

CORONERS OF FOURTH
CLASS COUNTIES:

Coroner of fourth class county shall receive, as his total annual compensation, the sum of \$60.00, \$90.00, or \$120.00, depending upon population of county. This compensation is to be paid in equal monthly installments, which would make the monthly pay \$5.00, \$7.50, or \$10.00, depending, as does the total, on population of county.

JOHN M. DALTON
XXXXXXXXXX



February 13, 1953

John C. Johnsen
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Honorable Harold S. Hutchison
Prosecuting Attorney
Maries County
Vienna, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request:

"The County Court of Maries County has asked me to request an opinion from your Department, relative to the Coroner's salary.

"This is a county of the fourth class and they desire an opinion as to whether Section 58.130, Revised Statutes 1949 provides for a salary of \$60.00 per month or \$60.00 per year.

"I think that the statute is plain but a number of counties are construing it differently."

Section 58.130, RSMo 1949, which you request us to construe, reads as follows:

"The coroner in all counties of the fourth class shall receive for his services annually, payable out of the county treasury in equal monthly installments the following: In counties with a population of less than ten thousand, the sum of sixty dollars; in counties with a population of ten thousand and less than fifteen thousand, the sum of ninety dollars; and in counties having a population of fifteen thousand and more, the sum of one hundred and twenty dollars."

Honorable Harold S. Hutchison

The meaning of the above section appears to us to be clear. We construe its meaning to be that in a fourth class county the coroner shall receive, as his total annual compensation, if that county has a population of less than 10,000, the total sum of \$60.00, to be paid in equal monthly installments, which would be \$5.00 per month; if the county has a population of 10,000 and less than 15,000, the total annual sum of \$90.00, which would be \$7.50 per month; if the county has a population of 15,000 and more, the total sum of \$120.00, which would be \$10.00 per month.

In this regard I direct your attention to an opinion (a copy of which is enclosed) rendered by this department on January 23, 1953, to Honorable J. W. Thurman, Prosecuting Attorney of Jefferson County. Jefferson County is a third class county, but the law (Section 58.110, RSMo 1949) fixing the salary of a coroner in a third class county reads exactly the same as does the law (Section 58.130, supra,) fixing the salary of a coroner in a fourth class county except as to population figures. In that opinion we followed the same line of reasoning that we have followed above, and come to the same conclusion so far as the basis of determining the compensation of the coroner is concerned.

We may point out that to follow the alternative line of reasoning, to wit, that the sums stated in Section 58.130, supra, are to be paid monthly, would lead to a total annual compensation for the coroner in a sum clearly beyond the contemplation of the Legislature.

CONCLUSION

It is the opinion of this department that the coroner of a fourth class county shall receive, as his total annual compensation, the sum of \$60.00, \$90.00, or \$120.00, depending upon the population of the county. And that this compensation is to be paid in equal monthly installments, which would make the monthly pay \$5.00, \$7.50, or \$10.00, depending, as does the total, on the population of the county.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

Enc.
HPW:ml