

Opinion No. 31-96

March 24, 1931

BY: E. K. Neumann, Attorney General

TO: Col. Osborne C. Wood, The Adjutant General, Santa Fe, New Mexico.

{*53} Your letter of March 21 refers to Section 93-151 New Mexico Statutes Annotated, 1929 Compilation, and you have enclosed your copy of letter from Capt. Albert F. Marth, at Albuquerque, New Mexico.

Capt. Marth feels that he should not be required to execute a bond covering troop property, and states it is a practice to permit troopers to take home with them individual clothing for use in drilling.

The Statute referred to is very plain and requires that all officers who are responsible for money of public property of the State or of the United States and which is issued for use in the military service must give bond.

The company commander is responsible and accountable for such property and a general practice regulating such property would not relieve him from such responsibility and accountability.

It is my opinion that under this statutory provision you would have no right to relieve Capt. Marth or any other officer from the requirement of making a required bond.

By Frank H. Patton,

Asst. Att'y General