

CORONERS: County liable for fees of coroner's inquest over body of deceased, dying in County of Coroner as result of injuries received in another County.

December 20, 1940

Honorable Edward V. Long
Prosecuting Attorney
Pike County
Bowling Green, Missouri



Dear Sir:

This Department is in receipt of your letter of December 2nd, 1940, in which you request an opinion, as follows:

"A man was injured by an explosion of a gas line in PIKE COUNTY, ILLINOIS. There was no suspicion of foul play. This man was brought to the Hospital in PIKE COUNTY, MISSOURI, and died in this State as a result of his injury. The Insurance Company requested the Coroner to hold an inquest which he did. The bill for this inquest is now presented to the County Court. Under these circumstances is the County Court of PIKE COUNTY, MISSOURI, liable for these costs?"

Inasmuch as the question you submit has been ruled by this Department on two other occasions, and wherein it was decided that the County Court was liable, there is herewith submitted copies of these two opinions, namely, the opinion of Mr. Gilbert Lamb, dated March 8, 1933, and the opinion of Mr. Aubrey R. Hammett, Jr., dated October 14, 1937.

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Your request does not so state, but it is assumed that the Coroner held the inquest before a jury.

In the event, however, the inquest was not held before a jury, it is the opinion of this Department that your County would not be liable for the costs of the coroner's inquest. This seems to be effect of the decision of the Kansas City Court of Appeals in the case of Patrick vs. Employers' Mutual Liability Insurance Company, 118 S. W. (2d) 116, and wherein it was said (l. c. 122):

"Under the provisions of these sections it seems apparent that the coroner has no authority to perform an autopsy under the circumstances here present, or have one performed, except in connection with an inquest to be held before a coroner's jury."

CONCLUSION.

It is, therefore, the conclusion of this Department that Pike County, Missouri, is liable for the costs of the coroner's inquest, providing such inquest was before a coroner's jury.

Respectfully submitted,

VANE C. THURLO
Assistant Attorney-General

APPROVED:

COVELL R. HEWITT
(Acting) Attorney-General

VCT:CP
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