

County Coroner—Officers—Fees—Claims.

Claims for fees of the county coroner may be presented to the board of county commissioners within one year after the date of the last service rendered by him as such officer.

Mr. Sherman W. Smith,
County Attorney,
Helena, Montana.

February 5, 1931.

My dear Mr. Smith:

I have given further study to your letter of January 22d relative to the claim of Dr. Berg, as coroner.

In reply to your letter I sent you a copy of an opinion rendered to the county attorney of Blaine county regarding a claim filed in that county by the county surveyor and stated that, in my opinion, it answered your question.

I am now of the opinion that my statement was erroneous. The surveyor's claim, which was the basis for the opinion, was not for fees allowed to him by the statute in lieu of salary but was for meals purchased by him during his term of office.

I do not have the claim of Dr. Berg before me, but I assume from your letter that it was for the statutory fees earned by him during his

term of office as coroner of Lewis and Clark county, all as provided for by section 4922, R.C.M. 1921. It is clear that the fees enumerated in that section are the salary of the coroner and none of them are of the class of expenses such as meals furnished as was the case in the opinion rendered to Blaine county.

Since the payment of such fees constitutes the salary of the coroner and his services to the county are continuous during the term for which he was elected to such office it is my opinion that section 4605 R.C.M. 1921 does not operate to bar his claim for such fees until one year after the last item has accrued.

Therefore, it is my opinion that the claim of Dr. Berg, as county coroner, for fees as such officer is a valid claim against Lewis and Clark county and that the statute of limitation provided for by section 4605 does not apply until one year after the date of the last service rendered by him as such officer.

Very truly yours,

L. A. FOOT,

Attorney General.