

CHAPTER 390

CORONER; MORGUE

Sec.		Sec.	
390.01	Bond	390.13	Constable to execute
390.02	Acts as sheriff, when	390.14	Oath; failure to appear
390.03	Subject to same liability as sheriff	390.15	Witnesses; fees
390.04	To act when sheriff a party to an action	390.16	Oath of witnesses
390.05	Deputies	390.17	Testimony filed; certificate; fees
390.06	Public morgue	390.18	Inquisition; form
390.07	Morgue maintenance	390.19	Witness bound over; return
390.08	Autopsies held at morgue	390.20	Person charged arrested
390.09	Salary of morgue keeper and assistants in Hennepin county	390.21	Burial
390.10	Employees in Hennepin county	390.22	Duties in St. Louis county
390.11	Inquest	390.23	Certificates of death
390.12	Jury; warrant	390.24	Expenses

390.01 BOND. Before entering upon the duties of his office, the coroner shall give bond to the county in such penal sum, not less than \$500 nor more than \$10,000, as the county board directs and approves, with the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office, which bond, with his oath of office, shall be filed for record with the register of deeds.

[R. L. s. 583] (942)

390.02 ACTS AS SHERIFF, WHEN. When there is a vacancy in the office of sheriff the coroner shall exercise the powers and duties of that office until a sheriff is elected or appointed and qualifies; and when the sheriff is for any cause committed to the jail of his county the coroner shall be the keeper thereof while the sheriff remains imprisoned.

[R. L. s. 584] (943)

390.03 SUBJECT TO SAME LIABILITY AS SHERIFF. When the coroner administers the office of sheriff he shall perform all the duties and be subject to all the liabilities and penalties imposed by law upon a sheriff duly qualified.

[R. L. s. 585] (944)

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION. When the sheriff is a party to an action, or when any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff, by reason either of partiality, prejudice, consanguinity, or interest, will not faithfully perform his duties in any action commenced, or about to be commenced, the clerk shall direct all process in such action to the coroner, who shall thereafter perform all the duties of the sheriff relative to such action, and in the same manner as prescribed for a sheriff in the performance of similar duties.

[R. L. s. 586] (945)

390.05 DEPUTIES. Every coroner shall appoint one or more deputies who, in the absence or inability of the coroner to act, shall have the same powers and be subject to the same liabilities as coroners. Each deputy shall be appointed in writing; and, if required to do so by the coroner, before entering upon the duties of his office, shall give the bond required by law of the coroner, which bond, with his oath and appointment, shall be filed for record with the register of deeds. Each deputy shall act in his own name as deputy coroner and hold his office during the pleasure of the coroner.

[R. L. s. 598; 1945 c. 144 s. 1] (957)

390.06 PUBLIC MORGUE. In every county having a population of 100,000 or over, not provided therewith, the board shall provide and equip a public morgue at the county-seat, for the receipt and proper disposition, without charge to any one, of all dead bodies which are by law subject to a post mortem or coroner's inquest. The cost of building and equipping such morgue shall not exceed the sum of \$2,500, nor its maintenance the sum of \$3,000 in any year.

[R. L. s. 435] (727)

390.07 MORGUE MAINTENANCE. Such morgue shall be under the control of the county board, be maintained in a suitable building separate from any other business, and equipped with the best modern approved appliances for the handling and disposition of dead bodies. It shall not be connected in any manner with any undertaking establishment, and no person shall be employed in or about the same who is in any manner connected with or interested in the undertaking business.

[R. L. s. 436] (728)

390.08 AUTOPSIES HELD AT MORGUE. Every inquest, post mortem examination, or autopsy held by the coroner upon any corpse subject thereto within the county shall be held at such morgue; and every coroner and deputy coroner of any county having such a morgue is prohibited from holding any such inquest, examination, or autopsy at any other place within such county, except the residence of the deceased person, when the death occurred thereat, or from influencing, interfering with, or in any manner attempting to direct or designate the undertaker who shall take charge of or inter any corpse from such morgue.

