

# MINNESOTA STATUTES 1953 ANNOTATIONS

1043

COUNTY SURVEYOR 389.013

hire for county attorney's office. The right to appeal is statutory. *Wallace v County Board of Commissioners*, 227 M 212, 35 NW(2d) 343.

Where the county attorney employs a clerk whose wages are paid in part by the county, the county part of the salary is paid directly to the employee and not to the county attorney. OAG Dec. 15, 1953 (121-A-4).

## **388.11 LAW PARTNER NOT TO DEFEND**

HISTORY. 1879 c 88 s 1; GS 1878 Vol 2 (1888 Supp) c 8' s 213b; GS 1894 s 812; RL 1905 s 570; MS 1927 s 931.

Attorney conducting trial where partner is a witness. 36 MLR 155.

The law partner of a municipal judge may act as city attorney. OAG April 30, 1948 (306-A-5).

## **388.14 CONTINGENT FUND; EXPENSES**

When the county attorney presents to the district judge a bill for allowance involving travel expense by the county attorney when using his own automobile and such disbursements are to be paid out of the county attorney's contingent fund, the district judge is controlled by section 350.11 without any action on the part of the county board. If the county attorney uses his automobile in the performance of his duties in litigation or in other work in which the county is interested where his reimbursement should be audited and allowed by the county board, the board is guided by the same section, and in any event he is paid out of the county attorney's contingent fund under the provisions of section 388.14. OAG Aug. 18, 1949 (121-C-4).

**388.15** Renumbered 388.15, subdivision 1.

**388.16** Renumbered 388.15, subdivision 2.

## **388.15 FUNDS FOR INVESTIGATION**

HISTORY. 1925 c 264 s 1, 2; MS 1927 s 934-1, 934-2.

**388.17** Repealed, 1949 c 597 s 5.

## **388.18 COMPENSATION SCHEDULE, SALARIES**

HISTORY. 1945 c 525 s 1, 2; 1949 c 597 s 2, 3, 4; 1951 c 327 s 6.

## **CHAPTER 389**

### **COUNTY SURVEYOR**

#### **389.01 ELECTION; TERM; BOND**

HISTORY. RS 1851 c 8 art 7 s 1, 8; 1853 c 2 s 1; PS 1858 c 7 s 83, 90; GS 1866 c 8 s 199, 206; 1875 c 30 s 1; GS 1878 c 8 s 230, 238; 1881 c 46 s 1; 1887 c 32; 1889 c 56, 175; GS 1894 s 829, 837; RL 1905 s 575; 1913 c 458 s 1, 2; 1915 c 168 s 1, 2; MS 1927 s 820, 821, 936.

#### **389.013 RAMSEY COUNTY, OFFICE OF COUNTY SURVEYOR ABOLISHED**

HISTORY. 1953 c 509 s 2.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 389.02 COUNTY SURVEYOR

1044

### 389.02 DEPUTIES; SURVEYS, RECORDS

A county surveyor may certify a plat even though not a registered engineer. OAG June 22, 1948 (123-E).

### 389.03 COMPENSATION; RECORDS

HISTORY. Amended, 1953 c 416 s 1.

### 389.04 RULES FOR SURVEYS

HISTORY. 1857 c 11 s 1; PS 1858 c 7 s 93; 1861 c 8 s 3; GS 1866 c 8 s 204; 1870 c 43 s 1; GS 1878 c 8 s 236; GS 1894 s 836; RL 1905 s 579; MS 1927 s 940.

## CHAPTER 390

### CORONER; MORGUE

#### 390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION

The coroner should substitute for the sheriff and act in his place in a case where the sheriff signed three complaints for trial in the justice court and the defendants requested a jury trial and the justice directed that a list of 24 jurors be submitted and the justice had no qualified constable. OAG July 24, 1947 (260-A-9).

#### 390.05 DEPUTIES

A deputy having for the most part the powers of the coroner may issue a certificate of death in violent or mysterious deaths, including suspected homicides, occurring in the county. OAG Sept. 23, 1947 (103-B).

#### 390.11 INQUEST

The coroner in his discretion may hold inquest where the death is believed to have been and evidently was occasioned by accident or casualty; and if grounds exist for suspecting that death was caused by a criminal act, the coroner may require an autopsy without the consent of the next of kin. OAG Oct. 10, 1947 (103-I); OAG Feb. 4, 1948 (103-F).

The expense connected with the coroner's inquest must be paid by the county where the inquest was held. OAG June 2, 1950 (103-F).

Where a decedent met his death by hanging and there is any suspicion that a crime has been committed, the coroner, in the proper discharge of his duties, should hold an inquest and may, in a proper case, be required by mandamus to do so. OAG July 27, 1951 (103-F).

A body may be exhumed in a case where the surviving spouse or next of kin consents to the performance of an autopsy. OAG July 27, 1951 (103-F).

A coroner's inquest authorized under section 390.11 does not require the consent of the next of kin. OAG Aug. 17, 1951 (103-I).

A coroner may require an autopsy where there is reasonable grounds for suspecting that death may have been caused by a criminal act; and consent of the next of kin is not required. OAG Oct. 10, 1947 (103-I).

When the coroner holds an inquest inquiring into a death caused by a motor vehicle accident he shall report the fact and circumstances to the department of highways. OAG Feb. 5, 1948 (989-A-1).

The office of coroner is created by statute. Section 390.11 imposes upon the coroner the duty to hold inquests upon dead bodies of such persons as are supposed