

CORONERS' FEES: Coroner may hold an inquest and charge fees therefor where violent and casual deaths happen in his own County and the body is discovered therein.

May 1, 1939.

Doctor T. L. Bradley, Coroner
Warrensburg,
Missouri



Dear Doctor Bradley:

We desire to acknowledge receipt of your request for an opinion of February 20, 1939, which reads as follows:

"About last May 1938 a boy 14 years old was drowned in this County in a big drainage ditch in this County. The creek was very high covered all the bottom lands. His boy companions saw him drown and start down the big ditch. Just lately his bones with clothing and a belt buckle to identify him were found 25 miles down the creek, just over the line in the next County. The report was that he was in my County the same one in which he was drowned (Johnson County) I went down with his father and identified the remains and took charge of them and I signed a burial certificate as Coroner.

"The question is, am I entitled to my Coroner's fees."

Section 11608 R. S. Mo. 1929, is as follows:

"A coroner shall be a conservator of the peace throughout his county, and shall take inquests of violent and casual deaths happening in the same,

or where the body of any person coming to his death shall be discovered in his county, and shall be exempt from serving on juries and working on roads." (Underscoring ours)

A Coroner may hold an inquest:

1. When violent and casual deaths happen in his own County.
2. Where the body of such deceased person shall be discovered in his County.

Under the facts stated in the opinion request, the deceased was drowned in Johnson County although he was discovered in an adjacent County. The Coroner of Johnson County sought to exercise the powers of a Coroner upon viewing such body in such adjacent County. Therefore, if such Coroner may exercise any power and charge fees therefor, it is by virtue of the clause "when violent and casual deaths happen in his own County".

Under the first subdivision the Coroner of Johnson County would apparently have the right to exercise the powers of his office. Under the second subdivision the Coroner of the adjacent County would apparently have the right to exercise the powers of his office.

Such a construction of Section 11608, supra, would create an irreconcilable conflict.

The rule of interpretation of such statute is stated in *Blyson vs. Railroad*, 152 Mo. App. 1. c. 127, as follows:

" * * * The law of interpretation of statutes is well established that all provisions of law relating to one subject should be considered in determining the meaning of any particular portion thereof, and such a construction should be given to the portion under consideration as will keep all the provisions of law on the same subject in harmony, and give effect to all, when such construction is possible. (*Macke v. Byrd*, 131 Mo. 682, 33 S. W. 448;

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City of Westport ex rel. v. Jackson, 69 Mo. App. 148; Litson v. Smith, 68 Mo. App. 397.) Where the provisions of law are seemingly contradictory of each other, or the literal construction of a single section would conflict with any other following or preceding it and with the entire scope of manifest intent of the act, it is the duty of courts, if it be possible, to harmonize the various provisions with each other, and to effect this, it may be necessary to depart from the literal construction of one or more sections. (State to the use of Rosenblatt v. Heman, 70 Mo. 441.)"

In view of the above rule of construction, the irreconcilable feature of said statute would be eliminated by construing said first subdivision to mean: Where violent and casual deaths happen in his own County and the body is discovered therein.

CONCLUSION

Therefore, it is the opinion of this department that where violent and casual deaths happen in a County, the Coroner thereof may exercise the powers of his office and charge statutory fees therefor whenever he discovers the body therein.

Respectfully submitted,

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APPROVED:

HARRY H. KAY
(Acting) Attorney General