

Opinion No. 14-1215

May 4, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. James Collins, Seneca, New Mexico.

ROADS.

A gate must be considered as an obstruction to a road.

OPINION

{*75} I have just received your letter of the 25th of April, inquiring {*76} whether a section line that the mail has been carried over for two or three years or more, can be obstructed by putting in a gate. The fact that there is a road on a section line makes it no different from any other road, unless the county commissioners have established a road on that section line, but all roads over which mails of the United States are carried have been, by Chapter 58 of the Laws of 1903, of New Mexico, declared to be public roads and it is made unlawful for any person in any manner to obstruct any public road, the punishment for any violation of this law being a fine not to exceed \$ 50.00 or imprisonment not exceeding thirty days, or both, at the discretion of the court. A gate, I believe, must be considered as an obstruction to a road.