

**Opinion No. 15-1414**

January 7, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable Robert P. Ervien, Commissioner of Public Lands, Santa Fe, New Mexico.

**Authority of Commissioner of Public Lands to employ forest guards.**

**OPINION**

{\*11} I have before me your letter of the 5th instant in which you say that you have thought of putting forest guards in the Zuni and Sacramento Mountains where the state has considerable timber, and where there is more or less trespass, and you wish to have my opinion as to whether, under the law, you can do this and pay their expenses, providing them, if necessary, with a small forest lodge or tents, and also whether you are permitted, under the law, to supply them with horses for riding through the various portions of the forest.

By Chapter 82 of the Laws of 1912 you are given the management, care, custody, control and disposition of all state lands, unless otherwise specifically provided by law, in accordance with the provisions of the act. I do not find in the act any specific authority to employ forest guards such as you speak of in your letter, but it is undoubtedly within the scope of your general duties to do anything that is necessary to protect and care for the state lands, and if it is necessary for you to employ such guards in order to protect and care for the lands I am of opinion that such employment falls within the general power and authority conferred upon you.

If you employ men under this general authority, I have no doubt that it would be perfectly proper for you to supply them with horses to enable them more rapidly and efficiently to discharge their duties.