

**Opinion No. 14-1234**

May 18, 1914

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

**TO:** Louis Garcia, Mayor of Springer, Springer, New Mexico.

**VILLAGE MARSHAL.**

Village marshal entitled to compensation if he has performed duties of his office, notwithstanding he had never furnished a bond.

**OPINION**

{\*96} Your letter of the 16th inst. was received here yesterday, Sunday. You say that Mr. Vigil, in 1911, was appointed marshal of the village of Springer and after some months in office presented his bill for salary and payment was refused because he had not furnished a bond at the time of his appointment, although he took the oath of office, and you ask my opinion as to whether he is entitled to compensation.

{\*97} I do not find that there is any statute which requires a village marshal to give a bond before he can act, but that might be the requirement of some ordinance of the village. At the same time, if he performed the services of a marshal and the village council neither demanded the bond nor made any objection to his acting as marshal, it is my opinion that he is entitled to his compensation, assuming that this question is not complicated with the claim of any other person for services during the same time under another appointment. If there were no other marshal performing services and claiming pay for the same time, common honesty seems to require that Mr. Vigil should be paid.