CORONERS: The county in which the body is found is liable
for the cost of the inquest, and not the county
where the felony is committed.

November 13, 1933.

Hon. Herbert M. Braden,
Prosecuting Attorney,
Livingston County,
Chillicothe, Missouri.

Dear Sir:

This department acknowledges receipt of your letter
of October 28, 1933, which is as follows:

> "I am writing you for an opinion as
> to where the costs are chargeable in
> a Coroner's Inquest case, which inquest
> is held in one county and the finding
> of the jury was that the deceased came
> to his death by a felony committed in
> an adjoining county other than the one
> in which deceased died, and the inquest
> held, where prosecution is instituted
> in the adjoining county for the homi-
> cide."

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The county in which the body is found
is liable for the cost of the inquest,
and not the county where the felony
is committed.

There is no statute covering the costs in a situation such
as your letter presents. There are, however, several statutes which
bear indirectly on this question. Section 11612, R.S. Mo. 1929 is
as follows:

> "Every coroner, so soon as he shall be
> notified of the dead body of any person
> supposed to have come to his death by
> violence or casualty, being found within
> his county, shall make out his warrant,
> directed to the constable of the township,
> where the dead body is found, requiring
> him forthwith to summon a jury of six

good and lawful men, householders
of the same township, to appear before
such coroner, at the time and place in
his warrant expressed, and to inquire,
upon a view of the body of the person
there lying dead, how and by whom he
came to his death."

Section 11608, R.S. Mo. 1929 appears to be definite to the
extent that we believe it answers your question, same being 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."

The expression "where the body of any person coming to
his death shall be discovered in his county" appears to place the
liability on the county where the body is found, regardless of how
or where the cause of the death of the deceased took place.

Section 11627, R.S. Mo. 1929 refers to floating dead
bodies, and is as follows:

"If a dead body be floating in the river,
the coroner may, in his discretion, pay
to some person for bringing it to the
shore a sum not exceeding one dollar,
which shall also be allowed to him by
the court."

We quote the above section for the probative force it
might have on your question. By way of argument under this section,
the body may remain in a stream for days and even months and float
through numerous localities, counties and states, and if found
and taken from the stream, the county in which the body is found
will be liable for the costs of the inquest.

Applying the above argument to the facts as stated in
your letter, the felony may have been committed in the adjoining
county or any other county, but the words of the statute "where the
body of any person coming to his death shall be discovered in his
county" places no such restriction; in other words, the venue of
the crime is not necessarily the venue of the coroner's inquest.
A coroner's inquest is no part of a prosecution, and is separate
and distinct from the same.

CONCLUSION

The words of the statute are to be interpreted literally, and if a person receive a mortal wound (feloniously) and then as a result of the wound be taken to a hospital in an adjoining county, and death ensue, the county wherein the mortal wound be received should hold the inquest and the costs be adjudged against said county.

It is therefore the opinion of this department that the county in which the deceased's body is found, attended by violence or casualty, should be liable for the costs.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General.

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