

Bonds of Deputy County Officers, Premium For. Premium, for Bonds of Deputies.

If a sheriff requires a bond of the under-sheriff, it comes within the provisions of Section 3 of Chapter 6, Laws of 1911 and the payment of the premium thereon, is a proper charge against the county.

December 16, 1914.

Hon. James M. Blackford,
County Attorney,
Libby, Montana.

Dear Sir:

Replying to yours of the 11th instant, wherein you inquire:

"Does Section 3 of Chapter 6, 1911, above mentioned, contemplate payment of the premiums on bonds of an under-sheriff, and other deputies or county officers?"

I beg to advise that said Section provides:

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

An undersheriff and other deputy county officers are public officers.

35 Cyc, 1516;

Gradle vs. Hoffman, 135 Mo., 326; 36 S. W., 636; 3 L. R. A. 616;

Daton vs. Lynes, 33 Conn. 351;

Section 416, Revised Codes of 1907, provides:

"Every officer or body appointing a deputy, clerk, or subordinate officer, may require an official bond to be given by the person appointed, and may fix the amount thereof."

You will notice that Section 3 of Chapter 6, above referred to, does not specify an official bond required by law, but states "whenever an official bond is required of any state, county or city officer."

Hence, if the sheriff requires a bond of the undersheriff, under the provisions of Section 416, it comes within the provisions of said Section 3, and the payment of the premium thereon is a proper charge against the county.

Yours very truly,

D. M. KELLY,

Attorney General.