, five, six and seven, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the apportionment of the cost of constructing, maintaining and repairing partition fences; persons liable for such costs; persons liable for such costs upon devoting their lands to agricultural, horticultural, grazing or livestock purposes; notice of intention to build or repair partition fences; answer; and liable upon failure to answer.

*Be it enacted by the Legislature of West Virginia:*

That sections five, six and seven, article seventeen, chapter

nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 17. FENCES.**

**§19-17-5. Apportionment of construction and maintenance of partition fence.**

1 Persons owning adjoining lands, both of which are  
2 used for agricultural, horticultural, grazing or livestock  
3 purposes, shall bear a just proportion of the cost of the  
4 constructing, repairing and maintaining a partition fence  
5 between such lands.

**§19-17-6. Sharing cost of constructed fences.**

1 Where a person has chosen to let his land lie open, if  
2 he shall afterwards enclose or use such land, or portion  
3 thereof, for agricultural, horticultural, grazing or livestock  
4 purposes, he shall refund to the adjoining owner a just  
5 proportion of the value of the partition fence adjoining  
6 such lands, or portion thereof, enclosed or so used that  
7 shall have been made by such adjoining owner, regard-  
8 less of whether or not such fence at the time is a lawful  
9 fence.

**§19-7-7. Notice of intention to build or repair partition;  
answer.**

1 Any person desiring to build or to repair a partition  
2 fence may give notice in writing to the owner of any  
3 adjoining lands, or to his agent, of his intention to build  
4 or repair such fence and requiring him to build or repair  
5 his just portion thereof, which notice shall state the  
6 description and kind of the fence proposed to be built  
7 or such repairs as are proposed to be made. The person  
8 so served with such notice shall, within ten days there-  
9 after make answer in writing and serve the same upon  
10 the person desiring to build or repair such fence, which  
11 answer shall state any objections to such notice, and  
12 upon failure to do so he shall be liable to the person  
13 building or repairing such partition fence for his just  
14 proportion of the cost thereof if he shall fail to build  
15 or repair his proportion of the same.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Boyce  
Chairman Senate Committee

Phillip J. Rutledge  
Thee Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers  
Clerk of the Senate

C. A. Blaykeship  
Clerk of the House of Delegates

Lyndon B. Johnson  
President of the Senate

Sam Rayburn  
Speaker House of Delegates

The within is approved this the 12<sup>th</sup>  
day of March, 1969.

Archibald Shaane Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

RECEIVED

Date 3/7/69

Time 2:30 p.m.

MAR 14 9 23 AM '69

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA