

October 15, 1934

Messrs. Benjamin Blake and M. J. Smith
County Attorney's Office
Safford, Arizona

Gentlemen:

I have received your letter of October 11th, in which you request me to advise you as to whether or not prosecution under Section 1573, for allowing livestock to run loose on the highways, would be effective.

In response to your inquiry, I can only say that Section 1573 seems to be the only part of our laws which could be used to prosecute farmers for allowing their livestock to run loose on the highways. As to whether or not prosecution would be effective under this provision of the Code is entirely a question of fact which I cannot answer. It seems to me, offhand, that if a farmer persists in allowing the livestock to run loose on the highways, he is not using the highways for the purpose for which they were built, and that if it can be proven that the person owning the livestock continuously permits the livestock to run at large on the highways - then prosecution under Section 1573 may be effective. You are correct in your statement that it would be necessary, in prosecuting under this section of our law, to prove more than one specific violation. I believe it would almost have to be shown that it is a continuous practice of the owner of the livestock.

I should think that the best way to start prosecutions of this kind would be to write letters to the persons owning the livestock, quoting them the provisions under Section 1573 and demanding of them that they keep their livestock off the highways unless they are using the same for authorized public travel, communication, transportation or transmission. The letters should be sent to these persons by registered mail, in order to make certain that they receive the same. After the letters are sent, I would then proceed to watch for violations on the part of the persons warned, and, if it appears that the parties are violating the provisions of Section 1573, then prosecutions should be started against them.

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Messrs. Blake and Smith, County Attorneys Office, Safford.
10-15-34

remain

Trusting this is the information you desire, I

Very truly yours,

Attorney General

JRM:B

Assistant Attorney General