

Coal Mines, Oil Used In. Illuminating Oils. Oils, Kinds  
Of.

Oils used for illuminating purposes in coal mines other than those specified in Sub-division A, Sec. 94, Chap. 118, Laws of 1911, must be free from smoke and bad odor and of equal merit as an illuminant to a purely animal or vegetable oil.

May 29, 1911.

Hon. J. B. McDermott,  
State Coal Mine Inspector,  
Helena, Montana.

Dear Sir:

I acknowledge receipt of your favor of the 20th inst., with letter of J. J. O'Neill, of the Continental Oil Company, Butte, attached thereto, wherein you ask my opinion concerning the proper construction of Subdivision A, Section 94, Chapter 118, of the Laws of 1911.

Your question relates to the kind and quality of oil which shall be sold for use in coal mines, and used therein. I have given careful consideration to the terms and provisions of the said subdivision, and the first portion thereof seems clear and easy of application. However, the concluding proviso of said subdivision would seem to render the

meaning of the entire subdivision somewhat obscure. The portion of the subdivision preceding the proviso fixes the standard of illuminating oils which may be sold or offered for sale for illuminating purposes in any coal mine and, as stated above, the gravity and standard of the oil referred to is fixed and explicit.

At the conclusion of the section, it is

"Provided, however, that any material that is free from smoke and bad odor, and of equal merit as an illuminant as a pure animal or vegetable oil, may be used at the pleasure of mine operators and miners."

After carefully considering said proviso of said subdivision, and the proper interpretation to be placed thereon, you are advised that the quality of the oil or illuminating substance which miners or mine operators are permitted to use, other than that which is specifically mentioned in the subdivision preceding the proviso, is such as is found free from smoke and bad odor, of equal merit as an illuminant to a pure animal or vegetable oil. In other words, it is permissible to sell for illuminating purposes in coal mines, or to use therein for illuminating purposes, pure animal oil or pure vegetable oil, or any other material which, as a matter of fact, is found to be free from smoke and bad odor and of equal merit to pure animal or pure vegetable oil, as well as oil of the standard mentioned in said subdivision preceding said proviso.

I hope that my interpretation of this subdivision and the proviso will aid you in the application thereof.

Yours very truly,

ALBERT J. GALEN,

Attorney General.