

MINERS, BODIES RECOVERED FROM COAL MINES
Act of May. 9, 1889, P.L. 154, No. 171
AN ACT

Cl. 52

To provide for the recovery of the bodies of workmen enclosed, buried or entombed in coal mines.

Compiler's Note: Section 3101 of Act 55 of 2008 provided that Act 71 is repealed to the extent Act 171 applies to bituminous coal mines.

Section 1. Recovery of bodies of entombed workmen; decree as to death

Whenever any workman or workmen shall heretofore have been, or shall hereafter be enclosed, entombed or buried in any coal mine in this Commonwealth, it shall be the duty of the court, sitting in equity, in the county wherein such workman or workmen are enclosed, entombed or buried, upon the petition of the department of mines and mineral industries brought whenever any of the relatives of those enclosed, entombed or buried so request in writing, to make an order of court for the petitioner to take testimony, in order that the court may ascertain whether such workman or workmen, or the body or bodies of such workman or workmen, can be recovered or taken out of said mine, and further empowering the court to make a finding and decree that the person enclosed, entombed or buried is legally dead, together with such findings of fact including the date of death as is necessary or proper. If, after full hearing, it shall appear to the court that such undertaking is feasible or practicable, said court may forthwith issue a peremptory mandamus to the owner or owners, lessee or lessees, operator or operators of such coal company, to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen, and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process. 1889, May 9, P.L. 154, Sec. 1; as amended 1959, Nov. 12, P.L. 1504, Sec. 1.