

Surety Bonds, Road Supervisor and Justice of the Peace. Premiums on Bonds, Payment Of. County, Liability for payment of Premium on Bonds. Justices of the Peace, Premium on Bonds Of. Road Supervisors, Premium on Bonds Of.

Road Supervisors and Justices of the Peace are not county officers within the meaning of Chap. 6, Laws of 1911, and the premium upon the official bonds of such officer is not a legal charge against the county within which they are appointed or elected.

June 12, 1912.

Mr. W. H. Morgan,
County Clerk,
Thompson, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 7th inst., wherein you state that the members of the board of county commissioners of Sanders County request an opinion as to whether or not the premiums on bonds of Road Supervisors and Justices of the Peace are a legal charge against the county.

Chap. 6, Laws of 1911, provides:

"Whenever an official bond is required of any state, county or city officer * * * where such officer shall furnish a surety company bond, the premium therefor shall be a proper charge against the general fund of the state, county, or city, as the case may be."

This is the only authority of law for the payment by the county of the premiums on official bonds of its officers. Sec. 2957, Revised

Codes, enumerates the county officers. Road Supervisors and Justices of the Peace are not included within this list. Chap. 6, Laws of 1911, makes specific mention of the officers to whom the provisions of the act apply. Road Supervisors and Justices of the Peace are district and township officers, and not county officers within the meaning of this act, and it is, therefore, my opinion that the premium on bonds of Road Supervisors and Justices of the Peace is not a legal charge against the county within which they are appointed or elected.

Very truly yours,

ALBERT J. GALEN,

Attorney General.