The Revised Statutes—26:6–7, as amended by Chapter 253 of the Laws of 1945 (P. L. 1945, pages 777-79) provides that the certificate of death shall contain some 26 items, being the contents of the death certificate, and by item 25 requires the signature, New Jersey license number and address of the undertaker.

The language of the statute is:

"26:6–7. The certificate of death shall contain the following items:

"* * * (25) Signature, New Jersey license number and address of undertaker."

Further, by the Revised Statutes 26:6–13 it is provided:

"26:6–13. Incomplete certificate of death.

"No certificate of death shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission."

I am of the opinion that the signature, New Jersey license number and address of the undertaker as required by item 25 of the 1945 statute are essential requisites to the issuance of the burial permit.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: JOSEPH LANIGAN,
Deputy Attorney General.

JL:rk

SEPTEMBER 11, 1950.

HON. WALTER T. MARGETTS, JR.,
State Treasurer,
State House.

FORMAL OPINION—1950. No. 58.

DEAR MR. MARGETTS:

You have inquired whether the State of New Jersey has a claim against the Federal Government for damages caused by the alleged negligence of the Coast Guard in connection with the South Amboy explosion of May 19, 1950. The answer is "No."

According to the best information I have been able to obtain, the only appreciable damage to State property as a result of the explosion was suffered by a veterans housing project owned by the State. This damage has been fully compensated for by insurance, and in connection with such compensation the State has assigned to the insurer any claim it might have against those responsible for the damage.

Since the State has no cause of action for injury to its own property, the only basis that the State would have for a claim against anyone would be that as sovereign or guardian of its people, it was suing to redress a public wrong. As is stated in 59 C. J. 316, "When suing, as sovereign, a State must assert a public interest and it can not sue to vindicate only the right of a private citizen."

I have examined the precedents as to what constitutes such a public interest, and there appears to be no support for the view that extensive damage to persons and property as a result of a disaster gives rise to such a public interest that the State can bring an action to redress the wrong.

Even if the State could be a party plaintiff in this matter, it seems well settled that it could not maintain a suit against the Federal Government. The law was so stated in *State of Florida* vs. *Mellon,* 273 U. S. 12, 18, as follows:

> "Nor can the suit be maintained by the State because of any injury to its citizens. They are also citizens of the United States and subject to its laws. In respect of their relations with the Federal Government—
> 'it is the United States, and not the State, which represents them as parens patriæ, when such representation becomes appropriate; and to the former, and not to the latter, they must look for such protective measures as flow from that status.' *Massachusetts* vs. *Mellon, supra,* pages 485, 486 (43 S. Ct. 600)."

The foregoing opinion makes it unnecessary to determine whether the United States Coast Guard was negligent in the promulgation and enforcement of rules for the safe handling of explosives on waters under its jurisdiction.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: THOMAS P. COOK,
Deputy Attorney General.

tpc;d

SEPTEMBER 12, 1950.

HON. R. J. ABBOTT,
State Highway Commissioner.

FORMAL OPINION—1950. No. 59.

DEAR MR. ABBOTT:

Your letter of September 6 raises several questions, which I shall endeavor to to answer below in the order presented.

1. Your first inquiry is whether, where a State aid project is involved, the opening of a bid by a municipality constitutes a determination by the municipality that the bidder is qualified. The answer is "No." It is well settled that until a contract is actually awarded, both municipalities and counties have the right and duty to examine the qualifications of the low bidder to whatever extent is necessary for a determination that he is the lowest responsible bidder. *Faist* vs. *Hoboken,* 72 N. J. L. 361; *Kelly* vs. *Freeholders of Essex,* 90 N. J. L. 411; *Selitto* vs. *Cedar Grove Township,* 133 N. J. L. 41; See also R. S. 40:25-21. However, the lowest bid can not be rejected because of the irresponsibility of the bidder unless he is given reasonable notice and opportunity to be heard. *Araneo-White Construction Co.* vs. *Joint Municipal Sewer Commission,* 9 N. J. Misc. 243; *Ianniello vs. Harrison,* 4 N. J. Misc. 111.