

Deputy County Treasurer—Bonds—Premiums—Counties.

A deputy county treasurer is not required by law to furnish an official bond to the county, but his principal, the county treasurer, may require the deputy to furnish a bond for the treasurer's protection.

The premium on such a bond is not a charge against the county under section 6236 R.C.M. 1921, as amended by chapter 145, laws of 1923.

C. H. Morse, Esq.,
Deputy County Treasurer,
Glendive, Montana.

April 10, 1929.

My dear Mr. Morse:

You state that your County Attorney has advised the county commissioners that the county may not pay the premium on your bond as Deputy County Treasurer, and you wish to know what the law is on this subject.

Section 6236 R.C.M. 1921, as amended by Chapter 145, Laws of 1923, provides as follows:

"Whenever an official bond is required of any state, county, or city officer, such officer may furnish either a surety company bond, or a good and sufficient individual bond, executed and approved as required by law, or may furnish such other security as may be approved by the person, officer, or board authorized by law to examine and approve such official bond; provided, that 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; provided further, that the provisions of this section, making such premium a charge against the general fund of the state, county, city, town, or municipality shall not be construed to include any deputy, clerk or subordinate officer, where a bond is required to be furnished by the principal or body appointing the same."

A deputy county treasurer is not required by law to furnish an official bond, but the bond of the county treasurer is liable for the default of the deputy. The county treasurer may require the deputy to furnish a bond for his own (the treasurer's) protection. (Section 507 R.C.M. 1921; County of Silver Bow vs. Davies, 40 Mont. 418). The cost of this bond is not a charge against the county under the law above quoted.

Very truly yours,

L. A. FOOT,
Attorney General.

By L. V. Ketter, First Assistant.