

**Coroner, May Accept Warrants Drawn for Special Services.  
Burial of Paupers by Coroner, Paid for by County.**

Where the coroner is required by law to decently inter dead bodies, not taken in charge by other persons, he may present and file his claim for such services to the county and may receive warrants in payment therefor.

Helena, Montana, February 8, 1909.

Hon. W. H. Trippett, County Attorney, Anaconda, Montana.

Dear Sir:

I have your letter of February, 4, wherein you ask my opinion as to whether or not the coroner, acting under the provisions of Seciton 4491 of the Political Code, is entitled to receive compensation for the necessary expenses of burial of a deceased person when no other person takes charge of the body.

There is a positive duty placed upon the coroner by the section above referred to, requiring him to decently inter the body of any deceased person when no other person takes charge of the body. And the statute further provides that in the event that there is not sufficient property belonging to the estate of the deceased to pay the expenses of burial, the expenses are a legal charge against the county.

I believe that this statute takes the particular case out of the provisions of Section 1023 of the Political Code, which provides that:

"The state officers, the several county, \* \* \* are prohibited from purchasing or selling \* \* \* county or city warrants, \* \* \* except evidences of indebtedness issued to or held by them for services rendered as such officer, \* \* \*"

Of course, the use of a team owned by the coroner in going after and bringing to the county seat the body of a deceased person which is not taken in charge by other persons, in view of Section 4491, can properly be termed a "service rendered as such officer," and, therefore, would not be at all antagonistic to the Provisions of Section 1023. However, the furnishing of a coffin could not well be termed a service, but is rather goods furnished by direction of Section 4491.

It is my opinion that Section 1023 of the Political Code is drawn specially to prevent state, county and city and township officers, their deputies and clerks, from dealing in scrip of the state, county or city, where such scrip has in the first instance been issued to persons other than the officer.

I advise you that the claims made under the circumstances set forth in your letter are proper charges against the county, and that there is no inhibition against the coroner presenting and receiving warrants in payment of the same.

Very truly yours,

ALBERT J. GALEN,

Attorney General.