pledged by contract, providing, of course, that the expenditure of the same was handled in the manner provided by law.

It is therefore, my opinion:

(1) The act creating the World War Memorial Board and the state tax levy is binding upon the state.

(2) A contract properly let and executed between the board and a second party creates a vested interest in the second party in the tax levy to the extent of the contract and that such interest is a proper subject of assignment.

(3) Any residuary interest in the levy, remaining after the execution of contracts, may be pledged by the World War Memorial Board for the purpose of financing the completion of the structure.

LIEUTENANT-GOVERNOR: Liability of coal company for injuries of mine inspector; whether necessary for inspector to sign agreement to waive claims for injuries.

August 22, 1933.

Hon. M. Clifford Townsend,
Lieutenant Governor of Indiana,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 21st enclosing a sample agreement upon the part of mine inspectors of the state to waive claims for injuries or death against the mine owners resulting from the inspection of their mines, which letter of yours asks the following questions:

(1) When the law on inspection is mandatory, is it necessary for a state inspector to sign any kind of a waiver?

(2) Would an inspector be eligible to receive compensation from the state if injured in his line of duty?

(3) Would the coal company be liable for any injury suffered by the inspector while on duty as an inspector?

In answer to the first question, there is no requirement that an inspector sign any such waiver, nor do I believe that an agreement to waive claims for injuries would be enforceable, since it has been the law for many years that an agreement waiving the right of action upon an injury in advance of the
occurrence of the injury, is against public policy and unenforceable. I think all mine inspectors should be instructed to not sign any such waiver or agreement as that enclosed with your letter.

In answer to your second question, I call your attention to section 9463 of Burns Revised Statutes, Supplement of 1929, which provides that the Workmen's Compensation Act shall apply to the state, to all political subdivisions thereof, to all municipal corporations within the state, to persons, partnerships and corporations engaged in mining coal, and to the employees thereof, without any right of exemption from the compensation provisions thereof. A mine inspector, being an employee of the State of Indiana, would without doubt, be entitled to compensation if injured in the performance of his duties as such.

In answer to your third question, if the mine inspector was injured or killed through and as a proximate result of the negligence of the coal company and was not, himself, guilty of contributory negligence, the coal company would be liable for the damages caused by its negligent acts or the negligent acts of its servants and employees.

LIEUTENANT-GOVERNOR: Dealers in coal—who buy coal at mine and truck it to cities must comply with chapter 177, Acts of 1931.

August 23, 1933.

Lieut-Gov. M. Clifford Townsend,
Department of Commerce and Industry,
Indianapolis, Indiana.
Attention: Mr. M. L. Lang, Commissioner of Weights and Measures.

Honorable Sir:
I have before me your recent request for an official opinion and presenting the following inquiry:

"May I have your opinion as to whether or not persons who buy coal at the mine, truck it into a city or elsewhere, and dispose of it, are considered as dealers and thereby required to comply with the law in detail including the use of delivery tickets and the display of signs on delivery vehicles."

Chapter 177 of the Acts of 1931, (page 630-631), provides: