

CORONERS: If coroner is unable to take inquest, any magistrate, or judge of the court of record of the county may take the inquest.

*Sent  
Spec delivery*

October 14, 1948

*10-14*

FILED  
*14*

Honorable Thomas Callanan  
Coroner of the City of St. Louis  
St. Louis, Missouri

Dear Sir:

This Department is in receipt of your request for an official opinion in which you ask, if a coroner is unable to take an inquest for any reason, who is the proper person to take such inquest.

Section 13243, R.S. Mo. 1939, provides as follows:

. "If the coroner is unable to take the inquest, any justice of the peace, or any judge or justice of some court of record of the proper county, may take the inquest and perform all the duties hereby enjoined on the coroner."

Section 1, Laws of Missouri, 1945, page 1079, provides that, whenever the words "justice of the peace" appear in any statute, such words shall be deemed to include and refer to "magistrate".

Section 1, Laws of Missouri, 1945, page 806, sets forth which courts are courts of record in this state, and provides as follows:

"That Section 1990 of Article 1, Chapter 10, Revised Statutes of Missouri, 1939, relating to what courts shall be courts of record, be and the same is hereby amended by striking out of the fourth line thereof the words, 'county courts' and inserting in lieu thereof the words, 'the existing courts of

common pleas, magistrate courts' so that Section 1990, as amended, shall read as follows:

"Section 1990. Courts of record--The supreme court of the state of Missouri, the courts of appeals, the circuit courts, the existing courts of common pleas, the magistrate courts and the probate courts in this state shall be courts of record, and shall keep just and faithful records of their proceedings."

Section 2239, R.S. Mo. 1939, provides that the St. Louis court of criminal correction shall be a court of record.

Section 655, R.S. Mo. 1939, states that, whenever the word "county" is used in any law, general in its character, the same shall be construed to include the City of St. Louis. Therefore, under the provisions of Section 13243, supra, if the coroner is unable to take the inquest then any magistrate of the City of St. Louis, any circuit judge or the judge of the court of criminal correction of that city, or the judge of the probate court may take the inquest and perform all the duties enjoined on the coroner in such matters.

#### CONCLUSION.

It is, therefore, the opinion of this Department that: if the coroner of the City of St. Louis is unable to take an inquest then any magistrate, circuit judge, judge of the court of criminal correction, or probate judge of the City of St. Louis may take the inquest and perform all the duties enjoined on the coroner.

Respectfully submitted,

APPROVED:

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