

**Opinion No. 14-1222**

May 6, 1914

**BY:** IRA L. GRIMSHAW, Assistant Attorney General

**TO:** W. C. Tharp, Esquire, St. Vrain, New Mexico.

**CATTLE.**

Running at large of cattle from March to October prohibited by section 98, C. L. 1897.

**OPINION**

{\*82} We are in receipt of your letter of the 30th ult., asking our advice concerning the running at large of cattle which you say are of a vicious nature, and because of that fact are dangerous to yourself and family.

We have no law which specifically deals with vicious animals of this class. Section 98 of the Compiled Laws of 1897, in effect, provides that cattle shall not be permitted to range during the months of March to October, inclusive, unless they are in the custody of some person. Section 1055 provides for the punishment for permitting cattle to range without being under custody during those months by a fine not exceeding \$ 200.00 or imprisonment in the county jail not to exceed three months. We understand, however, that you {\*83} range your cattle on the townsite without a herder. You would, therefore, be likewise, subject to the law.

We realize that the law should provide for such a case as you mention, but we know of no specific provision of our law which takes care of such contingencies, other than the one hereinabove cited.