where the county vehicle is not available for his use as set out in my answer to your first question.

9. The Acts of 1955, Ch. 230, supra, applies to all counties and I think any county may furnish a vehicle or vehicles for the coroner under this Act which does not appear to me to be in conflict with the Acts of 1955, Ch. 216, supra.

10. If the county furnishes a vehicle for the use of the coroner under the Acts of 1955, Ch. 230, supra, then the coroner should use this vehicle on official business and he would be entitled to claim mileage only when the vehicle was unavailable for his use as set out in my answer to your first question.

OFFICIAL OPINION NO. 21

June 13, 1955

Mr. James M. Knapp, Director
Indiana State Personnel Bureau
311 West Washington Street
Indianapolis 4, Indiana

Dear Mr. Knapp:

Your letter of May 25, 1955, has been received and reads as follows:

"The 1955 session of the General Assembly passed an Act regulating the practice of Chiropractic, and providing for the examination and licensing of chiropractors.

"Prior to this enactment, the Director of the State Personnel Bureau in conformity with the Rules of this agency, accepted medical certificates from attending physicians in cases where employees were requesting pay for sick leave. (Rule 11, Sections 5 and 6.)

"Since the effective date of this Act, the following question has arisen on which we wish an official opinion—'Does it become lawful under this new act to accept such certificates from licensed chiropractors in cases where employees are requesting pay for sick leave?'"

The above rules require a person requesting pay for sick leave to furnish "a medical certificate from the attending physician."
There is no uniformity in the construction given the word "physician" by the courts of the various states. Some of them hold they include limited practitioners of the healing arts as well as unlimited medical practitioners. Vol. 32, Words and Phrases, Perm. Ed., "Physician."

In the case of General Accident, Fire & Assurance Insurance Co. v. Tibbs (1936), 102 Ind. App. 262, 2 N. E. (2d) 229, at page 269 of the opinion, the Court in referring to and quoting from a decision of the Supreme Court of Indiana in the case of William Lauri Co. v. McCullough (1910), 174 Ind. 477, 90 N. E. 1014, defined the term "physician" to mean a person who has the degree of the doctor of medicine from an incorporated institution.

An examination of the Chiropractic statute, Acts 1955, Ch. 42, Sec. 1, defines the word "chiropractor" to mean anyone qualified by education to practice the science of chiropractic.

Section 8 of said statute reads as follows:

"SEC. 8. Any person who is licensed under the provisions of this act to practice chiropractic shall not be permitted to prescribe or administer any medicine or drug for any purpose, to perform major or minor surgery, to practice obstetrics or any other branch of medicine, or to practice osteopathy. Any licensee under this act shall be permitted to employ X-ray, and all other necessary procedure, to arrive at a chiropractic analysis."

It is to be noted your rules require a "medical certificate" from the attending physician. In this connection, see State v. Fahey (1922), 152 Minn. 220, 188 N. W. 260, 261, in which the Court held that a "medical certificate" of death under Minnesota law meant a certificate of a medical man of general scientific attainments in the profession of medicines and could not be given by a chiropractor. Therefore, giving the words "medical certificate" their usual and ordinary meaning, I would think that it was intended that the "medical certificate" should be furnished by a Doctor of Medicine.

As you know, however, the Indiana Personnel Board is the administrative body charged with administering the State Personnel Act and with making rules and regulations for sick
leaves under and pursuant thereto. If the Board so desired, I would think it could accept a certificate from a duly licensed chiropractor in connection with an application for sick leave; however, if this is the desire of the Board, then I would suggest that your rules be amended so as to remove any ambiguity in the construction thereof in this regard.

OFFICIAL OPINION NO. 22

June 14, 1955

Mr. R. R. Wickersham
State Examiner
State Board of Accounts
304 State House
Indianapolis, Indiana

Dear Mr. Wickersham:

Your letter requesting an Official Opinion has been received and reads as follows:

"We have before us the question of the legality of a purchase by a school board from a member of the city council. We respectfully request your official opinion as to the legality of this purchase.

"I am enclosing herewith for your information a copy of a letter received from the attorney for the school board of trustees concerning this question."

From the correspondence attached to your letter, it further appears that you have requested my opinion on this question in order that you may advise the members of a certain school board as to whether or not they should proceed with purchases of this nature in the future and the following comments are submitted with that in view.

The members of the school board are elected by the Common Council of each city and the Board of Trustees of each incorporated town of this state; see Acts of 1905, Ch. 141, Sec. 1, as amended, as found in Burns' Indiana Statutes (1948 Repl., 1953 Supp.), Section 28-1201. Under this statute the Common Council also fixes the compensation of the members of the school board who, incidentally, hold staggered terms of office.