

for admission without discriminating tests or restrictions and with the same terms and conditions applicable to all, then it would appear that the corporation would be held to be "an institution for purposes only of public charity" within the meaning of section 5334 G. C., although the charter does not justify such finding when considered by itself.

Respectfully,

C. C. CRABBE,

Attorney General.

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WHERE CORONER MAKES TRIPS TO VIEW BODY AND SECOND TRIP IS MADE TO HEAR TESTIMONY—LEGALLY ENTITLED TO MILEAGE FOR SECOND TRIP.

SYLLABUS:

In a case where a coroner makes a trip to view a body, then subpoenas witnesses to appear at the place where the body is found, afterward making a second trip to hear the testimony of the witnesses subpoenaed, the coroner is legally entitled to be paid mileage for the second trip.

COLUMBUS, OHIO, June 18, 1923.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your recent communication as follows:

"Section 2866 of the General Code, 109 O. L., 544, provides as follows:

'Coroners shall be allowed the following fees: For view of dead body, three dollars; for drawing all necessary writings, for every one hundred words, ten cents; for traveling each mile, ten cents; * * *'

"In a case where a coroner makes a trip to view the body, then subpoenas witnesses to appear at the place at which the body was found, afterwards making a second trip to hear the testimony of the witnesses subpoenaed, the following question has arisen:

"*QUESTION:* May the coroner in the above instance legally be paid mileage for the second trip?"

Section 2856, General Code, as found in 109 O. L., p. 543, provides:

"When informed that the body of a person whose death is supposed to have been caused by unlawful or suspicious means has been found within the county, the coroner shall appear forthwith at the place where the body is, issue subpoenas for such witnesses as he deems necessary, administer to them the usual oath, and proceed to inquire how the deceased came to his death, whether by violence from any other person or persons, by whom, whether as principals or accessories before or after the fact, and all circumstances relating thereto. The testimony of such witnesses shall be reduced to writing, by them respectively subscribed except when stenographically reported by the official stenographer of the coroner, and, with the finding and recognizances hereinafter mentioned if any, returned by the coroner to the clerk of the court of common pleas of the county. If he

deems it necessary, he shall cause such witnesses to enter into recognizance, in such sum as may be proper, for their appearance at the succeeding term of the court of common pleas of the county to give testimony concerning the matter. The coroner may require any and all such witnesses to give security for their attendance, and if they or any of them neglect to comply with his requirements, he shall commit such person to the prison of the county, until discharged by due course of law. A report shall be made from the personal observation of the corpse; statements of relatives, of other persons having adequate knowledge of the facts, and such other sources of information, as may be available or by autopsy if such autopsy is authorized by the prosecuting attorney of the county."

Section 2866 of the General code, as found in 109 O. L., 544, provides:

"Coroners shall be allowed the following fees: For view of dead body, three dollars; for drawing all necessary writings, for every one hundred words, ten cents; for traveling each mile, ten cents; when performing the duties of sheriff, the same fees as are allowed to sheriffs for similar services."

It will be noted that section 2856, General Code, provides that the coroner, when informed that the body of a person, whose death is supposed to have been caused by unlawful means, has been found in his county, shall appear forthwith at the place where the body is and issue subpoenas for such witnesses as he deems necessary, and proceed to inquire how the deceased came to his death.

Ordinarily there would be some lapse of time between his arrival at the place where the body was found and the attendance of the witnesses subpoenaed, in pursuance with his view of the body, and the coroner would not be supposed to remain at the place where the body was found until all the witnesses could be subpoenaed and brought to such place.

Section 2866, General Code, which provides for the allowance of the fees of the coroner, provides among other things the following:

"for traveling, each mile, ten cents;"

There is no limitation in this or any other section, and there is no intimation, as to what the word "traveling" means.

It was held in *State ex rel. v. Bellows*, 62 O. S., p. 307, as follows:

"It is thus indicated that the inquest is intended to aid in the detection of crimes and in the punishment of those who perpetrate them."

From the above quotation it is apparent that the duty of the coroner is not alone to find the cause of death and whether such death is caused by violence, but his duties are to aid in the detection of crime. If it is necessary for the coroner to make one or more trips to the place where the body was found in an effort to find whether such person came by his death through violence or to aid in the detection of crime, such traveling is such as is intended under section 2866, General Code.

In view of the statutes and the case cited above, it is the opinion of this department that the coroner may legally be paid mileage for the second trip.

Respectfully,

C. C. CRABBE,

Attorney General.