

the burial of the county poor the County Commissioners are not limited to the acceptance of a bid of a licensed embalmer or undertaker.

December 11, 1935.

Mr. Fred C. Gabriel
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In your letter of December 7 you asked substantially whether the County Commissioners of Phillips county may let a contract for burial of the county poor to a person other than a licensed undertaker and you referred to Sections 4525 and 4526, amended by Chapter 50, Session Laws of 1933, I gather from your letter that in response to the Board's invitation for bids, no licensed undertaker made any bid.

It is our opinion that the Board of County Commissioners need not concern itself with the question whether any person contracting to defray burial expenses in accordance with Chapter 50, Laws of 1933, is a licensed embalmer or undertaker; for instance, such a person so contracting might have a licensed embalmer do the actual work of preparing a body for burial and interring it. Compliance with the laws, rules and regulations relating to licensing of embalmers and undertakers is the obligation of the person doing the actual work of embalming and burial and not an obligation of the County Commissioners.

Of course, in any event, if it is absolutely impossible in any given case, to secure the services of a licensed undertaker, the obligation is still upon the board of County Commissioners to see that the dead are buried (R. C. M. 11034).

Opinion No. 210.

County Commissioners—Poor, Contracts for Burial of—Embalmers and Undertakers.

HELD: In letting a contract for