

Deceased Soldiers—Burial Expenses—Payment by County Commissioners.

The County Commissioners of a county are required to allow a sufficient sum to insure decent interment not to exceed \$150 for the burial of all honorably discharged soldiers, sailors, marines or nurses who shall have served in the Army, Navy, Marine Corps, or Army Nurse Corps of the United States, and who are residents of such county at the time of their death, regardless of the financial condition of the deceased.

L. V. Ketter, Esq.,
County Attorney,
Sidney, Montana.

My dear Mr. Ketter:

I have your letter requesting my opinion on Chapter 194, Laws of 1921, relative to burial of honorably discharged soldiers, sailors and marines who die in Montana.

The first law on this subject is found in the Revised Codes of 1907 as Sections 2065 to 2070, both inclusive. It will be noted that the law then was applicable only to such soldiers, sailors or marines "who may hereafter die without leaving sufficient means to defray funeral expenses."

In 1911, this law was amended (Chap. 109, Laws of 1911) and the words "without leaving sufficient means to defray funeral expenses" were stricken out, and the amount of authorized expense increased from fifty dollars to one hundred dollars.

Chapter 178, Laws of 1917, again amended this law, and again the words above quoted were omitted from the Act.

Chapter 194, Laws of 1921, amended the law once again, increasing the limit of expense to one hundred and fifty dollars, and making it applicable to "any honorably discharged soldier, sailor, marine or nurse who shall have served in the Army, Navy, Marine Corps, or Army Nurse Corps of the United States, who may hereafter die."

You will notice that in none of the above mentioned Acts of the Legislature, since the original Act, do the words "without having sufficient means to defray funeral expenses" appear.

The only conclusion that can be drawn from the several amendatory Acts of the Legislature is that the intent was to remove from the law the element of pauperism and make it apply to all honorably discharged soldiers, sailors, marines and nurses, regardless of whether such persons died with or without sufficient means to defray funeral expenses.

The law also requires the Boards of County Commissioners to appoint some proper person in the County, preferably an honorably discharged soldier, sailor or marine, whose duty it shall be to cause to be decently interred the bodies of honorably discharged soldiers, sailors, marines or nurses who may die in the County.

It is, therefore, my opinion that the County Commissioners of any county are required to allow a sufficient sum to insure decent interment, not to exceed the sum of one hundred and fifty dollars, for the burial of all honorably discharged soldiers, sailors, marines or nurses who shall have served in the Army, Navy, Marine Corps, or Army Nurse Corps of the United States, and who were residents of such county at the time of their death, regardless of the financial condition of the deceased, when the burial of said deceased is under the charge of the person appointed for that purpose by the County Commissioners as required by said Chapter 194, Laws of 1921.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.