

Coroner, Fees Of.

Under Section 4640, Political Code, the coroner is entitled to \$5.00 per day, and no more, for holding inquests, regardless of the number held. It is no part of his duty as coroner to perform

autopsies. When a physician holds an autopsy, the presence and assistance of the coroner does not entitle him to extra fees as such, such service is simply a part of his duties in holding the inquest. If the coroner is a duly licensed and practicing physician qualified to perform an autopsy, and does perform the same instead of calling in a physician, he would be entitled to the customary charge of a physician for performing the autopsy.

Helena, Montana, August 26, 1905.

J. P. Regan, Esq., Deputy County Attorney, Great Falls, Montana.

Dear Sir:—Your letter of the 21st instant, requesting an opinion of this office, to hand, the question submitted being, whether a coroner is entitled to the sum of \$25.00 for services rendered in performing an autopsy on the body of a deceased person?

Under Section 4640, Political Code, the coroner is entitled to \$5.00 per day, together with mileage for distance actually traveled in holding inquests. This section has been construed to the effect that the coroner can only receive \$5.00 per day whether he holds one or more inquests on the same day. It is no part of the coroner's duty, as such, to perform autopsies. If a physician was called in to perform an autopsy as a part of the inquest, the coroner would be entitled to no extra compensation for his presence at such autopsy, as he would simply be performing one of his duties in holding an inquest. Of course, if a coroner, is a duly licensed and practicing physician, qualified to perform an autopsy, and does perform the same in addition to performing his duties of coroner in holding the inquest, he would then be entitled to the customary charge of a physician for performing an autopsy.

The law does not fix any specific fee for performing an autopsy, and the reasonableness of the charge for the same is to be determined by the board of county commissioners or county auditor in auditing the bill presented for such services.

As to the other question submitted in your letter, the opinion will be forwarded later as we wish to prepare a brief in connection with the same.

Very truly yours,

ALBERT J. GALEN,

Attorney General.