may yet be made for this reason: An investigation of the proviso of the 1941 Act discloses that until the time of this amendment, the proviso really was an exception to a requirement imposing the burden upon the regular judge to pay one-half of the fee due the special judge. Since for a period of sixty years it served as an exception to liability imposed upon the regular judge, I do not believe that, by striking two words, the Legislature intended to change the exception upon liability applying to a regular judge into a limitation upon the right to pay the special judge. I, therefore, am of the opinion that the proviso of the 1941 Act is of no effect as applied to the situation and further, that your question should be answered in the affirmative.

STATE VETERINARIAN: Construction of Chapter 278 of Acts of 1937, as applied to horses which are killed, transported, and ground for dog food.

April 2, 1943.

Hon. J. L. Axby,
State Veterinarian,
State House,
Indianapolis, Indiana.

Dear Mr. Axby:

I am in receipt of your letter of March 29, 1943, requesting my opinion as to the applicability of the provisions of Chapter 278, Acts of 1937, page 1279 being Burns' R. S. Pocket Supplement Section 16-817 to Section 16-837 inclusive, to a state of facts wherein certain individuals are engaged in the business of buying horses, destroying them, and deboning the carcasses of said animals so purchased and destroyed, and transporting the meat over the highways of Indiana by automobile to a place where said meat is ground and sold for dog food without complying with the provisions and requirements of the above mentioned act.

I call your particular attention to Section 12 of said Chapter 278, Acts of 1937, being Burns' R. S. Supplement Section 16-828, which provides in part as follows:
"No person owning or caring for any animal that has died from any cause shall allow the body to lie about his premises. Any such body shall be disposed of by such person within twenty-four (24) hours after knowledge of such death either to a person licensed under this Act to dispose of it, as herein provided for disposal plants; or by the owner or person entitled to such body causing the same to be buried within that time upon his own or any other available premises, where the transportation of said body along any highway of this state is not required."

In enacting this section of the statute the Legislature used the language "any animal that has died from any cause" and did not limit or restrict the scope of the statute by saying "any animal that has died from disease." The carcass of an animal which is killed or destroyed by its owner constitutes the carcass of a dead animal within the purview of the statute to the same extent as the carcass of an animal which dies from disease or other natural causes. The language of the statute is sufficiently broad and all inclusive to embrace the body and carcass of any dead animal regardless of the manner of death.

Chapter 278 of the Acts of 1937 was enacted under the police power for the protection of the public health and the prevention of nuisances. See State v. Clason, 213 Indiana 461 on 470. Therefore, it is my opinion that the provisions of Chapter 278, Acts of 1937 above referred to apply to the state of facts set forth in your letter and that any person or persons engaged in the business stated in your letter must comply with the provisions, conditions and requirements of the above mentioned Act.