

CHAPTER 390

CORONER; MORGUE

390.01 BOND.

HISTORY. 1849 c. 3 s. 2; R.S. 1851 c. 8 art. 8 s. 1; 1854 c. 21; P.S. 1858 c. 7 s. 95; G.S. 1866 c. 8 s. 207; 1871 c. 95; 1873 c. 46; G.S. 1878 c. 8 s. 239; 1879 c. 42; 1887 cc. 40, 89; G.S. 1894 s. 838; R.L. 1905 s. 583; G.S. 1913 s. 990; G.S. 1923 s. 942; M.S. 1927 s. 942.

Coroner may act on the examining board at an insane hearing except when he is a salaried officer. OAG July 6, 1936 (390b-2).

Neither a coroner nor his deputy may sell merchandise or services to the county or enter into a contract to that end. OAG March 27, 1945 (90b).

390.02 ACTS AS SHERIFF, WHEN.

HISTORY. G.S. 1866 c. 8 s. 208; G.S. 1878 c. 8 s. 240; G.S. 1894 s. 839; R.L. 1905 s. 584; G.S. 1913 s. 991; G.S. 1923 s. 943; M.S. 1927 s. 943.

390.03 SUBJECT TO SAME LIABILITY AS SHERIFF.

HISTORY. R.S. 1851 c. 8 art. 4 s. 20; P.S. 1858 c. 7 s. 65; G.S. 1866 c. 8 s. 209; G.S. 1878 c. 8 s. 241; G.S. 1894 s. 840; R.L. 1905 s. 585; G.S. 1913 s. 992; G.S. 1923 s. 944; M.S. 1927 s. 944.

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION.

HISTORY. R.S. 1851 c. 8 art. 8 s. 4; P.S. 1858 c. 7 s. 98; G.S. 1866 c. 8 s. 211; G.S. 1878 c. 8 s. 243; G.S. 1894 s. 842; R.L. 1905 s. 586; G.S. 1913 s. 993; G.S. 1923 s. 945; M.S. 1927 s. 945.

In the event of evidence of disqualification or prejudice of sheriff, the court may issue a venire to the coroner to summon jurors. State v Lundgren, 124 M 162, 144 NW 752.

390.05 DEPUTIES.

HISTORY. R.S. 1851 c. 8 art. 8 s. 16; 1854 c. 21 s. 1; P.S. 1858 c. 7 s. 110; G.S. 1866 c. 8 ss. 223, 224; 1871 c. 92 s. 1; 1872 c. 22; G.S. 1878 c. 8 ss. 255, 256; G.S. 1894 ss. 854, 855; R.L. 1905 c. 598; G.S. 1913 s. 1005; G.S. 1923 s. 957; M.S. 1927 s. 957; 1945 c. 144 s. 1.

Allowance of mileage is based upon section 357.10 and not on section 350.11. OAG May 8, 1935 (103a).

A county officer may appoint a minor as clerk, but all deputies must be 21 years of age or over. OAG Dec. 19, 1938 (126a-33).

390.06 PUBLIC MORGUE IN COUNTIES HAVING 100,000 INHABITANTS.

HISTORY. 1893 c. 146 s. 1; G.S. 1894 s. 684; R.L. 1905 s. 435; G.S. 1913 s. 733; G.S. 1923 s. 727; M.S. 1927 s. 727.

390.07 MORGUE.

HISTORY. 1893 c. 146 s. 2; G.S. 1894 s. 685; R.L. 1905 s. 436; G.S. 1913 s. 734; G.S. 1923 s. 728; M.S. 1927 s. 728.

The county board, on the last day of the year, employs a morgue keeper for a period of one year, regardless of the fact that two new members enter upon their

duties at the beginning of the new year. The morgue keeper can only be discharged for cause. *Manley v Scott*, 108 M 142, 121 NW 628.

390.08 AUTOPSIES HELD AT MORGUE.

HISTORY. 1893 c. 146 s. 3; G.S. 1894 s. 686; R.L. 1905 s. 437; G.S. 1913 s. 735; G.S. 1923 s. 729; M.S. 1927 s. 729.

