

*And provided further,* That either county may have any proper action in the courts to compel the performance of the contract or any duty imposed thereby or by this act.

Mandamus.

SEC. 9. When such a contract shall have been entered into, it shall be lawful to issue warrants upon said fund though there be at the time of such issuance no money in the fund, but in such cases the aggregate of such warrants so issued in any year shall not exceed one-half the amount of the next annual tax levy required by such contract. Such warrants shall be stamped by the county treasurer when presented to him for payment, to bear interest at a certain rate thereafter until paid, such rate to be the then current rate as determined by the county auditor.

Warrants may be issued

Limit of tax levy.

Passed the Senate February 21, 1913.

Passed the House March 5, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 55.

[H. B. 121.]

ABOLISHING THE OFFICE OF CORONER.

AN ACT relating to the duties and functions of coroners and justices of the peace; abolishing the office of county coroner in certain counties, and repealing all acts in conflict herewith.

[This act repeals Rem.-Bal., §§4007 et seq.; Pierce's Code, 1912, 115 § 327 et seq.]

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That whenever information is given to the prosecuting attorney of any county that the dead body of any person has been found in such county, and there shall exist reasonable grounds for the belief that such death was caused by unlawful means, the prosecuting attorney shall, as a part of his official duties, direct a justice of the peace residing in the county seat of the county to forthwith go to the place where such dead body was found and make an investigation, which shall be public and shall be held at such time and place as shall give any person inter-

Justice of peace at county seat to perform duties of coroner.

Expenses.

ested therein an opportunity to be present and to be represented by counsel, and in cases where said justice of the peace receives no salary he shall receive a compensation of five dollars for each investigation, and, in addition thereto, said justice of the peace shall receive his actual and necessary expenses in going to and returning from the place where said investigation is made.

May subpoena witnesses.

SEC. 2. That the justice of the peace in the conduct of such investigation is hereby empowered to summon and compel the attendance of any witness deemed necessary or requested by any person interested therein, to administer oaths to such witnesses, to examine such witnesses in all matters pertinent to such investigation, to have their testimony taken down and transcribed, and to cause an autopsy to be performed if deemed advisable by the prosecuting attorney of said county.

Report of prosecuting attorney.

SEC. 3. That immediately after the conclusion of such investigation, said justice of the peace shall make a full report to, and file same with, said prosecuting attorney together with all evidence taken at such investigation, and the prosecuting attorney shall file said transcript of the testimony given in such investigation and all evidence taken together with his written opinion as to how such person came to his death, in the office of the county clerk of said county.

Personal property of deceased.

SEC. 4. That, except where otherwise provided by law, the said justice of the peace shall take into his custody any money or other property found upon such dead body or belonging to the deceased and shall deliver the same as soon as practicable to the prosecuting attorney.

Burial.

SEC. 5. That as soon as practicable after such investigation the justice of the peace shall cause such dead body, unless the same be demanded by a legal claimant, to be delivered to a competent undertaker, designated by the board of county commissioners of the county, who shall decently bury the same, and such undertaker shall receive reasonable compensation, not exceeding thirty-five dollars, therefor: *Provided*, That such compensation shall, as far

as possible, be paid by the prosecuting attorney out of any money or property found upon or belonging to the deceased.

SEC. 6. All witnesses appearing at such investigation shall be entitled to the same fees and mileage as witnesses in the superior court. Witness fees.

SEC. 7. The failure or refusal of any witness to appear or testify at such investigation, when such witness has been duly summoned, shall be a misdemeanor. Witness refusing to appear.

SEC. 8. The prosecuting attorney shall, after paying the burial expenses provided for by section five of this act, pay the balance of any money in his hands to the executor or administrator of such deceased, if one has been appointed, and, if not, to the county treasurer of the county. Excess funds.

SEC. 9. The office of county coroner is hereby abolished as to all counties of this state except counties of the first class, and none of the provisions of this act shall apply to or in counties of the first class. Coroner abolished.

SEC. 10. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. Repealed.

SEC. 11. This act shall take effect on the second Monday of January, 1915, and at said time all coroners affected by this act shall deliver to the prosecuting attorneys of their respective counties all property which had theretofore come into their possession by virtue of their official capacity as coroners. Present officers serve out term.

Passed the House January 31, 1913.

Passed the Senate February 26, 1913.

Approved by the Governor March 11, 1913.