

See also: 19 Atty. Gen. 447, 21 Atty. Gen. 991, and 23 Atty. Gen. 755.

A district attorney may exercise discretion in approving an application for requisition papers. 22 Atty. Gen. 754.

Only an agent appointed by the governor to return a fugitive from justice under extradition papers can collect fees and per diem. 23 Atty. Gen. 402.

Extraditable offense under the Uniform Criminal Extradition Act. 35 MLR 201.

**976.04 History:** 1969 c. 255; Stats. 1969 s. 976.04.

The uniform close pursuit act is limited to felonies and does not apply to game law violations. 37 Atty. Gen. 570.

**976.05 History:** 1969 c. 255; Stats. 1969 s. 976.05.

**Comment of Judicial Council, 1969:** The agreement on detainers, s. 976.05, is new. It is a model act of the Council of State Governments and has been adopted by 19 other states including Iowa, Minnesota and Michigan. This section provides a method of disposing of cases pending in Wisconsin against a defendant who is serving a term of imprisonment in another jurisdiction or who is imprisoned in Wisconsin and has a charge pending elsewhere. It should cut down delay in disposing of criminal charges. Its adoption was recommended by the American Bar Association Project on Minimum Standards for Criminal Justice in their report on "Speedy Trial". [Bill 603-A]

## CHAPTER 979.

### Inquests of the Dead.

**979.01 History:** R. S. 1849 c. 152 s. 1; R. S. 1858 c. 184 s. 1; R. S. 1878 s. 4865; 1883 c. 12; Ann. Stats. 1889 s. 4865, 4865a; Stats. 1898 s. 4865; 1905 c. 314 s. 1; Supl. 1906 s. 4865; 1925 c. 4; Stats. 1925 s. 366.01; 1929 c. 450; 1931 c. 134; 1945 c. 198; 1955 c. 660 s. 13; 1955 c. 696 s. 335; Stats. 1955 s. 966.01; 1957 c. 128; 1967 c. 276 s. 39; 1969 c. 87; 1969 c. 255 s. 62; Stats. 1969 s. 979.01.

The prerequisite to triggering the district attorney's duty to order an inquest pursuant to the legislative mandate (966.01, Stats. 1967) is his reason to believe that death was caused by criminal conduct amounting to homicide in some degree or by unexplained or suspicious circumstances, and once the facts are shown the district attorney has no discretion to refuse to do so. State ex rel. Kurkierewicz v. Cannon, 42 W (2d) 368, 166 NW (2d) 655.

A district attorney has power to order a corpse exhumed for a post-mortem examination to ascertain the cause of death. 8 Atty. Gen. 837; 10 Atty. Gen. 1195.

Duties of a coroner pertaining to deceased persons are confined to cases where there are good reasons to believe that murder or manslaughter has been committed. 16 Atty. Gen. 194.

Under 366.01, Stats. 1927, the district attorney of the county where a person dies has power to direct the coroner to make an inquest; the coroner has no right to take charge of the body, or hold an inquest or incur expense. 17 Atty. Gen. 122.

The object of a coroner's inquest is to obtain evidence for discovery of a guilty person. 366.01, Stats. 1927, is mandatory, but inquest need not be held if the guilty party has already confessed, is found guilty, and is sentenced. Discretion in the district attorney as to whether to hold an inquest is not as broad as discretion that a coroner had at common law. 18 Atty. Gen. 349.

See note to 59.34, citing 20 Atty. Gen. 323.

A district attorney should not withhold his certificate of approval for witnesses' and jurors' fees in a coroner's inquest even though he believes there were no grounds for holding the inquest. 21 Atty. Gen. 361.

See note to 48.03, citing 26 Atty. Gen. 335.

See note to 59.77, citing 26 Atty. Gen. 431.

Duties of a district attorney and a coroner under 366.01, with respect to an inquest in case of homicide on an Indian reservation, are no different from cases occurring elsewhere unless it is known that the guilty party is a tribal Indian. 34 Atty. Gen. 416.

Although, under 366.01, Stats. 1945, a district attorney is not required to appear in an inquest unless it has been ordered by him, it is deemed better practice for him to appear whether or not the inquest was ordered by him. 36 Atty. Gen. 273.

**979.02 History:** R. S. 1849 c. 152 s. 2; R. S. 1858 c. 184 s. 2; R. S. 1878 s. 4866; 1887 c. 137; Ann. Stats. 1889 s. 4866; Stats. 1898 s. 4866; 1905 c. 314 s. 2; Supl. 1906 s. 4866; 1925 c. 4; Stats. 1925 s. 366.02; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.02; 1967 c. 276 s. 39; 1969 c. 87; 1969 c. 255 s. 62; Stats. 1969 s. 979.02.

