

**Coroners—Fees—Expenses—Mileage—Transportation —
Witnesses.**

Coroner may charge 10c per mile in performance of duty, regardless of who conveys him. He may not hire a taxi and charge county for it; he may not charge for expense of transporting witnesses.

Mr. James E. Phillips,
County Coroner,
Dillon, Montana.

June 13, 1931.

My dear Mr. Phillips:

You have requested an opinion as to fees which you may charge as coroner.

Under the provisions of code section 4922 you may charge 10c a mile for the distance actually travelled in the performance of your duties, whatever they may be, and it makes no difference whether you ride with the undertaker, or however you may go.

You have no right to hire a taxi and pay taxi rates. That is, you have no right to hire a taxi and charge the taxi to the county. That must be your own affair. You receive 10c cents a mile and not 12½c a mile.

You inquire: "In case a coroner has to take a witness, say, 20 miles, in connection with gathering evidence necessary to determine cause

of death, who would pay the mileage?" The matter of gathering evidence in such cases is for the sheriff and county attorney. The coroner summons the witnesses and he may not perform the duties of these other officers although he may subpoena them to testify before him. In this connection the duties of the coroner are outlined by code section 12381.

He may call before him all witnesses who know anything concerning the case, and he may go and take possession of the body and charge the mileage therefor, but as far as making the investigations is concerned, strictly speaking, he cannot charge for that.

Very truly yours,

L. A. FOOT,

Attorney General.