

**Burial—Ex-Service Men—Soldiers—County Commissioners.**

The board of county commissioners is authorized to contribute \$150 toward the burial of a deceased ex-service man, even though the deceased leaves an estate sufficient to pay for decent interment, and such contribution does not violate section 1 of article XIII of our state constitution.

T. E. Downey, Esq.,  
County Attorney,  
Butte, Montana.

April 9, 1927.

My dear Mr. Downey:

You have called my attention to the opinion of former attorney general Rankin (Vol. 9, Opinions of the Attorney General, page 248), to the effect that the county commissioners, under the provisions of section 4536 R. C. M. 1921, are authorized to contribute \$150.00 toward the burial of a deceased ex-service man where he leaves means sufficient to pay for a decent interment, and you wish to know whether, in view of section 1, article XIII of our state constitution, I am in accord with this opinion.

Section 1 of article XIII forbids the state or county to give or loan its credit in aid of, or to make any donation or grant, by subsidy or otherwise, to any individual, association or corporation. If the \$150.00 in question is to be considered as a donation to the person or persons charged with the burial of the body of a deceased ex-service man, then the constitutional provision would no doubt be applicable. However, the intent of section 4536, supra, was to insure decent interment to the bodies of all ex-service men, and it is my opinion that the said section does not provide for a donation to those charged with the burial of the body but simply provides for the payment of this sum for a particular purpose, to-wit, the burial of the bodies of ex-service men, and while under certain conditions the estate of the deceased is relieved of this expense and the heirs indirectly profit thereby, yet it could hardly be held that this was a donation to any individual, association, or corporation such as prohibited by the constitution.

For the foregoing reason I am in accord with the opinion above mentioned.

Very truly yours,

L. A. FOOT,

Attorney General.