

CORONERS:
FEES:

A coroner of a third class county
is not entitled to retain fees in
addition to salary provided by law.

January 22, 1953



Honorable J. W. Thurman
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 as follows:

"Recently we have a disastrous fire involving a Nursing Home at Hillsboro, Missouri, resulting in seventeen fatalities. The inquests on all of those that succumbed were held the following day in the school gymnasium in Hillsboro, Missouri. One Jury heard all of the evidence and rendered seventeen separate verdicts. The Coroner has caused seventeen copies of the transcript of the testimony to be prepared and has submitted seventeen separate bills to the County Court for allowance. The Court takes the position that under Sec. 58.520, R. S. Mo., 1949, that the County is liable for the payment of only one fee. I agree that under this Section the Coroner shall not be allowed fees for his services in each of the individual cases but it seems to me, that the transcripts of the testimony and of the other records should be separately made and indexed and that the County should pay the costs incident thereto.

"Will you please give us your opinion as to whether or not this is the correct construction of the provisions of Sec. 58.520."

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Section 58.520, RSMo 1949, to which you refer, providing for fees of coroners, was originally enacted in 1807 (1 Terr. Laws, page 166, Section 7), and has since been amended to the present form. Said section reads as follows:

"Coroners shall be allowed fees for their services as follows; provided, that when persons come to their death at the same time or by the same casualty, fees shall only be paid as for one examination:

For the view of a dead body	\$5.00
For issuing a warrant summoning each jury of inquest75
For swearing each jury50
For each subpoena for witnesses (all names to be put in one subpoena if possible)25
For taking each recognizance (all names to be put in one recognizance)75
For going from his residence to the place of viewing a dead body and return, each mile08

"The above fees, together with the fees allowed jurors, constables and witnesses, in all inquests, shall be paid out of the county treasury as other demands. For performing the duties of sheriff, the coroners shall be entitled to the same fees as are for the time being allowed to sheriffs for the same services."

Prior to 1945, coroners received compensation for their services under the above section or similar provisions. In 1945, the legislature saw fit to place coroners on a salary basis. Section 58.110 specifies that coroners of counties of the third class shall receive for their services an amount specified therein, payable out of the county treasury in equal monthly installments. This provision reads as follows:

"The coroner in all counties of the third class shall receive for his services annually, payable out of the county treasury in equal

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monthly installments the following: In counties with a population of less than ten thousand, the sum of one hundred and twenty dollars; in counties with a population of ten thousand and less than fifteen thousand, the sum of one hundred and eighty dollars; in counties with a population of fifteen thousand and less than twenty thousand, the sum of two hundred and forty dollars; in counties with a population of twenty thousand and less than twenty-four thousand, the sum of three hundred and sixty dollars; in counties with a population of twenty-four thousand and less than thirty thousand, the sum of four hundred and eighty dollars; and in counties having a population of thirty thousand and more, the sum of six hundred dollars."

(Underscoring ours.)

Section 58.100 enacted at the same time as Section 58.110, supra, provides that a coroner of a county of the third class shall charge and collect fees accruing to his office, except such fees as are chargeable to the county and shall report and pay such fees to the county treasurer. Said section reads as follows:

"The coroner in counties of the third and fourth classes, shall charge and collect on behalf of the county every fee accruing to his office by law, except such fees as are chargeable to the county, and shall report and pay such fees over to the county treasurer in the manner provided by law."

By enacting Section 58.110 providing for the salary of a county coroner, we are of the opinion that such salary was intended to be full compensation for his services and that he would not be entitled to the fees provided in Section 58.520, RSMo 1949.

In reading and construing Section 58.110 and Section 58.100 together, we note that the county coroner is not required to charge and collect fees chargeable to the county. Section 58.520, supra, specifically provides that the fees therein allowed are to be paid out of the county treasury. Applying the above conclusion to the specific question, we are of the opinion that the county coroner of the County of Jefferson is not entitled to the fees provided in Section 58.520 for making one, or more than one transcript of the testimony or other records in an inquest since such fees as therein provided are chargeable to the county and by Section 58.100 the county coroner is not charged with the duty of collecting and accounting for such fees.

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CONCLUSION

Therefore, it is the opinion of this office that a coroner of a county of the third class is not entitled to fees for performing his services in addition to compensation in the form of a salary as provided by law.

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

Yours very truly,

JOHN M. DALTON
Attorney General