

**Accidents, Personal Investigation at the Scene Of. Investi-
gation of Accident by Board. Witnesses, Subpoenaing Of.**

I. A Board of Railroad Commissioners have power to make personal investigation at the scene of the accident, or they may hold an investigation at their office or some other place in the State within a reasonable time after the accident; and said Board has power and authority to compel the attendance of witnesses at such subsequent investigation by subpoena.

Helena, Montana, April 11, 1907.

Board of Railroad Commissioners,
Helena, Montana.

Gentlemen:—

I am in receipt of your favor of the 4th inst, presenting for decision by this office the following question:

Does the mandatory investigation required by Section 16-A of the Railroad Commission Law make it obligatory upon the Board or some member thereof to make personal investigation at the scene of the accident as soon as possible after the Board shall have received notice from the railroad people of an accident, or is it optional with the Board to make subsequent investigation by subpoenaing witnesses and taking testimony at such subsequent hearing?

We answer that you undoubtedly have the power and authority to proceed and investigate as above suggested. However, your good judgment and discretion will no doubt prompt you to first attend to the more important matters pertaining to the law and your duty thereunder, such as the fixing of rates, providing against unjust discrimination as to localities or persons, investigating shortage of the car supply, inadequate service and other matters of importance to the people, rather than employing all the time of your members, collectively or individually, in the personal investigation of accidents where little benefit or assistance will result in comparison with other work required to be done under the Act. Again, in many instances a personal visit to the scene of the wreck would be fruitless of results.

You are advised therefore that you may by subpoena require witnesses to be present at your offices and testify as to the facts when there has been an accident such as is described in said section, and that you may deputize one of your number to hear said evidence, have

same transcribed and filed in your office, or adopt such other suitable method to obtain the evidence and information required as will best secure satisfactory results, expedite matters and subserve your purposes.

I will be glad to assist you in this work in person, or by one of my assistants, whenever you may deem a matter of sufficient importance to require our presence.

Respectfully submitted,

ALBERT J. GALEN,

Attorney General.