

of 35,000, it would operate under the provisions of Chapter 233, Acts of the General Assembly of 1933.

The section of that law relating to officers and employees of a second class city is section 5, being section 48-1215, Burns' Statutes, 1933; as to salaries, for second class cities having a population over 35,000 and less than 50,000, sections 14 and 24, which are respectively sections 48-1226 and 48-1238 of Burns' Statutes, 1933.

MINES AND MINING, DIVISION OF: Whether men may be employed for fire protection while shots are being fired.

January 31, 1941.

Mr. Fred Ferguson, Director,
Bureau of Mines and Mining,
State Capitol,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your inquiry of January 29th in which you request an official opinion as follows:

"I wish to have your interpretation of Paragraph (d), Sec. 13, page 36 and 37, of the State Mining Laws, which 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. (Sec. 46-811, Burns' Indiana Statutes Annotated, 1933, 1940 Replacement.)

"Does this section of the law permit the coal operator to employ a reasonably necessary number of men in the mine while shots are being fired to take care of a fire in case one should start?"

I call your attention to an official opinion issued by this office on November 15, 1939, addressed to you, which assumes that such men may be so employed.

It seems to me that a careful reading of the proviso of the Section which is quoted, answers your question. You will note that it provides that a reasonably necessary number of men may be employed in such mine during such time, for the purpose of securing the workings in case of fire therein.

It is a general rule of law that words are to be taken in their ordinary sense and meaning and, therefore, it is my opinion that your question should be answered in the affirmative.

MINES AND MINING; DIVISION OF: Booster fans: Whether chief Mine Inspector may arbitrarily refuse use of.

January 31, 1941.

Mr. Fred Ferguson, Director,
Bureau of Mines and Mining,
State Capitol,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of January 30th requesting an official opinion as follows:

"I wish to have an interpretation of Section 10, Par. (c) of the State Mining Law, which reads as follows:

"The ventilation required by this Act may be provided by any suitable appliance or appliances, but in no case shall a booster fan be installed in the inside workings of a mine engendering dangerous explosive gases, without having secured a permit from the chief inspector of mines in writing, to install such booster fan; Provided, That this provision relating to booster fans shall not be applicable to mines using booster fans prior to the year 1921.

(Section 46-713, Burns' Indiana Statutes Annotated, 1933-1940 Replacement).

"A certain coal operator in the State of Indiana made application to install a booster fan. With the assistance of two deputy mine inspectors, I made a