

**Opinion No. 36-1367**

May 21, 1936

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mrs. W. T. Crater, Mayor Des Moines, New Mexico.

{\*118} The Governor's office has referred {\*119} to us your letter of May 12th. In this letter you ask information as to whether or not you, as mayor of the Town of Des Moines, have the power to appoint a qualified marshal. We assume that Des Moines is an incorporated town as provided by the laws of this state. If so, your question would be governed by Section 90-3408 of the 1929 Compilation which provides:

"The town marshals of incorporated towns in this state shall be appointed by the mayor thereof by and with the advice and consent of the board of trustees."

Your next question is: Can the mayor act as judge in all municipal grievances? We do not know exactly to what you refer but you are advised that we have no provisions of law in this state whereby the mayor of a town or village acts as a judge for violations of municipal ordinances. Violations of this sort must come before justices of the peace and not before the mayor.

By J. R. MODRALL,

Asst. Atty. General