

Coroners, Duties Of. Mine Inspectors, Duties Of.

The law contemplates that coroners' juries should have the benefit of the expert testimony of mine inspectors as to the cause of deaths in mines. The coroner should give the mine inspector reasonable notice so that he may investigate and testify before the coroners jury. After having the jury inspect the body, the coroner may adjourn the inquest to some future date to enable the inspector to make the proper investigation.

Helena, Mont., Dec. 1st, 1906.

Mr. J. B. McDermott,
Coal Mine Inspector,
Mr. William Walsh,
Mine Inspector,
Helena, Mont.

Gentlemen:—

Your joint letter of recent date received, in which you request an opinion of this office as to your duties in regard to cases where fatal accidents occur in any of the mines under your respective jurisdictions, and also as to the duties and procedure of coroners and acting coroners in such cases.

Section 586 of the Political Code, as amended by the laws of 1903, page 181, in defining the duties of the Mine Inspector, says:

"Whenever a serious or fatal accident occurs in any mine it is the duty of the person in charge thereof to immediately notify the Inspector of Mines or the Deputy Inspector, and upon receiving such notice the Inspector in person or the Deputy Inspector must at once repair to the place of accident and investigate fully the cause of such accident, and whenever possible to do so, the Inspector or Deputy Inspector shall be present at the Coroner's inquest held over the remains of the person or persons killed by such accident, and testify as to the cause thereof, and state whether, in his opinion, the accident was due to the negligence or mismanagement of the owner or person in charge."

Section 4 of Senate Bill 106, laws of 1901, page 64, in defining the duties of the Coal Mine Inspector, says:

"And it shall further be the duty of the said Coal Mine Inspector after being notified by a justice of the peace, or coroner, in the district wherein accidents may occur, to immediately investigate the same."

From the language of the above laws it is apparent that the legislature intended that said mine inspectors would make personal investigation into the cause of death in mines coming under their jurisdiction, and give to the coroner and coroner's jury the benefit of their opinions as experts upon the facts found by their investigation.

Said section 586 as amended says:

“When possible to do so, the inspector or deputy inspector shall be present at the coroner’s inquest held over the remains of the person or persons killed by such accident and testify as to the cause thereof.”

If the location of the mine is so remote from the office of the Inspectors, or the place where the proper inspector may be then engaged as to make it impossible for him to go to the mine and make his investigation before the body of deceased should be interred, then and in that event, the coroner or acting coroner should empanel the jury and after they have inspected the body or bodies, he should not conclude the taking of the testimony and submit the same to the jury until such time as the proper mine inspector has received reasonable notice and had opportunity to make his investigation and testify before the jury.

The coroner or acting coroner has the right, after having had the jury inspect the body or bodies, or at any stage of the proceedings thereafter, to adjourn the inquest to some future date, so as to give the mine inspector time to go to the place of the accident, make his investigation and then appear before the jury and give his testimony.

In our opinion this procedure should be followed by coroners and acting coroners in all inquests held by them over the remains of persons killed in mines coming under the jurisdiction of such mine inspector.

Very truly yours,

ALBERT J. GALEN,

Attorney General.