

bonds "which are quoted on the New York market."

The New York market, in my opinion, is a public place where stocks or bonds are exposed for sale by persons desiring to sell them. There are two such public places, known as the New York Stock Exchange and the New York Curb Exchange. The "over the counter quotations," I am informed, is the record of such buying and selling of bonds as between one bond house or firm with another and is not a place where the public, who wish to buy or sell bonds, can go. It is therefore not a public place for the sale of bonds. (See 38 C. J. 1259.) The legislature, in my opinion, had in mind the New York Stock Exchange and the New York Curb Exchange, which are public market places where bonds are sold to the public under such regulations of law as would be some guarantee of the worth of the bonds sold and security to the purchasers. Moreover, by common usage and understanding, the New York market is either the Curb or the Exchange. Unless such was the intention of the legislature, it would be almost impossible to know what limits to place upon the term "New York market."

Opinion No. 312.

Banks and Banking—Bonds—Public Funds, Security For Deposits Of —Cities and Towns—Counties.

HELD: In Section 4767, R. C. M. 1935, which specifies what bonds may be used as security for deposits of public funds by county, city and town treasurers, the words "New York Market" mean the New York Stock Exchange and the New York Curb Exchange.

June 30, 1936.

Hon. Frank H. Johnson
Superintendent of Banks
The Capitol

You have asked whether bonds traded in "over the counter" and reported in "over the counter quotations" in New York, are bonds "quoted on the New York Market" within the meaning of Section 4767, R. C. M. 1935, which specifies what bonds may be used as security for deposits of public funds by county, city and town treasurers, naming among others,