

Opinion No. 16-1759

March 15, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. Eli Newsom, Center Valley, New Mexico.

As to the definition of the words "large stock" appearing in Section 49 of the Codification of 1915.

OPINION

{*331} I am in receipt of your letter of the 13th instant in which you quote a portion of Sec. 49 of the Codification of 1915, which prohibits the running at large of large stock during certain months of the year. You inquire if there has been any decision of the courts of New Mexico defining the words "large stock." Questions arising under this statute have never been passed upon by our Supreme Court, but your definition of the words "large stock" to mean cattle, horses, mules and asses, as distinguished from sheep, goats and hogs, is, I believe, correct. This section of the statute, prior to the adoption of the Codification of 1915, had been held by one judge in the state as repealed, but at the present time there can be no question as to its being in full force and effect, and owners of such stock who permit them to run at large, in violation of law, can be prosecuted for a misdemeanor and fined as provided by Sec. 1455 of the Codification. They can also be sued civilly for damages.