tion of such blind persons in the use of such equipment, but authorizes the Board to assist and furnish facilities for the carrying out of such occupations, I am of the opinion that such tools and equipment furnished could be repossessed by your Board if dispensed to such blind persons under your plan containing the foregoing amendment, such right to repossession being subject to the conditions therein provided.

OFFICIAL OPINION NO. 25
March 15, 1948.

Hon. Kermit E. Lewis, Capt.
Indiana State Police,
Indianapolis, Indiana.

Dear Mr. Lewis:

Your letter of February 3, 1948, has been received in which you request for your department an opinion as to the jurisdiction of a county coroner. You specifically desire to know if his authority extends across the county line in case of death resulting from violence or casualty.

Section 49-2904 Burns' 1945 Supp., same being Section 1, Chapter 241, Acts 1935 reads in part as follows:

"(a) Every coroner, as soon as he shall be notified that the dead body of any person, supposed to have come to his death by violence or casualty, is within his county, shall immediately proceed to inquire, upon view of the body, how and in what manner he came to his death."

Section 49-2908 Burns' 1933, same being Acts 1879 (Spec. Sess.) Chapter 28, Section 3, reads as follows:

"The coroner, having viewed the body, heard the evidence, and made all necessary inquiry, shall draw up his verdict upon the death under consideration, in writing, and sign the same with his name."

Section 29-2906 Burns' 1933, same being 2 R. S. 1852, Ch. 7, Section 8, reads as follows:
“All persons desirous of being heard shall be examined as witnesses; and the coroner may cause witnesses to be summoned by subpoena (issued by him and served by a constable), who shall answer all questions asked them, on oath, touching such death. When a surgeon or physician is required to attend such inquest and make a post mortem examination, the coroner shall certify such service to the board of county commissioners, who shall order the same paid out of the county treasury.”

Section 49-2914 Burns’ 1933 reads as follows:

“Upon an inquisition found before any coroner of the death of any person by felony, such coroner shall forthwith issue to some constable his writ, commanding him to arrest the person whom such coroner may charge with such felony, and take him before some justice, to be by such coroner named in such writ; and such justice shall proceed in the case as if the person had been arrested on complaint made before him.”

It is to be noted such a coroner inquest is authorized when “the dead body of any person supposed to have come to his death by violence or casualty, is within his county.” (Our emphasis.) In the case of Jameson v. Board of Commissioners of Bartholomew County (1878), 64 Ind. 524, 530, 531, it was held the statute applied where a person was killed by violence or casualty outside of the county and the body had been brought into the county for burial.

It has been further held that such coroner must have reasonable grounds to believe that such death was by violence or casualty before holding an inquest or authorizing an autopsy.

Jameson v. Board of Commissioners of Bartholomew County, supra, p. 530;
Stoltz v. Board, etc. (1907), 168 Ind. 539;
Sandy v. Board, etc. (1909), 171 Ind. 674, 676;
Stevens v. Board of Commissioners of Harrison County (1874), 46 Ind. 541, 542, 543.
It is, therefore, clear an inquest and autopsy is authorized where a person is supposed to have come to his death by violence and should be made by the coroner of the county where the body is found. When this is considered in connection with the provisions of Section 49-2914 Burns' 1933, supra, requiring such coroner on finding such death to be caused by a felony to "forthwith issue to some constable his writ, commanding him to arrest the person whom such coroner may charge with such felony, and take him before some justice, to be by such coroner named in such writ;" and further providing "such justice shall proceed in the case as if the person had been arrested on complaint made before him," a coroner of the county where the body is found is required to issue his writ to some constable where the wrong doer may be located, commanding him to bring such person before some justice of the peace named by the coroner in such writ.

In this connection it is pointed out the justice of the peace named in the writ should be a justice of the peace whose jurisdiction extends over that part of the territory of the State in which the crime was committed to meet the requirements of Section 13, Article 1, of the Constitution of Indiana. For a discussion of the law applicable to a determination of the question "where the crime was committed," see Peats v. State (1938), 213 Ind. 560, 564, 565.

From the foregoing it is, therefore, clear that in carrying out the duties imposed upon him by law while a coroner has no jurisdiction to conduct an inquest beyond the limits of his county, his writ may extend beyond the county borders returnable to the Justice of the Peace where the alleged crime was committed.

No opinion is expressed concerning possible conflict of jurisdiction as to the request or arrest of fugitives.