

Opinion No. 14-1378

October 31, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. W. C. Heacock, Attorney at Law, Albuquerque, New Mexico.

GAME.

Buying and selling deer hides.

OPINION

{*239} I am in receipt of your letter of the 30th inst. asking for the opinion of this office as to whether any kind of license or permit is required of a person who engages in the business of buying green deer hides, tanning them, and placing them upon the local market for sale.

While Chapter 85 of the Laws of 1912, known as the game and fish law, is not entirely clear upon this subject, yet I am inclined to believe that a person who engages in the business referred to will be taking a chance of being prosecuted for having deer hides in his possession. You will observe that Section 18 of the act prohibits a person from having in possession in any one season, more than one deer, and Section 14 makes the possession of game, unaccompanied by a license, certificate, permit, or invoice, prima facie evidence that such game was unlawfully taken and is unlawfully held in possession.

Your attention is also called to Section 45 which provides that a civil action in the name of the state may be brought against any person unlawfully in possession of any game or part thereof, and it occurs to me that a person who was found in possession of a number of deer hides, would have considerable difficulty in showing that he was lawfully in possession of the same.