

Coroner, Duties Of. Inquest, When to Be Held.

The Coroner should hold an inquest only when he has reasonable ground to suspect that death was caused by suicide, or the result of the act of another by criminal means.

Helena, Montana, Dec. 19, 1907.

Hon. Frank P. Whicher,
Red Lodge, Montana.

Dear Sir:—

I am in receipt of your letter of the 16th inst. submitting the proposition

“When, and under what circumstances, should the coroner hold an inquest?”

Section 2700 of the Penal Code referred to by you provides that "when the coroner is informed that a person has been killed, or has committed suicide, or has died under such circumstances as to afford reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place * * * inquire into the cause of the death."

This section of the statute appears to be quite definite in its terms except as to the meaning which should be given to the word "killed" as used therein. This word in its most comprehensive sense includes death by any means whatsoever, but as used in the statute its meaning is limited by the phrase "has committed suicide" "afford reasonable ground to suspect that his death has been occasioned by the act of another by criminal means" and we understand that the coroner is justified in holding an inquest only when he has reasonable grounds to suspect that a suicide or a crime has been committed.

In *Morgan vs. San Diego County*, 85 Pac. 720, the Supreme Court of California in passing upon a section of the statute similar to our Section 2790, supra, held that in order to justify an inquest under such section the killing must have been sudden and unusual, and in such manner as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person. The court also held that the word "killed" as is used in the section should be restricted in its meaning to cases where there is a reasonable ground for suspecting that death was caused by suicide or by the criminal act of another.

You are therefor advised that only under the circumstances indicated above the coroner is justified in holding an inquest.

Very truly yours,

ALBERT J. GALLEN,

Attorney General.