

OPINION
47-67

December 15, 1947 (OPINION)

COUNTIES

RE: Coroner's Duty in Disposing of Property of Dead Persons

Re: Chapter 11-19, North Dakota Revised Code of 1943

Your letter of December 11 relating to duties of county coroner in disposing of property of persons found dead in his county has been received at this office and sent to my desk for reply.

I presume your inquiry applies only to the cases where dead bodies are found under circumstances requiring investigations by the coroner, and not cases where the dead person appears to have no heirs. The duties of a coroner are specified by chapter 11-19 of the North Dakota Revised Code of 1943. Section 11-1920 requires the coroner, within thirty days after an inquest, or the investigation when the coroner determines that no inquest is necessary, to deliver all "money or other property which may be found upon the body" to the county treasurer, when no claim to the property is made by legal representatives of the deceased. It is our opinion that "found upon the body" means not only personal property actually in the pockets of the deceased, but all such property found "on or about" the body, or in the vicinity of the body and evidently belonging to the deceased. Suppose a person walking along a highway carrying a grip or other bundle is struck by a car and killed, and the grip is opened and the contents scattered along the highway, and a gun or chest of tools is found some distance from the body but seems to have belonged to the deceased, all such property, as well as that actually on or near the body should be delivered to the treasurer. And the report of the coroner filed with the Clerk of the District Court should contain a complete list of such property.

If money is delivered to the County Treasurer he must make a proper entry in his records showing the date, the amount, and the circumstances causing the deposit. All other property delivered to the County Treasurer shall be by him sold at public auction within thirty days after it is so deposited with him. It is our opinion that posting notice of such sale at the front door of the Court House, and perhaps at the Post Office at the County Seat and at one or two other public places in the County Seat would be "such reasonable public notice" as the law requires. Of course, other methods of giving notice may also be such reasonable notice.

The Treasurer must place the proceeds of the sale to the credit of the County in the same way as the money delivered to him was credited.

It is our opinion that the expenses of the inquest or investigation, and of the burial, if borne by the County, may be paid out of such money and proceeds, or applied on such expenses if not sufficient to pay the entire expense. Any excess must be paid to the legal representatives of the deceased if demanded within six years after

the inquest. If demanded after six years, the money may be paid to the legal representatives only upon order of the County Commissioners.

I trust this answers all your questions.

NELS G. JOHNSON

Attorney General