makes such provision for the husbands of any such member of the armed forces, and only makes provision for the wife or widow of such member of such armed forces.

In answer to your fourth question, I wish to advise that in my opinion it should be answered in the affirmative as to both clause (a) and (b). Section 59-1009, Burns' 1943 Supp., supra, extends such benefits to "* * * any member of the armed forces engaged in World War II, * * * (who) has died or shall die hereafter, * * *." The legislature has therefore clearly expressed its intention to include those who died prior to the passage of the Act and those who die after the passage of the Act, and in my opinion, this provision is legal.

Your fifth question does not contain sufficient facts to give a definite opinion thereto. Attention is directed to that part of Section 59-1009, Burns' 1943 Supp., supra, which makes provision for the payment of a claim for such a grave if it "was purchased in any cemetery, * * *." The plan under which such cemetery was established may control. If there had already been a dedication of such cemetery for such purpose under a trust agreement, or by action of the city council, the benefits of the Act may not extend to such city for a grave furnished in such cemetery.

BUREAU OF MINES AND MINING: Duties of Superintendent, or Coal Mine Manager, in connection with shot firers.

December 27, 1943.

Mr. Henry S. Wallace, Director,
Bureau of Mines & Mining,
Division of Labor,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in response to your request of December 16th, 1943, for a construction of the following statute which prescribes the duties of the Superintendent, or Coal Mine Manager, in connection with shot firers:
Section 46-811, Burns’ Ind. Stat. Anno. 1933, same being Sec. 1 (D), Ch. 32, Acts of 1935, reads as follows:

“(D) The superintendent or mine manager shall not permit the shot firer or firers to do any blasting, exploding of shots, or do any firing whatever, until each and every miner and employee is out of the mine except the shot firer or firers, mine superintendent, mine manager and man or men necessarily engaged in charge of the pumps and stables: Provided, however, That nothing in this section shall be construed to prohibit the employment in such mine of a reasonably necessary number of men, during such time, for the purpose of securing the workings in case of fire therein.”

In your letter you state:

“* * *
“The question is can the coal company work men in repairing machinery close to the bottom of the shaft while shots are being fired in the mine? This shop or building is used now for greasing and repairing of motor locomotives which pulls the coal to shaft bottom. These motors replace the mules or horses formerly used in pulling coal and the law provided that they could be kept in stables below and allowed the necessary men to take care of them while shots are being fired.”

In connection with the above you have stated that in some localities the “stables” or “barns” where the mine mules were kept when not pulling the mine cars, are still called “stables” although the mule has been superseded by electric locomotives which draw the cars of coal to the bottom of the shaft.

The statute quoted above is a police regulation designed to protect the life and limb of the men employed in the mines from the danger of the blasts by the shot firers. It is recognized in the statute that the mine manager and certain employees who have duties to perform, which in most mines, are at the bottom of the shaft and a long distance away from the face of the coal where the shot firing is going on, cannot
well leave their posts of duty, and, whether these men are in charge of the pumps, or mules or electric locomotives, they are in little danger from the blasting, and, so the shot firers are permitted to go about their work while these men "in charge of the pumps and stables" are at their posts of duty in the mine.

It seems to me that the same reason which permitted men to care for the mine mules, while shot firing is going on, would apply also to the mechanics who look after the electric locomotives and keep them in operating condition in the old mule stables while the coal is being blasted in other parts of the mine. Whether the place where the electric locomotives are kept in order is called a "stable" or is designated by some other name seems to me to be immaterial.

It is a familiar rule of statutory construction that the language of a statute must sometimes be interpreted so as to include new things which were not known when the statute was enacted. For instance, in the old English case of Taylor v. Goodwin, 4 Q. B. Div. 228, a law which forbade "the driving of any sort of carriage * * * furiously, so as to injure life or limb of any passenger," was interpreted to mean one who furiously rode a bicycle, although bicycles were unknown when the statute became a law. This and other similar instances are cited in Daniels v. State, 150 Ind. 348. This principle of statutory construction is also approved and discussed in State v. Kidd, 74 Ind. 554, in Mercer v. Corbin, 117 Ind. 450 and it is applied in Watson v. Brady, 205 Ind. 1, and Vanosdol, Receiver v. Henderson, Admr., 216 Ind. 240, 246.

In Daniels v. State, supra, Maxwell on interpretation of statutes is referred to, and it is there said that the rule of extending the language of a law so as to include new things not known to the legislature when the law was passed," * * * occurs when the act deals with a genus, and the thing which afterwards comes into existence is a species of it. * * *

Daniels v. State, 150 Ind. 348, 354.

In a former opinion from this office, reported in the 1936 Opinions, page 191, the question was, whether a statute which required railroad corporations to cut and destroy noxious weeds growing on their lands, applied to interurban railroad companies, and the Attorney General ruled that the Act so
appliéd, although interurban railroads were not in use when the weed cutting law was enacted.

I think the above rule of statutory construction requires me to hold that the 1935 Act which permits shot firing in mines while the man or men are necessarily engaged in charge of the pumps and stables, applies also to men necessarily engaged in charge of the mine electric locomotives which are housed and cared for in the stables formerly used for the mine mules or horses.

DEPARTMENT INSPECTION AND SUPERVISION OF PUBLIC OFFICES: Compensation of deputy assessors who act as enumerators of male voters.

December 28, 1943.

Hon. Otto K. Jensen, State Examiner,
Department of Inspection and Supervision of Public offices,
State House,
Indianapolis, Indiana.

Dear Mr. Jensen:

This will acknowledge receipt of your letter dated December 22nd, 1943, which reads in part as follows:

"A question has been presented from a county regarding additional compensation for deputy assessors, who also acted (in 1943) as enumerators of male voters pursuant to Chapter 138, Acts 1937, page 790.

"In one township the deputy assessors filed a claim for $3.00 per day for services on deputy assessors, another claim for $3.00 per day for taking the census of male voters, which made the total $6.00 per day.

"We would like to have your opinion on the following question:

"Is the per diem provided by statute for deputy assessors to be interpreted to be compensation in full for assessing and enumeration of male voters, or are such deputy assessors entitled to a per diem for assessing and a per diem for enumeration of male voters?"