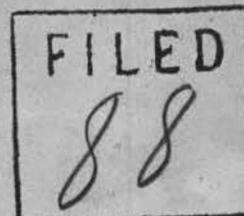


CORONERS: Coroner of St. Louis City elected November 2, 1948, takes office January 1, 1949. Bond in amount of \$10,000.00 must be given by said Coroner within 20 days after election.

November 12, 1948



Mr. Patrick E. Taylor
Coroners' Court
1300 Clark Avenue
St. Louis, Missouri

Dear Sir:

This is in reply to your letter of recent date requesting an official opinion of this department, reading as follows:

"It has been the custom in the past for the Coroner-elect to take office twenty days after the general election, which would be November 22, 1948. However, after examining the Laws of 1945, loc. cit. page 1405, Section 2, I find that:

"Each coroner shall enter upon the duties of his office on the first day of January next after his election."

"Sections 13228 and 13229, R. S. Missouri 1939, require the Coroner to take oath and give bond in the sum of one thousand dollars. Section 179 of the Revised Code or General Ordinances of the City of St. Louis, 1926, Chapter 9, Sec. 179 requires that he give bond in the sum of ten thousand dollars. Section 13230 R. S. Missouri 1939 states that

"If a coroner neglects to give bond within twenty days after his election, or shall fail to give bond when required under the preceding section, his office shall be deemed vacant."

"Query: 1. Is Section 13230 repealed by implication or does the Coroner-elect have to furnish bond within twenty days? If within twenty days, for what period shall he secure the State and in what amount?"

"2. Does the Coroner take office on January 1, 1948, or does he take office twenty days after election?"

Section 2, Laws of Missouri, 1945, page 1405, the relevant part of which you have quoted in your opinion request, is applicable to the City of St. Louis, and under the provision of such section, the duties of the office of coroner, for which the election was held November 2, 1948, are to be assumed on January 1, 1949.

Section 13228, R. S. Mo. 1939, provides that coroners, before they enter upon the duties of their office, shall give a bond in the penalty of at least \$1,000.00. Section 179, found in Chapter 9 of the Revised Code of St. Louis City, provides that the bond of the Coroner of St. Louis shall be \$10,000.00. We believe that such requirement is a valid one and is not in conflict with the state law--that is, Section 13228--since the state law requires only a minimum of \$1,000.00 for the bond.

Section 13230, R. S. Mo. 1939, provides that if the coroner neglects to give bond and qualify within 20 days after his election, his office shall be deemed vacant. We do not believe that Section 13230 is inconsistent with Section 2, Laws of Missouri, 1945, page 1405, since the giving of the bond is a condition precedent to the assumption of the office and does not determine the date at which the duties of the office are to be assumed. However, since Section 2, Laws of Missouri, 1945, page 1405, provides that the duties of the office shall be assumed by the person elected on January 1, following his election, the bond should cover the period beginning January 1, 1949, and remaining in full force and effect until the end of the term of office for which the candidate was elected.

CONCLUSION

It is the opinion of this department that the coroner elected for St. Louis City November 2, 1948, must furnish a \$10,000.00 bond within 20 days after such date and that such bond shall be in full force and effect from January 1, 1949, until the end of the term of office for which the coroner was elected. It is further the opinion of this department that such coroner takes office January 1, 1949.

APPROVED:

Respectfully submitted,

J. E. TAYLOR
Attorney General

C. B. BURNS, JR.
Assistant Attorney General

CBB:VLM