

Opinion No. 174**Sheriff—Undersheriff—Bonds—
Premiums—Counties.**

HELD: The premium upon the official bond of an undersheriff is not a proper charge against the county.

April 20, 1933.

You have submitted the question: "Will you kindly advise me whether the premium upon the official bond of the under-sheriff of Madison County is a legitimate charge against the county?"

Prior to 1923 the premium of a bond of an undersheriff was a legitimate charge against the county. Volume 6 Opinions of Attorney General, page 8. Section 6236 of the Revised Codes of Montana of 1921 was amended by Chapter 144, Laws of 1923, by adding thereto the following: "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."

Under the provisions of the amendment quoted, it appears that the intent of the legislature was that the premium on the bond of an undersheriff is not a charge against the county.