**979.03 History:** R. S. 1849 c. 152 s. 3; R. S. 1858 c. 184 s. 3; R. S. 1878 s. 4867; 1887 c. 137; Ann. Stats. 1889 s. 4867; Stats. 1898 s. 4867; 1925 c. 4; Stats. 1925 s. 366.03; 1955 c. 660 s. 13; Stats. 1955 s. 966.03; 1969 c. 87; 1969 c. 255 s. 62; Stats. 1969 s. 979.03.

**979.04 History:** R. S. 1849 c. 152 s. 4; R. S. 1858 c. 184 s. 4; R. S. 1878 s. 4868; 1887 c. 137; Ann. Stats. 1889 s. 4868; Stats. 1898 s. 4868; 1925 c. 4; Stats. 1925 s. 366.04; 1955 c. 660 s. 13; Stats. 1955 s. 966.04; 1969 c. 255 s. 62; Stats. 1969 s. 979.04.

**979.05 History:** R. S. 1849 c. 152 s. 5; R. S. 1858 c. 184 s. 5; R. S. 1878 s. 4869; 1887 c. 137; Ann. Stats. 1889 s. 4869; Stats. 1898 s. 4869; 1925 c. 4; Stats. 1925 s. 366.05; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.05; 1969 c. 255 s. 62; Stats. 1969 s. 979.05.

**979.06 History:** R. S. 1849 c. 152 s. 6; R. S. 1858 c. 184 s. 6; R. S. 1878 s. 4870; 1885 c. 339; Ann. Stats. 1889 s. 4870; Stats. 1898 s. 4870; 1925 c. 4; Stats. 1925 s. 366.06; 1927 c. 523 s. 37; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.06; 1969 c. 255 s. 62; Stats. 1969 s. 979.06.

A coroner who is a physician may not appoint himself to examine a corpse. 1910 Atty. Gen. 578.

**979.065 History:** 1965 c. 504; Stats. 1965 s. 966.065; 1969 c. 255 s. 62; Stats. 1969 s. 979.065.

**979.07 History:** R. S. 1849 c. 152 s. 7; R. S.

1858 c. 184 s. 7; R. S. 1878 s. 4871; Stats. 1898 s. 4871; 1925 c. 4; Stats. 1925 s. 366.07; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.07; 1969 c. 255 s. 62; Stats. 1969 s. 979.07.

**979.08 History:** R. S. 1849 c. 152 s. 8; R. S. 1858 c. 184 s. 8; R. S. 1878 s. 4872; 1895 c. 318; Stats. 1898 s. 4872; 1905 c. 314 s. 3; Supl. 1906 s. 4872; 1925 c. 4; Stats. 1925 s. 366.08; 1929 c. 450; 1951 c. 716; 1955 c. 660 s. 13; Stats. 1955 s. 966.08; 1969 c. 255 s. 62; Stats. 1969 s. 979.08.

**979.09 History:** R. S. 1849 c. 152 s. 9; R. S. 1858 c. 184 s. 9; R. S. 1878 s. 4873; Stats. 1898 s. 4873; 1925 c. 4; Stats. 1925 s. 366.09; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.09; 1969 c. 255 s. 62; Stats. 1969 s. 979.09.

A coroner's jury must reach a unanimous verdict and can render only such verdict as members can agree upon. 23 Atty. Gen. 578.

**979.10 History:** R. S. 1849 c. 152 s. 10; R. S. 1858 c. 184 s. 10; R. S. 1878 s. 4874; Stats. 1898 s. 4874; 1925 c. 4; Stats. 1925 s. 366.10; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.10; 1969 c. 255 s. 62; Stats. 1969 s. 979.10.

**979.11 History:** R. S. 1849 c. 152 s. 11; R. S. 1858 c. 184 s. 11; R. S. 1878 s. 4875; Stats. 1898 s. 4875; 1925 c. 4; Stats. 1925 s. 366.11; 1929 c. 450; 1955 c. 660 s. 13; 1955 c. 696 s. 336; Stats. 1955 s. 966.11; 1957 c. 128; 1969 c. 255 s. 62; Stats. 1969 s. 979.11.

It is the duty of a coroner to make return of proceedings at an inquest to the court which has jurisdiction of the subject matter regardless of whether or not information has been filed therein. 26 Atty. Gen. 431.

**979.12 History:** R. S. 1849 c. 152 s. 12; R. S. 1858 c. 184 s. 12; R. S. 1878 s. 4876; Stats. 1898 s. 4876; 1925 c. 4; Stats. 1925 s. 366.12; 1929 c. 450; 1955 c. 660 s. 13; Stats. 1955 s. 966.12; 1969 c. 255 s. 62; Stats. 1969 s. 979.12.

