

CORONER: Bond of Coroner should be filed in the Office of the County Clerk. Same can be recorded by the Recorder of Deeds.

12/4
December 4, 1936.



Honorable C.W. McKim,
County Clerk,
Worth County,
Grant City, Missouri.

Dear Sir:

This department is in receipt of your letter of November 26, wherein you make the following inquiry:

"I made out an official bond for E.W. Girling, who was elected Coroner of Worth County at the last election. He obtained the proper securities and the Court approved same. Should this bond be filed and kept in this office? Also recorded here, or just what is the proper handling of the Coroner's bond? Where should it be recorded and who should keep same?"

The statutes relating to coroners and their manner of qualifying are Section 11609, R.S. Mo. 1929, which is as follows:

"All coroners, before they enter upon the duties of their office, shall take the oath prescribed by the Constitution, and shall give bond to the State of Missouri, in the penalty of at least one thousand dollars, with sufficient sureties, residents of the county, conditioned for the faithful performance of the duties of their office."

And Section 11610, R.S. Mo. 1929, which provides:

"The county court shall, once in every year, in each county, examine into the sufficiency of the official bond given by the coroner, and the sureties thereto; and if it shall appear that the bond of any coroner, or the sureties thereto, are insufficient, the said court shall cause a record thereof to be made by their clerk, and shall give notice thereof to said coroner, and require him to give a new bond, to the satisfaction of said court, within such time as they shall order."

And Section 11611, R.S. Mo. 1929, which is as follows:

"If a coroner neglect to give bond and qualify within twenty days after his election, or shall fail to give bond when required under the preceding section, his office shall be deemed vacant."

The above quoted statutes place upon the County Court the duty of examining and determining the sufficiency of a Coroner's bond. It does not make provision for the office in which the bond is to be filed, but it is reasonable to assume-- in fact, no other interpretation could be placed on the statute-- that the bond, after being approved and from time to time examined by the County Court, should be filed in the office of the County Clerk.

The statute relating to coroners does not provide for recording the bond, nor is there any general statute which would compel the recording of the same; however, if the Court deem it necessary, the bond can be recorded in the office of the Circuit Clerk or Recorder of Deeds, as other instruments are recorded. We think, however, that it should be filed in the office of the County Clerk.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

J. E. TAYLOR,
(Acting) Attorney General.