

PAUPERS - Funeral expenses.

COUNTIES - Liable for funeral expenses of poor persons.

4-20
April 10, 1934.



Missouri State Highway Patrol
Jefferson City, Missouri

Attention: L. B. Howard

Dear Sir:

Your request of December 6, 1933 for an opinion as to the liability for the funeral expenses of an automobile driver killed by Patrolmen Brown and Massie on September 23d, 1933, one mile south of Willow Springs, has been received.

It appears from your request that T. R. Burns and Son of Willow Springs, Missouri, upon the orders of the patrolmen, took charge of the body and have now raised the question as to who is liable for the funeral expenses. We assume, for the purposes of this opinion, that the deceased had no property and no friends or relatives to pay the funeral expenses and therefore came within the class of poor persons. Under such circumstances, Section 12955 R. S. No. 1929 provides:

"The county court of the proper county shall allow such sum as it shall think reasonable, for the funeral expenses of any person who shall die within the county without means to pay such funeral expenses."

It is, therefore, the opinion of this office that the above statute controls under the facts covered by this opinion, and that the undertakers should present the matter to the county court of their county.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

PER:FE