

CHAPTER 344

PARTITION FENCES

**344.02 LEGAL FENCE; REQUISITES; VIEWERS OF PARTITION FENCES.**

Government surveys do not mark section centers. The center of a section is the intersection of a straight line from the north quarter corner to the south quarter corner with a straight line from the east quarter corner to the west quarter corner. *Lunz v Estate of Sandmeier*, 172 M 338, 215 NW 426.

**344.03 EXPENSE; EQUAL SHARES.**

The maintaining of a cemetery by a city is a governmental function and the statutes relating to partition fences between adjoining owners or occupants of land is not applicable. OAG May 20, 1947 (631-H).

**344.07 FAILURE TO MAINTAIN; PRIVILEGE OF COMPLAINANT.**

There being a dispute as to the boundary line, plaintiff constructed the north half of the fence on the line claimed by him, and defendant's agent the south half on line claimed by him. Each maintained his own portion of the fence, there being an oral agreement to that effect. Defendant's cattle broke through the north part of the fence and plaintiff sues for damages. The trial court properly held that the oral agreement having been observed for twelve years cannot be disregarded, and this action may be maintained on the theory that no partition fence exists. *Youngman v Ahrens*, 104 M 531, 116 NW 1135.