

**Official Bonds, Payment of Premiums Upon. National Guard,
Bonds of Officers.**

The bonds of public officers are in the nature of security for the faithful performance of their official duties, and in the absence of an express statute to the contrary such officers are not entitled to present a claim against the state for premiums paid in order to obtain such security.

Helena, Montana, September 23, 1910.

Mr. Percy Witmer,
Clerk, State Board of Examiners,
Helena, Montana.

Dear Sir:—

Replying to your letter of September 19th, requesting an opinion of this office as to whether or not a claim against the state of Captain J. L. Tucker, custodian of the state arsenal, for premium paid by him upon his official bond as such custodian, is a just and proper claim against the state, I will say:

Each official of the national guard who is responsible for public property and stores must execute to the state a bond with such sureties and in such form as the governor shall approve, in a sum not less than double the value of such property, or stores. The bonds of public officials are in the nature of a security for the faithful performance of their official duties, and in the absence of an express statute to the contrary they are not entitled to present a claim against the state for premiums paid in order to obtain such security.

You are therefore advised that the claim of Captain Tucker is not a proper claim against the state and should be rejected.

I herewith return the claim.

Yours very truly,

ALBERT J. GALEN,
Attorney General.