It is provided that words in a statute must be construed in their plain, ordinary and usual meaning unless a contrary purpose clearly appears.

Section 1-201, Burns 1933;
Garvin v. Chadwick Realty Corp. (1937), 212 Ind. 499, 506.

The legal definition of the word "operation" is "a course or series of acts to effect a certain purpose."

Cypress Creek Coal Co. v. Boonville Mining Co. (1924), 194 Ind. 187, 204;

It is, therefore, my opinion that the employment of investigators by said Board would be one of its "methods or ways of operating, working or functioning"—a "series of acts for and on behalf of said Board", for the purpose of ascertaining violations of the provisions of the Medical Practice Act. The compensation and expenses of such investigators employed by said Medical Board for such purpose, whose salaries have been approved by the Budget Committee, are part of the costs of "operation" of said Board and would be considered as part of the "operating expenses" of said Board within the definition of Section 2, Chapter 254, of the Acts of 1947.

OFFICIAL OPINION NO. 58
September 20, 1948.

Mr. Griff Morris,
Director, Bureau of Mines and Mining,
State House Annex,
Indianapolis, Indiana.

Dear Mr. Morris:

I have your letter of September 7 directed to this office asking for an opinion and stating your question as follows:

"In the interest of the safety of men employed in coal mines, I should like to have an official opinion
from your office stating if I, as Director of Mines and Mining of Indiana, have the authority to fix the size of the block of coal to be left around the oil drill hole.”

It is my understanding that this situation arises when an oil well has been drilled through a vein of coal which is being mined or will be mined in the future. Your question then goes to the authority of the Director of the Bureau of Mines and Mining to make and enforce safety regulations in general and specifically in regard to this type of situation.

In this respect I call your attention to Chapter 334 of the Acts of 1945, the same being Burns, 40-2131, et seq. Section 4 of this act (40-2134) creates the Bureau of Mines and Mining within the Division of Labor. The following section states the duty of the Bureau to be as follows:

“The Bureau of Mines and Mining shall have immediate charge of the administration of the mine laws of this state.”

Section 6 of the above referred to act (40-2136) states that the Director of the Bureau shall have immediate charge of the same but under the immediate supervision of the Commissioner of Labor.

This act of itself does not create any new regulations for the operation of mines, but it is to be noted that Section 7 of the same (40-2137) transfers all of the rights, powers and duties conferred upon the Department of Mines and Mining to the Division of Labor, as created by this act.

The powers and duties of the Department of Mines and Mining are set forth in Section 4, Chapter 42, of the Acts of 1923, the same being Burns, 46-104. The main item set forth in these powers and duties is to execute and administer the laws of this state concerning coal mines.

I have searched the laws relating to mines and mining and have been unable to find any law or regulation dealing with the particular situation that is the basis of your request.

Therefore, as there is no law at the present time regulating this matter, your precise question is whether you have the authority to make and promulgate a rule concerning the same.

It is quite well established in Indiana that a public officer has only such powers as are expressly delegated to him and
only such other powers as might be necessary to carry those into effect.

State ex rel. Bingham v. Home Breweries Co. of Indianapolis (1914), 182 Ind. 75;
Department of Insurance v. Church Members Relief Association (1939), 217 Ind. 58.

The statutes above mentioned show that you, as Director, are charged with the duty of administering the mining laws, but neither you, as Director, nor the Bureau itself have been given any authority to make and promulgate any rules and regulations concerning the operation of mines.

Therefore, upon the above statutes and authority, it is my opinion that the Director of the Bureau of Mines and Mining has no authority to fix the size of the block of coal to be left around the oil drill hole.

Although the above answers your precise question, I further point out that, in accordance with Section 11 of Chapter 334 (Burns, 40-2141), the Commissioner of Labor is authorized and directed to adopt rules prescribing various safeguards in every employment for the purpose of the prevention of industrial accidents. Thus, if any reasonable rule or regulation concerning this subject matter was properly made and promulgated by the Commissioner of Labor, then it would be the duty of the Director of the Bureau of Mines and Mining to see that the same was carried out and properly enforced.

OFFICIAL OPINION NO. 59

September 20, 1948.

Hon A. V. Burch,
Auditor, State of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

We have your letter of June 22, 1948, in which you enclose a letter from Judge Owen of Terre Haute and make the following inquiries: