

**Opinion No. 14-1210**

April 30, 1914

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** J. C. Gilbert, Esq., Attorney at Law, Roswell, New Mexico.

**GAME WARDEN.**

Game warden and deputies not authorized to carry arms within a settlement.

**OPINION**

{\*70} I am in receipt of your letter of the 28th inst. asking for the opinion of this office as to whether a deputy game warden may carry {\*71} arms while on duty. You say that you have advised a deputy game warden not to carry arms, and this office is compelled to concur with you. There is nothing in the act of 1912, creating the office of game and fish warden, which seems to authorize the carrying of arms by either the warden or any deputy, and in the absence of any specific legislation authorizing the carrying of weapons it is the opinion of this office that neither the game warden nor any of his deputies may carry arms.

However, this office cannot see that the carrying of weapons by either the game warden or his deputies while traveling in the country away from a settlement can be regarded as a violation of the law as declared in Sec. 1384 of the Compiled Laws of 1897, but we believe that it would be unadvisable for them to go about armed while in any settlement of the state.