[R. L. s. 437] (729)

390.09 SALARY OF MORGUE KEEPER AND ASSISTANTS IN HENNEPIN COUNTY. In addition to such deputies and secretary as are authorized by law, the coroner of any county now having or which may hereafter have a population of 400,000 or over shall appoint and employ one morgue keeper, who shall be paid the sum of \$2,400 per annum and furnished free light, heat, gas, and water necessary therefor and with the free use of suitable heated and lighted living quarters for himself and his family in the morgue building, and the coroner may employ such assistance to the morgue keeper as he may deem necessary at an aggregate expense of not exceeding \$1,500 per annum. The morgue keeper, assistance, and upkeep of living quarters shall be paid out of any moneys in the county treasury not otherwise appropriated, except the upkeep of living quarters, semimonthly in the same manner as county officials are now paid and the same shall be in full compensation for all services rendered by these officers, respectively, in their several capacities. The upkeep of living quarters and such light, heat, gas, and water shall be paid for in such manner as is the upkeep of other county buildings.

[1933 c 215 s 1; 1937 c 389 s 1] (957½)

390.10 EMPLOYEES IN HENNEPIN COUNTY. In addition to such deputies, secretary, morgue keeper, and assistant to the morgue keeper as are now authorized by law, the county coroner of any county now having or which may hereafter have a population of 400,000 or over shall appoint and employ a clerk who shall also be a stenographer and designated as "clerk-stenographer," who shall be paid the sum of \$1,200 per annum out of any moneys in the county treasury not otherwise appropriated in semimonthly instalments in the same manner as county officials are now paid and the same shall be in full compensation for all services rendered by such clerk-stenographer.

[1935 c. 176 s. 1] (957-4)

390.11 INQUEST. Coroners shall hold inquests, post mortem examinations, or autopsies upon the dead bodies of such persons as are supposed to have come to their death by violence and may hold such inquest when the death is believed to have been and was evidently occasioned by accident or casualty. The record of the inquest proceedings and the report thereof may not be used in evidence in any civil action arising out of the death for which such inquest was ordered. Before any inquest is held the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest.

[R. L. s. 587; 1945 c. 529 s. 1] (946)

390.12 JURY; WARRANT. As soon as the coroner has notice of the finding within his county of the dead body of any person supposed to have come to his death by violence, accident or casualty, he shall make his warrant to the constable of the election district where such body is, or the adjoining election district of the same county, requiring such constable forthwith to summon six good and lawful men or women of the county to appear before such coroner at the time and place specified in such warrant. The warrant may be in substance as follows:

State of Minnesota
County of..... } ss.

The State of Minnesota to any constable of the county of.....
Greeting:

You are hereby commanded immediately to summon six good and lawful men or women of the county of.....to appear before me, the coroner of the county, at (state place and time), then and there to inquire upon view of the body of.....there lying dead, how and by what means he came to his death. Hereof fail not.

Given under my hand the day of, 19.....

Coroner.

[R. L. s. 588; 1945 c. 529 s. 2] (947)

390.13 CONSTABLE TO EXECUTE. Such constable shall forthwith repair to the place where the dead body is, and make return of the warrant and of his doings thereunder, under his hand, to the coroner. Any constable who unnecessarily neglects or fails to execute and return such warrant shall forfeit the sum of \$5.00; and, if any person summoned as a juror fails to appear without a reasonable excuse therefor, he shall forfeit a like sum, each of which forfeitures may be recovered by civil action to be brought by the coroner before any justice of the peace of the county, and to its use.

[R. L. s. 589] (948)

390.14 OATH; FAILURE TO APPEAR. When the jurors appear the coroner shall call their names and then, in view of the dead body, administer to them the following oath: "You do swear that you will diligently inquire, and due presentment make, on behalf of the State of Minnesota, when, how, and by what means the person whose body lies before you did come to his death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God." If any of the jurors fail to appear, the coroner may require the constable or any other person whom he shall appoint to return other jurors, until a jury is obtained.

[R. L. s. 590] (949)

390.15 WITNESSES; FEES. The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall direct. The persons served with such subpoenas shall be allowed the same fees, their attendance be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace.

