

Bonds—County Commissioners—Funds—Sureties.

Chapter 89, of the Laws of 1923, providing that where personal bonds are accepted as security for the deposit of public funds they shall be accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon, applies to all bonds whether given before or after the passage of the Act.

A. F. Lamey, Esq.,
County Attorney,
Havre, Montana.

My dear Mr. Lamey:

You have requested my opinion as to whether the provisions of Chapter 89 of the Laws of 1923, providing that where personal bonds are accepted as security for the deposit of public funds they shall be "accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon," apply to a bond executed before the enactment of said Chapter 89.

You state that on January 1, 1924, the County Commissioners will be required to examine the sureties for county deposits, and that among the sureties are several personal bonds, and that it is your opinion, and you have so advised the County Commissioners, that these bonds should not be approved unless accompanied by the sworn statement.

I agree with you in the conclusion that you have reached. The Legislature, no doubt, intended by this act to further secure county deposits and it is reasonable to presume that it intended this to apply to all deposits, whether made before or after the taking effect of this Act. The county is, as a matter of fact, making deposits and drawing money from time to time, and under the provisions of this Act "all such deposits shall be subject to withdrawal by the Treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or be permitted to remain in any bank, until the security for such deposits shall have first been approved by the Board of County Commissioners in the case of county funds."

It is, therefore, my opinion that the provisions of Chapter 89 of the Laws of 1923, with reference to the justification of sureties, apply to all bonds whether given before or after the passage of the Act.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.