

OFFICIAL BONDS: No county officer should become a surety on the official bond of another county officer.

June 24, 1935.



Honorable Ralph Nolen,
Representative Monroe County,
Paris, Missouri.

Dear Sir:

This department is in receipt of your recent letter making the following inquiry:

"In giving official bonds for their term of office, a number of county officers in the various counties have personal sureties thereon who are holding other county offices. I would appreciate an opinion from your department as to who are disqualified from becoming personal sureties on bonds of county officials."

Some statutes relating to the giving of official bonds contain the qualifications of the sureties for the individual offices. Section 2846, R.S. Mo. 1929, however, is a general section, covering all county officers' bonds, and is as follows:

"The sureties of all clerks, sheriffs, constables, collectors and other county officers shall be residents of the county in which the bonds to which they become parties, by reason of being sureties for any of the said officers, shall be executed."

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We assume that any person who possesses the proper qualifications of a surety may become a legal surety on a county official's bond unless he be disqualified by the terms of Section 2847, R.S. Mo. 1929, which provides:

"No sheriff, collector, constable, county treasurer, attorney at law, clerk of any court of record, judge or justice of any court of record, shall be taken as surety in any official bond that may be given by any officer in this state."

CONCLUSION

In view of Section 2847, supra, it is the opinion of this department that no county officer should become a surety for another county officer on his official bond.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

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