

Opinion No. 46-4947

September 5, 1946

BY: C. C. McCULLOH, Attorney General

TO: Edward Eyring, President New Mexico Highlands University Las Vegas, New Mexico

{*270} This is to acknowledge receipt of your letter of August 29, 1946, in which you request the opinion of this office as to whether an official bond covering the office (of bursar), rather than the officer himself, would satisfy the requirements of the law.

The statutes which direct that official bonds be given prescribe that the "officer" must give the bond, and such bonds are conditioned upon the faithful performance **by the officer concerned** of all the duties of the office.

Since such a bond is conditioned upon faithful performance of duties by a particular person or officer, it must of necessity follow that the bond must cover the person; consequently, a bond covering the office rather than the officer would not, in my opinion, satisfy the requirements of the law.

Trusting the above sufficiently answers your inquiry, I remain

By WM. R. FEDERICI,

Asst. Atty. General