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
thorough investigation of this mine and from such investigation it was determined that the installation of a booster fan would properly provide the ventilation required by this Section.

"Under such circumstances do I, as Chief Inspector of Mines, have the legal right to refuse to issue a permit in writing for the installation of such booster fan?"

The purpose of this entire Section is to provide for proper and adequate ventilation for the protection of those persons working in the mine.

It is a well known principle of law that an administrative board or officer may not arbitrarily or capriciously exercise his power, even where a discretion is given to him under the law, but such discretion must be exercised reasonably, based upon ordinary judgment and the facts surrounding the case.

Therefore, since you are of the opinion that such a booster fan will give proper and adequate ventilation as contemplated by the statute, it is my opinion that you would have no legal right to refuse to issue such a permit.

STALLION ENROLLMENT BOARD: Encouraging horse breeding interests of state; authority to pay premiums at Stallion Show.

February 6, 1941.

Mr. Harry Stamp, President,
Stallion Enrollment Board,
Purdue Agricultural Experiment Station Annex,
West Lafayette, Indiana.

Dear Sir:

I acknowledge receipt of your letter of February 3rd as follows:

"Various organizations of stallion owners in the State are proposing to sponsor a State Stallion Show, at Indianapolis, Indiana.

"A request has been made upon the Stallion Enrollment Board to furnish $500.00 out of its funds for the purpose of paying premiums at this show, and the