

**Coroner, Duty Of. County Coroner, Duty Of. Amendment of Section 2790, Penal Code.**

Section 2790, Penal Code, is not amended by Chapter XCVIII, Laws 1903, and the powers and duties of a county coroner are not enlarged by the provisions of said chapter, but the same relates only to duties of mine inspector.

Helena, Montana, Feb. 19, 1908.

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

Dear Sir:—

I am in receipt of your favor of the 14th inst., in which you call attention to the amendments made by Chap. XCVIII Laws of 1903, amending certain sections of the Pol. Code, particularly Section 586, and you submit the proposition as to whether or not such amendment to said section 586 operates as an amendment of Section 2790 Penal Code.

Said Section 586, Pol. Code, and the entire article of which it is a part, relates to the inspection of mines and the duty of mine inspectors, and the amendmnet of this section makes it the duty of the mine inspector to investigate the causes of accident whether fatal or serious, and also makes it his duty to attend any coroner's inquest over the remains of any person killed in a mine. But this section does not enlarge the power and authority of a county coroner, hence, it does not amend, either directly or by implication, said Section 2790 of the Penal Code.

It is very apparent that no duty rests upon the coroner to hold an inquest, or upon the people to bear the expense of an inquest, in all cases of death, hence the line must be drawn somewhere and some rule must be adhered to, and we know of no better line or rule than the terms of the statute itself as expressed in Sec. 2790, Penal Code.

Very truly yours,

ALBERT J. GALEN,  
Attorney General.