**979.121 History:** 1945 c. 198; Stats. 1945 s. 366.121; 1955 c. 660 s. 13; Stats. 1955 s. 966.121; 1957 c. 128; 1969 c. 255 s. 62; Stats. 1969 s. 979.121.

**979.13 History:** R. S. 1849 c. 152 s. 13; R. S. 1858 c. 184 s. 13; R. S. 1878 s. 4877; Stats. 1898 s. 4877; 1925 c. 4; Stats. 1925 s. 366.13; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.13; 1969 c. 255 s. 62; Stats. 1969 s. 979.13.

**979.14 History:** 1885 c. 240; Ann. Stats. 1889 s. 4877a; Stats. 1898 s. 4877a; 1905 c. 314 s. 4; Supl. 1906 s. 4877a; 1925 c. 4, 215; Stats. 1925 s. 366.14; 1929 c. 450; 1935 c. 197; 1945 c. 198; 1947 c. 601; 1949 c. 498; 1953 c. 61 s. 142; 1955 c. 96; 1955 c. 660 s. 13; Stats. 1955 s. 966.14; 1965 c. 87; 1967 c. 276 s. 40; 1969 c. 87; 1969 c. 255 s. 62; Stats. 1969 s. 979.14.

Under 366.14, Stats. 1943, a coroner is entitled to fees and mileage and for making investigations to determine the necessity for an inquest. Such fees should be allowed in any case where the coroner was called to view a body, and in cases where he acted on

his own initiative after receipt of information indicating the possibility that an inquest might be necessary. 32 Atty. Gen. 277.

Where a coroner privately examines witnesses after an inquest, he is not entitled to compensation under 366.14, Stats. 1943, since it is neither an investigation to determine the necessity for taking an inquest, nor proper procedure in the inquest itself. 34 Atty. Gen. 85.

A coroner on a fee basis is entitled to mileage provided by 366.14, Stats. 1945, notwithstanding the fact that the county furnishes free transportation in a county-owned automobile. 36 Atty. Gen. 242.

**979.15 History:** 1875 c. 342, 344; R. S. 1878 s. 4878; 1889 c. 78; Ann. Stats. 1889 s. 4878; Stats. 1898 s. 4878; 1909 c. 189; 1913 c. 441 s. 9; 1925 c. 4; Stats. 1925 s. 366.15; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.15; 1969 c. 255 s. 62; Stats. 1969 s. 979.15.

**979.16 History:** 1875 c. 342, 344; R. S. 1878 s. 4879; 1889 c. 78; Ann. Stats. 1889 s. 4879; Stats. 1898 s. 4879; 1909 c. 315; 1925 c. 4; Stats. 1925 s. 366.16; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.16; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.16.

**979.17 History:** 1875 c. 342, 344; R. S. 1878 s. 4880; Stats. 1898 s. 4880; 1925 c. 4; Stats. 1925 c. 366.17; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.17; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.17.

**979.18 History:** 1875 c. 342, 344; R. S. 1878 s. 4881; Stats. 1898 s. 4881; 1925 c. 4; Stats. 1925 s. 366.18; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.18; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.18.

**979.19 History:** 1929 c. 143; Stats. 1929 s. 366.19; 1935 c. 247; 1941 c. 289; 1943 c. 247; 1943 c. 552 s. 20; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.19; 1969 c. 255 s. 62; Stats. 1969 s. 979.19.

**979.20 History:** 1947 c. 269; Stats. 1947 s. 366.20; 1955 c. 660 s. 13; Stats. 1955 s. 966.20; 1957 c. 128; 1961 c. 280; 1967 c. 139; 1969 c. 255 s. 62; Stats. 1969 s. 979.20.

**979.21 History:** 1949 c. 200; Stats. 1949 s. 366.21; 1955 c. 660 s. 13; Stats. 1955 s. 966.21; 1969 c. 255 s. 62; Stats. 1969 s. 979.21.

## CHAPTER 985.

### Publication of Legal Notices; Public Newspapers; Fees.

**985.01 History:** 1961 c. 586 s. 19; Stats. 1961 s. 985.01, 985.05(2); 1965 c. 252 ss. 269, 275; Stats. 1965 s. 985.01.

**985.02 History:** 1961 c. 586 s. 19; Stats. 1961 s. 985.02; 1965 c. 252.

**985.03 History:** 1899 c. 319 s. 1; 1903 c. 78 s. 1; Supl. 1906 s. 4270a; 1919 c. 539; 1925 c. 4; Stats. 1925 s. 331.20; 1931 c. 143; 1939 c. 361; 1943 c. 145; 1959 c. 19; 1961 c. 586 s. 11; Stats. 1961 s. 985.03; 1965 c. 252.

See note to 74.33, citing *Dawley v. Callahan*, 178 W 1, 189 NW 149.