

Opinion No. 301.

**Mines and Mining—Coal Mines—
Lockers.**

HELD: Hangers, such as are sometimes used in wash houses of coal mines, cannot be properly substituted for lockers, and each locker when constructed or installed should be suitable as a repository for the clothes of the employee.

June 12, 1936.

Mr. Ed. Davies
Coal Mine Inspector
Billings, Montana

You have asked us to define the word "locker" occurring in Section 3486, Revised Codes 1921.

So much of this section as is per-

inent here reads as follows: "It shall be the duty of the owner, operator, or superintendent of any coal mine in the State of Montana to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine, for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over eight hundred feet from and convenient to the principal entrance of such mine when practicable to do so. When not practicable to build the wash house within the said distance and still conform to the other requirements of this section, the state coal-mine inspector may give written permission to place the building at a greater distance from the mine than that herein specified, and the operator shall not be guilty of violation of this section. The said building shall be maintained in good order, be properly lighted and heated, and supplied with pure cold and warm water, and be provided with facilities for persons to wash, and a suitable locker for each person to be used by him as a repository for his clothes."

The word "locker" is of common usage, and means among other things, according to Webster, "a drawer, cupboard, compartment or chest that may be closed with a lock, especially a cupboard for individual use." (*Wilson v. Commonwealth*, 192 S. W. 631.) This must be the sense in which the term is used in the statute.

Under the law, hangers, such as are sometimes used in wash houses, cannot be properly substituted for lockers, and each locker when constructed or installed should be suitable as a repository for the clothes of the employee.