

Deceased Soldiers—Expenses for Burial—Failure of County Commissioners to Appoint a Person to Take Charge of the Burial.

The mere fact that the County Commissioners failed to appoint someone to take charge of the burial of a deceased soldier does not prevent the allowance of the claim of \$150 by the County Commissioners if the deceased comes within the provisions of the law allowing the burial expenses.

Hon. Chas. Sheridan,
Adjutant General,
Helena, Montana.

My dear Mr. Sheridan:

I have your letter requesting my opinion whether the \$150 provided for the burial of honorably discharged soldiers, sailors, marines and nurses who shall have served in the Army, Navy, Marine Corps or Army Nurse Corps of the United States, and who die in Montana, may be collected from the county liable therefor after such burial, no request having been made for the same at the time of burial or person having been appointed by the County Commissioners to take charge of the burial.

It is my opinion that where a burial has been had of one entitled to the benefit of the Act, the mere fact that the County Commissioners failed to appoint someone to take charge of the burial, or the fact that the claim was not presented in advance, should not prevent the allowance of the claim by the county, and that the same should be allowed by the County Commissioners.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.