

DEAD BODIES: If any person shall die without means of burial expenses, the person or persons having the body of such person in their custody are required to notify the Secretary of the Anatomical Board.

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Dr. M.D. Overholser, Secretary
Missouri State Anatomical Board
Columbia, Missouri

Dear Sir:

This will acknowledge receipt of your recent request for an opinion with respect to anatomical material, and in which request, you quote a letter you received from the President of the Anatomical Board, which reads as follows:

"Dr. Lehr just called to tell me that the County Court's legal advisor had submitted to him the following Article of the Revised Statutes of 1929, Sect. 12955 - Paragraph 4, relating to the support of the poor, which states that the County Court shall appropriate the necessary sums for the funeral expenses to anyone who does not have the means for same. Does not our State Anatomical Law take precedence over this Statute?"

In determining your request for an opinion, your attention is especially directed to Section 9129, R.S. Missouri, 1929, relating to the bodies of paupers and their disposition. This section of the statutes reads as follows:

"Superintendents or wardens of penitentiaries, houses of correction and bridewells, of hospitals, insane asylums and poorhouses, 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: Provided, that at any time before said body or bodies have actually been distributed, as provided in this article, any relative or friend of any such deceased person or persons, shall have the right to take and receive the same from the possession of any person in whose charge or custody it may be found, for the purpose of interment: Provided, that when a claim is made for such body or bodies by any person, not a relative of such deceased person or persons, the expense of the interment shall be borne by the person making such claim. * * * * *"

Where the statute is plain and unambiguous, as we believe the above section of the statute to be, no room for construction exists. *Cummins v. Kansas City Public Service Commission*, 66 S.W. (2nd) 920. You will particularly note that the above section only permits the Secretary of the Anatomical Board to direct how dead bodies may be disposed of in the event no relative or friend of the deceased person or persons has undertaken to inter the body. In the event the body of any deceased person is required to be buried at public expense, and such body is claimed by a relative of such deceased person before such body is actually distributed, then the county court of the proper county shall allow such sum as is reasonable for the funeral expenses.

CONCLUSION.

Due to the above, it is the opinion of this department that if any person shall die within any county, the officers enumerated in the statute shall immediately contact the Secretary of the Anatomical Board, and in the event no claim is made for the body of such deceased person by a friend or relative, then the Secretary of the Board shall dispose of the body.

We further rule that Section 12955, R.S. Missouri, 1929, does not conflict with the provisions of the Anatomical Law.

Respectfully submitted,

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APPROVED By:

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