

Opinion No. 1.

County Coroner — Jurisdiction — Inquest Held Where Body Found—Fees.

HELD: It is the duty of a county coroner of the county wherein a dead body is found to hold an inquest in a proper case even though the violence causing the death was inflicted in another county; and he is entitled to collect statutory fees from his county for holding the inquest.

December 1, 1936.

Mr. H. H. Hullinger
County Attorney
Conrad, Montana

Dear Sir:

In your request for an opinion you state the following facts and question:

"A party was injured in Pondera County, removed to Glacier County where said party died. Inquest was called in Glacier County by the Coroner of said County, as the result of same murder charges were filed in Pondera County where the accident occurred. Said party who committed the crime plead 'guilty' and was sentenced to Deer Lodge the rest of his natural life, at hard labor.

"The question we are faced with is—should Pondera County pay the expense of the inquest or should Glacier County pay same?"

An inquest is properly held in the territory of the coroner in whose jurisdiction the body is found, without regard to where the death occurred or where the injury was received. (13 C. J. 1248, sec. 16). The purpose of a coroner's inquest (namely, to ascertain the cause of death and to secure information and evidence in case of death by violence or other undue means, that the guilty may be apprehended) requires that the coroner of the county either wherein the crime was committed or the body was found, should have jurisdiction to make such inquiries, and the coroner of either of such counties has such jurisdiction. (Young v. Pulaski County, 74 Ark. 183, 85 S. W. 229, 4 Ann. Cas. 1161 and note) Jurisdiction to hold an inquest is conferred upon a coroner by his finding and custody in his county of the body

of a person who has apparently come to his death by violent, mysterious, or unknown means, and such jurisdiction is not defeated by the mere fact that the violence was inflicted or the death occurred in another county. (Moore v. Box Butte County, 78 Neb. 561, 111 N. W. 469). It is the duty of the coroner to hold an inquest, and to perform the other duties enjoined upon him by statute, whenever a dead body is found within his county and he knows or may reasonably believe that death was caused by unlawful means. For such services he is entitled to statutory compensation. (State ex rel Brown v. Bellows, 62 Oh. St. 307, 56 N. E. 1028).

So long as the dead body was in and remained in Glacier County, the coroner of Pondera County had no authority to conduct an inquest even though the fatal injury occurred in Pondera County. (Vol. 12, Official Opinions of Attorney General, page 175).

The fees allowed a coroner are, in effect, his salary for performing official duties. (Section 4865, R. C. M. 1935.) Holding an inquest is an official duty of a coroner. (Sections 4848 and 12381, R. C. M. 1935.) It could not be argued that a county officer may collect a portion of his salary from a county of which he is not an officer, merely because the discharge of an official duty, enjoined upon him by statute incidentally benefited such other county or some officer thereof.

It is my opinion that it is the duty of a county coroner of the county wherein a dead body is found to hold an inquest in a proper case even though the violence causing the death was inflicted in another county; and he is entitled to collect statutory fees from his county for holding the inquest. It being the duty of the coroner to hold the inquest, it follows that legitimate expenses of the inquest are a proper charge against the county.