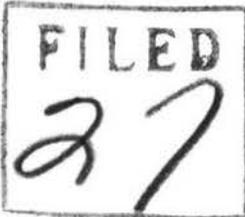


COUNTY CORONER:

Duty of county coroner in making a transcript of testimony at inquest proceedings involving several persons.



March 6, 1953

Honorable Irvin D. Emerson
Assistant Prosecuting Attorney of
Jefferson County
Hillsboro, Missouri

Dear Sir:

Reference is made to your recent request for an official opinion of this office which request reads in part as follows:

"The county coroner here in Jefferson County has requested this office to obtain an opinion as to whether his duty requires him to make separate copies of transcript and jury verdict on each individual where the inquest on seventeen individuals was held jointly. A further question is whether the county court is liable for the costs of preparing separate transcripts or just one transcript covering the entire seventeen persons."

You inquire whether a county coroner of a county of the third class has the duty of making separate copies of a transcript of the evidence and jury verdict at an inquest involving several persons who came to their death at the same time and by the same casualty.

Section 58.260, RSMo 1949, authorizes a coroner to issue warrant to summon a coroner's jury. Other provisions authorizes the coroner to administer oaths to juries and witnesses. Section 58.350 provides that the evidence taken shall be reduced to writing as follows:

"The evidence of such witnesses shall be taken down in writing and subscribed by them, and if it relate to the trial of any person concerned in the death, then the

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coroner shall bind such witnesses, by recognizance, in a reasonable sum for their appearance before the court having criminal jurisdiction of the county where the felony appears to have been committed, at the next term of court thereof, there to give evidence; and he shall return to the same court the inquisition, written evidence and recognizance by him taken."

Section 58.360, RSMo 1949, provides that the jury verdict shall be in writing as follows:

"The jury having viewed the body, heard the evidence, and made all the inquiry in their power, shall draw up and deliver to the coroner their verdict upon the death under consideration, in writing under their hand, and the same shall be signed by the coroner."

The purpose of a coroner's inquest is to ascertain the cause of death. In the case of *Boisliniere v. The Board of County Commissioners*, 32 Mo. 375, the court said:

"The object of an inquest, of course, is to ascertain the cause of death - whether it was the result of violence or criminal agency; * * *."

In a case where several persons came to death at the same time and as a result of the same calamity, and the inquest is held jointly, the witnesses would be testifying as to the same cause and would return the same verdict. In such a case we are of the opinion that the coroner would be required to make but one transcript of the testimony.

You will note that Section 1.030, RSMo 1949, provides that whenever any person or party is described or referred to by words importing the singular number, several persons shall be deemed to be included. Said section provides in part as follows:

"2. When any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included."

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Therefore, keeping in mind that the purpose of an inquest is to determine the cause of death and if the cause be a result of a common calamity, we believe that the term "body" as used in the law relating to a coroner, would include the plural and only one inquest would be held and therefore, only one transcript of the testimony would be required.

Having thus determined that the coroner would be required to make but one transcript, we believe that your second question stands answered since certainly the coroner would not be entitled to costs in any form for duties which he is not required to perform.

CONCLUSION

Therefore, it is the opinion of this office that where several persons come to their death at the same time by the same calamity, the coroner would only be required to make one transcript of the testimony and jury verdict at the inquest proceedings.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. D. D. Guffey.

Very truly yours,

JOHN M. DALTON
Attorney General

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