

**Compensation—Fees—County Commissioners — Coroner  
— Deputy—Inquest—Investigation—Stenographer — Justice  
of the Peace.**

An investigation may or may not be a part of an inquest, depending entirely upon the facts in each particular case. If it is a part of the inquest the Coroner may not charge separately therefor, the only fee being the statutory fee for holding the inquest. If an investigation is not a part of the inquest the Coroner is not entitled to charge a fee therefor.

Only Coroners of counties of the first class are entitled to a stenographer.

County Commissioners have no power to allow a deputy or Assistant Coroner.

A Justice of the Peace may act as Coroner under certain conditions.

George Bourquin, Esq.,  
County Attorney,  
Butte, Montana.

My dear Mr. Bourquin:

You have submitted the following questions relating to the office of County Coroner, and have requested my opinion thereon:

1. Is an investigation part of an inquest, and, if so, is it legal to charge the county for such investigation?
2. Is a Coroner of a county of the second class entitled to have the salary of a stenographer paid by the county?
3. Can the Board of County Commissioners under Chapter 82 of the Laws of 1923 allow a deputy or assistant to the Coroner in second class counties?

An investigation may or may not be a part of an inquest, depending entirely upon the facts in each particular case. If it is a part of the inquest, the Coroner may not charge separately therefor, as the only fee which he is entitled to charge is the statutory fees for holding the inquest. If it is not a part of the inquest, the Coroner is not entitled to charge therefor as the laws make no provision for such a charge independent of an inquest.

Section 4855, R. C. M. 1921, provides for the appointment of a stenographer by the County Coroner in counties of the first class. There is no authority for the appointment of a stenographer by the Coroner in counties of any other class. Your second question must, therefore, be answered in the negative.

Chapter 82 of the Laws of 1923 authorizes the Board of County Commissioners to fix and determine the number of deputy county officers only in those cases where deputies or assistants are provided by law. As no provision is made by law for a deputy or assistant County Coroner, the Board has no authority under said chapter to allow a deputy or assistant County Coroner in any county, regardless of its class. The Justice of the Peace, however, has authority to act as Coroner under certain conditions. (Sec. 4852, R. C. M. 1921.)

It is, therefore, my opinion that the County Commissioners have no authority to allow a deputy or assistant to the Coroner.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.