CORONERS,
JUSTICES OF THE PEACE: In the absence of the coroner, any justice of the peace or judge or justice of some court of the proper county may perform all duties enjoined on coroner.

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May 18, 1938.

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Mr. Donald B. Dawson,
Prosecuting Attorney,
Butler, Missouri.

Dear Mr. Dawson:

This is to acknowledge your letter of recent date, requesting an opinion based on the following facts:

> "In case the County Coroner is unable to act in the proper case either because of illness or absence and a Justice of the Peace in the township is called to act in the place of the Coroner, is it proper and should the Justice of the Peace sign the death certificate?
>
> "Section 9047, Revised Statutes of Missouri for 1929 provides, among other things, that in case the Coroner is called to investigate the death of a person he should sign the death certificate. Section 11624, Revised Statutes of 1929, provides that in case of the absence of the Coroner any Justice of the Peace of the proper county may take the inquest and perform all of the duties hereby enjoined on the Coroner. On the basis of those two Statutes I am of the opinion that in the event the Justice of the Peace is called to act in the absence of the Coroner he has full authority and is required by law to carry out all of the duties enjoined on the Coroner including the signing of the death certificate."

Your request must necessarily be determined by a construction of Section 11624, R. S. Mo. 1929, to which you have referred. It reads as follows:

> "If the coroner is unable to take the inquest, any justice of the peace, or any judge or justice of some court of record of the proper county, may take the inquest and perform all the duties hereby enjoined on the coroner."

Except for the words "all of the duties" as above underlined, this statute is plain and unambiguous and needs no interpretation. The intent manifested by the Legislature has been clearly expressed by the words used. The previous words above quoted, as far as we have been able to determine in our research, have not been construed judicially, although the word "all" has been interpreted in connection with other matters which we believe by analogy to be here applicable.

In this respect your attention is invited to the case of Ingalls v. Campbell, 24 Pac. 904, 906, wherein the Supreme Court of Oregon construed a statute with reference to the repealing of all laws relating to civil disabilities of a wife. In passing upon the statute the court said:

> "* * * The first section (2998) provides that 'all laws which impose or recognize civil disabilities upon the wife which are not imposed and recognized as existing as to the husband are hereby repealed.' 'All laws' would include both the statutory and common law; and whatever of these that impose or recognize civil disabilities in the one that is not recognized in the other are hereby repealed. The manifest object of the section is to repeal, not to modify or amend, all laws, whether common or statutory, which have the effect to impose or recognize such civil disabilities. * * *"

In the case of Automobile Gasoline Company v. City of St. Louis, 32 S.W. (2d) 281, 285, the Supreme Court of Missouri had occasion to construe a charter provision of the City of St, Louis, and said:

> "Appellant insists that said clause 2 should be construed as applying only to property taxation, because it immediately follows clause 1; therefore obviously refers to the subjects and objects of taxation referred to in clause 1, which appellant contends was intended to include only real and personal property. The language used in clause 1 is not restricted to real and personal property.

> It says 'all subjects or objects of taxation,' which, as above stated, includes persons and occupations subject to license taxes.* * *"

Webster's Dictionary defines the word "all" to mean "the whole quantity, * * * every, wholly, entirely, totality; hence, everything.* * *"

With these considerations in mind, it obviously follows that, if the coroner is required to hold an inquest on the body of any deceased person and to make the certificate of death required for burial permit, and such coroner is unable to take such inquest and the justice of the peace has taken the inquest, it then follows that such justice of the peace should sign the certificate of death.

## CONCLUSION.

In view of the above, it is our opinion that whenever the coroner is unable to take an inquest or perform any duties imposed upon him by law, then any justice of the peace or any judge or justice of any court of record in the proper county may take such inquest and perform all the duties imposed upon the coroner by law.

Hence, the justice of the peace may sign the death certificate required for burial permit within the meaning of Section 9047, Revised Statutes of Missouri, 1929.

Respectfully submitted,

RUSSELL C. STONE
Assistant Attorney General

APPROVED:

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

RCS/LD