[R. L. s. 591] (950)

390.16 OATH OF WITNESSES. The following oath shall be administered to the witnesses by the coroner: "You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth: So help you God."

[R. L. s. 592] (951)

390.17 TESTIMONY FILED; CERTIFICATE; FEES. The testimony of all witnesses examined before the coroner's jury shall be reduced to writing by the coroner or under his direction and be subscribed by the witnesses respectively. The coroner shall forthwith file such testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county. In all cases brought to the attention of the coroner wherein he does not deem it necessary to hold an inquest, he shall file with such clerk a certificate setting forth the facts in relation thereto. For the taking of such testimony the coroner shall be allowed ten cents a folio and 25 cents for such certificate. The clerk of the district court shall forthwith duly file, index, and enter such case or proceeding in a book to be kept for that purpose in the same manner as civil actions are now entered and receive from the treasury of his county the same fees as are allowed by law for like services in civil actions.

[R. L. s. 593] (952)

390.18 INQUISITION; FORM. The jury, upon inspection of the dead body, and after hearing the testimony and making the needful inquiries, shall draw up and deliver to the coroner the inquisition, under their hands, in which they shall find and certify when, how, and by what means the deceased person came to his death, and his name, if it was known, together with all the material circumstances attending his death; and, if it appears that his death was caused by criminal vio-

MINNESOTA STATUTES 1953

lence, the jurors shall further state who were guilty, either as principals or accessories, if known, or were in any manner the cause of his death, which inquisition may be in substance as follows:

State of Minnesota }
County of..... } ss.

An inquisition, taken at, in the county of....., on the day of, 19....., before, coroner of the county of, upon view of the body of (or a person) lying there dead, by the oaths of the jurors whose names are hereunto subscribed, who, being sworn to inquire on behalf of the state of Minnesota, when, how, and by what means..... (or person) came to his death, upon their oaths do say (insert when, how, and by what person, means, weapon, or instrument he was killed).

In testimony whereof, the coroner and jurors of this inquest have hereunto set their hands the day and year aforesaid.
[R. L. s. 594] (953)

390.19 WITNESS BOUND OVER; RETURN. If the jury find that any murder, manslaughter, or assault has been committed, the coroner shall bind over by recognizance such witnesses as he shall think proper to appear and testify at the next term of the district court at which indictment for such offense can be found. He shall return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who refuse to recognize in such manner, as he shall direct.
[R. L. s. 595] (954)

390.20 PERSON CHARGED ARRESTED. If any person charged by the inquest with having committed such offense is not in custody, the coroner shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner as in other like cases.
[R. L. s. 596] (955)

390.21 BURIAL. When any coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest be held, he shall cause the body to be decently buried; and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found.
[R. L. s. 597] (956)

390.22 DUTIES IN ST. LOUIS COUNTY. In all counties in this state now or hereafter having a population of over 150,000, and less than 240,000, it shall be unlawful for any person, in any such county, in any manner, to remove, interfere with, or handle the body or the effects of any deceased person subject to an investigation by the coroner of such county, except upon order of the coroner or his deputy, and the coroner shall receive, take charge of, and safely keep, the effects found on the body of such deceased persons and make such disposition of the same as the probate court shall direct by written order, and if a crime, in connection with the death of such deceased person, is suspected, the coroner shall have the power to prevent any person from going into or on the premises, or rooms or buildings thereon, and shall have the custody of any objects that he may deem to be of material evidence in such case.
[1927 c. 201 s. 1] (957-1)

390.23 CERTIFICATES OF DEATH. It shall be unlawful for any person, other than the coroner, to issue a certificate of death in any of the following cases: Violent or mysterious deaths, including suspected homicides, occurring in his county, and any wilful violation of any of the provisions of section 390.22 shall be a misdemeanor, punishable by fine or imprisonment, or both.
[1927 c. 201 s. 2] (957-2)

390.24 EXPENSES. The county board of any such county may allow the reasonable and necessary expenses of any such coroner or his deputies, incurred for telephone tolls, telegrams, or postage, solely for the official business of such officers.
[1927 c. 201 s. 3] (957-3)