390.09 SALARY OF MORGUE KEEPER AND ASSISTANTS IN HENNEPIN COUNTY.

HISTORY. 1933 c. 215 s. 1; 1937 c. 389 s. 1; M. Supp. s. 957½.

390.10 EMPLOYEES IN HENNEPIN COUNTY.

HISTORY. 1935 c. 176 s. 1; M. Supp. s. 957-4.

390.11 INQUEST.

HISTORY. R.S. 1851 c. 8 art. 8 s. 5; P.S. 1858 c. 7 s. 99; G.S. 1866 c. 8 s. 212; G.S. 1878 c. 8 s. 244; G.S. 1894 s. 843; 1901 c. 97; R.L. 1905 s. 587; G.S. 1913 s. 994; 1915 c. 272; 1919 c. 404; 1921 c. 280; G.S. 1923 s. 946; M.S. 1927 s. 946; 1945 c. 529 s. 1.

Under the provisions of Laws 1915, Chapter 272, amended by Laws 1919, Chapter 404, and by Laws 1921, Chapter 280, the coroner or his deputy is required to investigate violent, mysterious, and accidental deaths, and may order an autopsy when he deems proper. In the instant case the facts warranted his compliance with these statutes. *Kingsley v Forsyth*, 192 M 468, 257 NW 95.

Sections 390.14, 390.16, and 390.18 require the presence of the body at the inquest and others impliedly authorize the coroner to exhume a body when necessary to hold an inquest. *Sejrup v Shepard*, 201 M 132, 275 NW 687.

The coroner decides whether or not an inquest is necessary. The coroner is the only person who may hold an inquest. 1936 OAG 117, Jan. 29, 1935.

The coroner has no jurisdiction in case of a death on the Ft. Snelling reservation unless a civilian is liable for prosecution. OAG May 12, 1936 (103f).

If in the exercise of honest judgment the coroner feels that a toxicological analysis of decedent's stomach should be made, the costs of the expert who made the examination and analysis is a proper charge against the county. 1938 OAG 138, April 13, 1937.

Coroner has no authority to incur the expense of employing searchers in case of a burned building. OAG Feb. 28, 1939 (103d).

In case of accidental drowning, no inquest is needed, but the coroner should sign the death certificate. 1940 OAG 186, July 11, 1939 (103f).

390.12 JURY; WARRANT.

HISTORY. R. S. 1851 c. 8 art. 8 s. 6; P.S. 1858 c. 7 s. 100; G.S. 1866 c. 8 s. 213; G.S. 1878 c. 8 s. 245; G.S. 1894 s. 844; R.L. 1905 s. 588; G.S. 1913 s. 995; G.S. 1923 s. 947; M.S. 1927 s. 947; 1945 c. 529 s. 2.

390.13 CONSTABLE TO EXECUTE.

HISTORY. R.S. 1851 c. 8 art. 8 s. 7; P.S. 1858 c. 7 s. 101; G.S. 1866 c. 8 s. 214; G.S. 1878 c. 8 s. 246; G.S. 1894 s. 845; R.L. 1905 s. 589; G.S. 1913 s. 996; G.S. 1923 s. 948; M.S. 1927 s. 948.

390.14 OATH; FAILURE TO APPEAR.

HISTORY. R.S. 1851 c. 8 art. 8 s. 8; P.S. 1858 c. 7 s. 102; G.S. 1866 c. 8 s. 215; G.S. 1878 c. 8 s. 247; G.S. 1894 s. 846; R.L. 1905 s. 590; G.S. 1913 s. 997; G.S. 1923 s. 949; M.S. 1927 s. 949.

MINNESOTA STATUTES 1945 ANNOTATIONS

390.15 CORONER; MORGUE

2400

390.15 WITNESSES; FEES.

HISTORY. R.S. 1851 c. 8 art. 8 s. 9; P.S. 1858 c. 7 s. 103; G.S. 1866 c. 8 s. 216; G.S. 1878 c. 8 s. 248; G.S. 1894 s. 847; R.L. 1905 s. 591; G.S. 1913 s. 998; G.S. 1923 s. 950; M.S. 1927 s. 950.

The coroner has reasonable discretion as to who should be excluded from a hearing. OAG April 10, 1944 (103f).

