MINES AND MINING, DIVISION OF: Installation of automatic electrical equipment permissible.

October 28, 1937.

Hon. Fred Ferguson, Director,
Bureau of Mines and Mining,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of October 27 in which you ask the following question:

"Does a coal company have a right to install automatic hoisting apparatus, said apparatus does not require the services of a hoisting engineer. This hoisting apparatus is to be used for the purpose of conveying men into and out of the mine, or any other service that might be necessary."

In reply to this question your attention is directed to subsection (c), section 46-705, Burns Indiana Statutes, 1933 revision, which reads as follows:

"In lieu of the stairway hereinabove provided for, the operator may provide at such outlet or escape shaft a hoisting apparatus, which shall be at all times available to all persons in the mine, the same signals to be used as provided by law for use at hoisting shafts."

The Act further provides many specifications and requirements for the construction of cages and hoisting apparatus generally. Section 46-709, Burns Indiana Statutes, 1933 revision, contains the following further provision:

"The operator shall not place in charge of any engine used for conveying into or hoisting out of any mine any but certified and sober engineers."

It is my opinion that this specification does not preclude a mine owner from equipping his mine with electrical motors designed and arranged to operate automatically.

It is my further opinion that the above section was intended only to require competent engineers where engineers are needed, as a further means of guaranteeing the utmost safety in the operation of hoisting equipment,
The term "engine" as used in the Act, was evidently intended to apply to steam engines which required manual control.

It is my opinion, therefore, that electrical equipment which works automatically does not require the presence of an engineer.

HEALTH, STATE BOARD OF: Warehousing Grain Act—manner of terminating supervisory boards and disposing of funds on hand. 

October 29, 1937.

Dr. Verne K. Harvey, Director, 
State Board of Health, 
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of October 27 in which you submit the following questions with reference to the continued existence and operation of the Warehousing Grain Act, the same being chapter 98, Acts of the Indiana General Assembly, 1935.

“(1) May the one supervisory board, as proposed, administer its duties under the law? (See section 4 of the Act.)

“(2) What procedure, in the event the answer to the first question is in the affirmative, shall be followed pertaining to the abolishment of boards already existing and also pertaining to the money now in the possession, as such boards?

“(3) What becomes of this money now in the hands of the local supervisory boards, that is: Is it to be used by the department in the further administration of the Act or is it to be turned to the succeeding supervisory board for use in further administration of the Act? Or is this money to be turned into the state's general fund?

“(4) What procedure is to be followed in obtaining the money now in the Security Trust Company and into what funds does that money go? That is, does it go to this department or to the succeeding supervisory board or does it go to the general fund of the State of Indiana?”