

Official Bonds, Death of Bondsman. Sureties, Procedure Upon Death of Surety. Bonds, Official, Death of Surety.

Where a surety on a bond given to the Carey Land Act Board dies, the principal should be notified by the board and required to furnish an additional bond.

Helena, Montana, January 31, 1910.

The Carey Land Act Board,
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of January 31, in which you state that Mr. W. W. Cargill, one of the bondsmen on the bond given by the Conrad Land & Water Company to the state of Montana, has died, and you desire an opinion as to what steps must be taken by the board in such a contingency.

Section 2263, revised codes, provides for the giving of such a bond and for its approval, while section 412 of the article relating to official bonds provides that the provisions of such article shall apply to all bonds given and approved by any court, judge, board, person or body. Section 395, of the same article, provides that whenever it comes to the knowledge of any board, whose duty it is to approve an official bond, that any one of the sureties has died since such bond was given, that such board must issue a citation to the person giving the bond, and if he fails to give ample additional security the office or contract for the faithful performance of which such bond is given must be vacated. Sections 396 and 397 provides how such additional bond must be given.

You are therefore advised that you should notify the Conrad Land & Water Company to furnish an additional bond to take the place of the liability, as bondsman, of W. W. Cargill, deceased.

Very truly yours,

ALBERT J. GALEN,

Attorney General.