In the case of Otter Creek Coal Company v. Archer, 64 Ind. App. 381, at page 385, the court discusses the provisions of section 8580, Burns R. S. 1914 and uses this language:

"Section 8580 supra, refers to those dangers peculiarly applicable to coal mines, which are extra hazardous working places, and to keep such mines as free from danger as possible. The statute requires the giving of the notices specified therein, but this statute does not impose upon appellee the duty to report such defects as are relied on in this action."

In the case just quoted from, the defect consisted of improperly constructed tracks in the mine. Section 8580 of Burns R. S. 1914, is identical with section 10050, Burns R. S. 1926, except for a proviso relating to the report of a death to the coroner of the county in which the accident occurs and the investigation of the same by him and the inspector, which provision is left out of the act of 1923. (Burns R. S. 1926, Sec. 10050.)

Such being the case, it is my opinion, that the death at the Princeton Mining Company's mine does not come under the provisions of the section referred to and it was not compulsory, on the part of the coal company, to notify the chief inspector of this accident. Nor do I believe that a conviction could be obtained upon an affidavit filed against the mine boss, since he was not concerned with the erection of this building.

If there is any liability for this death, it is my opinion, that it would be under the Workmen's Compensation Act of Indiana and that your department would not be interested.

ACCOUNTS, BOARD OF: Whether commissioned constable for Center township, Grant County, is entitled by virtue of residence to commission. January 27, 1933.

Hon. Lawrence F. Orr,
State Examiner,
State Board of Accounts,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of January 23, 1933, to which is attached a letter addressed to you by Landess L. White, clerk of the Grant Circuit Court, in which he has inquired of your department whether or not a commissioned constable for
Center township, Grant County, Indiana, is entitled by virtue of residence to the commission.

In answering the query, it might be well to first make the observation that the residence of a person is always a matter which must be decided from the facts in each particular case, and no general rule can be given to cover all circumstances and conditions which arise.

It is a cardinal principle, that residence is controlled largely by the intention of the party, and inasmuch as the constable in this instance has evidenced the intention of declaring Grant County as his residence by maintaining a room which he has rented and in which he sleeps and receives his mail, as well as being a taxpayer upon his personal property within the county, that he can properly declare himself a resident of Grant County and is entitled to be commissioned as constable if all other requirements are met.

I am returning herewith the copy of Mr. White's letter as you request.

PUBLIC INSTRUCTION, DEPARTMENT OF: Issuance of transfer from one school township to another.

January 27, 1933.

Grover Van Duyn,
Ass't Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of January 18, 1933, propounding the following question:

"A child whose father died while she was very young, was taken to the home of an aunt living in Union Township, Madison County. This child remained in this home and was educated in the Union Township schools. The mother married again and is now living in Middletown. No transfer has ever been issued from Middletown to Union Township while the child was in the Union Township schools. She is now ready for high school and since there is no high school in Union Township, of Madison County, the child is sent to the Middletown High School which is now the residence of her mother. The child continues to live with her aunt in Union Township, Madison County.