

Opinion No. 15-1600

July 29, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Thomas L. Capt, Mountainair, N. M.

Tearing down of fence enclosing leased state lands.

OPINION

{*173} I have just received your letter of yesterday in which you say that you have several thousand acres of state land leased and you want to know the law relative to the actions of a man who goes through your pasture where there is no road and where there never has been one, and pulls the fence down and leaves it down.

The law on this subject will be found in Sections 1137 to 1140 of the Compiled Laws of 1897 which appear in the recently published codification as Sections 1575 to 1578. It is made a crime maliciously to throw down any fence and leave the same down, which is punishable by imprisonment not exceeding one year nor less than three months or by fine not exceeding \$ 200 nor less than \$ 25. You can proceed against the trespasser before any justice of the peace in the county by sworn complaint, the same as to any other criminal charge.