

CORONERS
DEAD-BODIES)

): Coroners are required, whenever they have in their custody the body of a deceased person to be buried at public expense, to communicate with the secretary of the Anatomical Board for disposition of said body.

December 16, 1936

12-23



Dr. Louis R. Padberg
Coroner
1300 Clark Avenue
St. Louis, Missouri

Dear Dr. Padberg:

This will acknowledge receipt of your letter, requesting an opinion, which reads as follows:

"Dr. D. M. Schoemaker, Secretary of the local Anatomical Board, came in to see me a few days ago in reference to the disposition of dead bodies which the Coroner's office of St. Louis heretofore has seen fit to send to Potters Field, which is a burial ground provided by the City of St. Louis for all unclaimed bodies.

"Under the enclosed paper (Notification to Anatomical Board), Dr. Schoemaker claims that I should turn over to him all unclaimed bodies which I would ordinarily assign to Potters Field. * * * * *

"The question naturally arises - how long does the body of such deceased which comes under the Coroner's attention belong to him? Does that ownership, if you will, of the body terminate at the close of the Inquest or at the burial? Or do those bodies remain the property of the Coroner in perpetuum?"

We direct your attention to Section 11626, R. S. Mo., 1929, relating to when it is the duty of the coroner to

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bury the body of a dead human being, which reads in part as follows:

"Whenever an inquest shall be held, if there be no relative or friend of the deceased, nor any person willing to bury the body, nor any person whose duty it is to attend to such burial, the coroner shall procure a cheap, plain coffin, and cause a grave to be dug and the body to be conveyed thereto and buried."

Your attention is further directed to Section 9129, of R. S. Mo., 1929, relating to the disposition of bodies of paupers, which reads in part as follows:

"Superintendents or wardens of penitentiaries, houses of correction and bridewells, of hospitals, insane asylums and poor-houses, and coroners, sheriffs, jailers, city and county undertakers, and all other state, county, town or city officers in whose custody the body of any deceased person, required to be buried at public expense, shall be and are hereby required immediately to notify the secretary of the board of distribution, whenever any such body or bodies come to his or their possession, charge or control, and shall thereafter dispose of such body or bodies, as the secretary of the state board may direct: * * * * *".

It is obvious that when one has read each of the above quoted parts of the statutes that there might be a conflict between the two and, in this respect, we must necessarily construe the statutes in light of the object to be attained by each of the respective statutes.

In the case of Coates and Hopkins Realty Co. vs. Kansas

City Terminal Railway Company, 43 S. W. (2nd), l. c. 822, the court said:

"All provisions of law on one topic should be considered in determining the meaning of any particular portion thereof * * * and such a construction should be given to the latter as will keep all the provisions of law on the same subject in harmony, and give effect to all, when possible.' * * * * * . When statutes appear to be in conflict, it is the duty of the court to harmonize them, if possible, according to the general legislative intent."

Considering Section 11626, supra, we find that, in event an inquest be held by the coroner and there being no relatives or friends of the deceased, or any person willing to bury the body, it becomes the duty of the coroner to attend to such burial. Section 9129, supra, makes it the duty of the coroner whenever the body of any deceased person is to be buried at public expense, to immediately notify the secretary of the board of distribution, which secretary shall have the right to direct in what manner and how a body may be disposed of. Of perforce, someone must be charged with the duty of burying the bodies of deceased persons and the legislature has seen fit to place this duty upon the coroner. But, the fact that this duty was placed on the coroner does not in any wise relieve said coroner from the duty of notifying the secretary of the board of distribution for dead bodies.

There may be instances where the Anatomical Board has sufficient cadavers for their needs in the various institutions within this state. Should that occasion ever arise, the secretary of the Anatomical Board would, in all probability, advise the coroner. And, then the coroner should proceed to make disposition of such body or bodies in his possession in accordance with Section 11626.

#4 Dr. Padberg

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CONCLUSION

We, therefore, rule that coroners are charged with the duty of notifying the secretary of the Missouri Anatomical Board whenever they have in their custody the body of any deceased person required to be buried at public expense.

Respectfully submitted,

RUSSELL C. STONE
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APPROVED:

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RCS:RT