390.16 OATH OF WITNESSES.

HISTORY. R.S. 1851 c. 8 art. 8 s. 10; P.S. 1858 c. 7 s. 104; G.S. 1866 c. 8 s. 217; G.S. 1878 c. 8 s. 249; G.S. 1894 s. 848; R.L. 1905 s. 592; G.S. 1913 s. 999; G.S. 1923 s. 951; M.S. 1927 s. 951.

390.17 TESTIMONY FILED; CERTIFICATE; FEES.

HISTORY. R.S. 1851 c. 8 art. 8 s. 11; P.S. 1858 c. 7 s. 105; G.S. 1866 c. 8 s. 218; G.S. 1878 c. 8 s. 250; 1887 c. 78; G.S. 1894 s. 849; R.L. 1905 s. 593; G.S. 1913 s. 1000; G.S. 1923 s. 952; M.S. 1927 s. 952.

The coroner receives 15 cents per folio for taking the testimony at an inquest and making and filing a written record, but this covers and includes the expense of a stenographer. OAG May 8, 1939 (103i).

The coroner's return containing the testimony when filed becomes public property and access to it cannot be denied to insurance agents or others who may be interested. OAG April 10, 1944 (103f).

390.18 INQUISITION; FORM.

HISTORY. R.S. 1851 c. 8 art. 8 s. 12; P.S. 1858 c. 7 s. 106; G.S. 1866 c. 8 s. 219; G.S. 1878 c. 8 s. 251; G.S. 1894 s. 850; R.L. 1905 s. 594; G.S. 1913 s. 1001; G.S. 1923 s. 953; M.S. 1927 s. 953.

See *Sejrup v Shepard* under section 390.11.

390.19 WITNESS BOUND OVER; RETURN.

HISTORY. R.S. 1851 c. 8 art. 8 s. 13; P.S. 1858 c. 7 s. 107; G.S. 1866 c. 8 s. 220; G.S. 1878 c. 8 s. 252; G.S. 1894 s. 851; R.L. 1905 s. 595; G.S. 1913 s. 1002; G.S. 1923 s. 954; M.S. 1927 s. 954.

390.20 PERSON CHARGED ARRESTED.

HISTORY. R.S. 1851 c. 8 art. 8 s. 14; P.S. 1858 c. 7 s. 108; G.S. 1866 c. 8 s. 221; G.S. 1878 c. 8 s. 253; G.S. 1894 s. 852; R.L. 1905 s. 596; G.S. 1913 s. 1003; G.S. 1923 s. 955; M.S. 1927 s. 955.

Jurisdiction was obtained by reason of the coroner's warrant based upon the verdict of the coroner's jury. *State v Puent*, 198 M 175, 269 NW 372.

390.21 BURIAL.

HISTORY. R.S. 1851 c. 8 art. 8 s. 15; P.S. 1858 c. 7 s. 109; G.S. 1866 c. 8 s. 222; G.S. 1878 c. 8 s. 254; G.S. 1894 s. 853; R.L. 1905 s. 597; G.S. 1913 s. 1004; G.S. 1923 s. 956; M.S. 1927 s. 956.

A coroner is bound to make reasonable inquiry to ascertain the identity of a person whose dead body he undertakes to bury. He has no authority to order a dead body embalmed after he has completed his inquiry to determine the cause of death. Embalming is a wrongful interference with parents' rights to the body of a minor son, and actionable. *Sworski v Simons*, 208 M 201, 293 NW 309.

390.22 DUTIES IN ST. LOUIS COUNTY.

HISTORY. 1927 c. 201 s. 1; M.S. 1927 s. 957-1.

MINNESOTA STATUTES 1945 ANNOTATIONS

2401

CORONOR; MORGUE 390.24

This section is construed as in the interest of the public, to aid and assist in the solution of crime; and reasonable modification as to railroad companies and in the interest of commerce may be made by the coroner. 1942 OAG 191, July 20, 1942 (103-D).

390.23 CERTIFICATES OF DEATH; VIOLATION; MISDEMEANOR.

HISTORY. 1927 c. 201 s. 2; M.S. 1927 s. 957-2.

390.24 EXPENSES.

HISTORY. 1927 c. 201 s. 3; M.S. 1927 s. 957-3.