

Opinion No. 15-1439

February 20, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. J. A. Conway, Prairie View, N. M.

As to the building of a fence upon a section line.

OPINION

{*28} I have received your letter of the 15th inst. in which you say that your well is on one side of a section line and your pasture on the other side and you desire to know if you have the right to fence the section line. I assume from what you write that your land is on both sides of the section line. There is nothing sacred about a section line so as to prevent you from fencing your land even though your fence crosses that line. The County Commissioners might establish a public highway along the section line, but until they have done so there is no objection to building a fence across the line. Even if they should establish such a road, in order to get the ground for it they would need the consent of the {*29} owners where it is held in private ownership or they would be compelled to pay for the necessary land.