

**Opinion No. 34-789**

July 16, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Mr. John Morrow, Attorney at Law, Raton, New Mexico.

In re: **Personal Bond of Treasurer.**

**OPINION**

{\*148} This is in reply to your letter of July 13, 1934.

Section 112-116 of the 1929 Code, {\*149} as amended by Chapter 36, Laws of 1933, provides that in case the state treasurer (or other officials named in the act) shall furnish a bond with personal sureties "the amount of such bond shall be 50% higher than the amounts hereinabove specified." This would mean that the personal surety bond of the state treasurer would have to be in the amount of \$ 750,000.00.

It is also provided by Chapter 36, Laws of 1933 that the personal sureties on such bond "shall justify as prescribed in Section 19 of this act" (Sec. 112-119). Section 112-119 of the 1929 Code is repealed by Chapter 175, Laws of 1933. However, the provisions of said section are adopted by reference in Chapter 36, Laws of 1933, and, so far as they are applicable to said chapter, it is my opinion that they are in effect for the purpose of determining the manner of justification of sureties.

By: QUINCY D. ADAMS,

Asst. Attorney General