

“The information which I seek is this: Does his drugless physician license authorizing him to practice according to the system of chiropractic include the authorization to practice according to the system of physio-therapy?”

Webster has defined “chiropractic” as a system of healing that treats disease by manipulation of the spinal column. It follows from this definition and close examination of the statutes and authorities, that if the holder of a chiropractic license treats patients other than by manipulation of the spinal column, that he is practicing medicine without a license. That the license, that he has to practice chiropractic, does not include a license to practice physio-therapy, as it is my understanding, that the practice of physio-therapy is not all confined to the spinal column.

The next statement follows:

“If not, then what steps shall he take to procure such a license since he comes clearly within the provisions of section 2 of the act of 1927, at page 727, entitling him to a license to practice according to the system of physio-therapy without examination.”

This latter system of practice, namely, physio-therapy, being a branch of what is known as the drugless physician method, would no doubt put it in the class of exceptions as stated in the act of 1927, at page 727. However, it would be necessary for the applicant to take the same steps toward procuring a license for physio-therapy as he took for securing his license as a chiropractor.

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**HIGHWAY COMMISSION: Highway assessments—whether legal in proceedings for construction of drain; if so, from what fund paid.**

October 18, 1933.

Hon. Evan B. Stotsenburg,  
State Highway Commission of Indiana,  
Indianapolis, Indiana.

Dear Sir:

Your letter of October 9 enclosing to me a notice directed to the Indiana State Highway Commission, wherein certain proceedings for the construction of a drain, certain highways

are attempted to be assessed in the sum of sixty dollars (\$60.00) and in which you ask me two questions, first, whether or not the assessment is legal, and second, in case such assessments are legal, out of what fund they should be paid, is received.

In answer to the first question, I desire to direct your attention to section 9 of chapter 264 of the Acts of 1933, found on page 1175 of said acts, where this language is used:

“First, whether the drainage proposed is practicable; second, whether, when accomplished, it will improve the public health or benefit any public highway in the county, or street of a town or city, or be a public utility \* \* \*. If they find any of these three inquiries wholly in the negative, they shall make report of such finding to the court, and thereupon the petition shall be dismissed at the cost of the petitioners. But if they find otherwise, the surveyor, alone, shall proceed \* \* \* assess the benefits or damages, as the case may be, to each separate tract of land in the watershed to be affected thereby, and to easements held by railway or other corporations, as well as to cities, towns, or other public or private corporations, including any land, right, easements, or water power, injuriously or beneficially affected, and to make report to the court, under oath, as directed.”

Again, I direct your attention to section 9 at the bottom of page 1175, and the top of page 1176, where this language is used:

“The surveyor in locating the line or lines of work of drainage, may vary from the line described in the petition, as he may deem best, and may fix the beginning or outlet so as to secure the best results; he may run the line so as to avoid all injury possible to lands, easements, or public grounds and so as to benefit public highways, streets or alleys, by using the earth excavated for road beds, or in any other way he may deem best, and not sacrificing the best interests of such work or drainage.”

Section 12, *supra*, found on page 1177, provides as follows:

“Upon filing with the auditor or clerk the report and schedules by the surveyor, the court shall fix a date,

not less than thirty and not more than forty days thereafter, for a hearing on such report. Upon such date being fixed, the surveyor shall within five days notify, by United States mail, on a stamped five-day return postal card, all of the owners whose names appear in the surveyor's report of assessments or damages."

Section 13, *supra*, found on page 1178 of the acts provides as follows:

"Upon the day fixed by the court for the hearing on such report, the surveyor \* \* \* shall be present at the clerk's office of the court of the county in which such proceedings are pending, and shall hear and determine all objections made to such apportionment and assessments. \* \* \* After hearing all objections that may be offered to such apportionment and assessments, such surveyor shall confirm or change the same as justice may require, and if changed, showing the amount assessed in his report and the date entered, which action shall be reported to the court having jurisdiction."

Sections 14 and 15 of the acts, *supra*, provide for remonstrances against assessments.

Section 16 of the acts, *supra*, uses this language:

"All questions of facts arising on the petition, report or remonstrance shall be tried by the court without a jury. \* \* \* If the finding and judgment of the court be against the remonstrance or remonstrances on the second, third, fourth, fifth, sixth, and seventh causes, as above set out, the assessments made by the surveyor shall be confirmed, and the order of confirming shall be final and conclusive."

Section 17 of the acts, provides for appeal from the judgment of the court.

Therefore, I would say in answer to your first question, that the assessment against the highway commission will be legal and binding when confirmed by the court.

In answer to your second question, I desire to call your attention to subsection E found on page 642, of the Acts of 1933, in the Biennial Appropriations made by the legislature

of 1933, being chapter 88 of said acts, under the heading "Indiana state highway commission," which reads as follows:

"payments for judgments and interest thereon and for making of settlements by the way of compromise", and would say that the payment for the assessment should be made from this fund which provides for the payment of judgments.

**EMPLOYMENT SERVICE, LICENSING DEPT: Interpretation of section 9, chapter 25, Acts of 1927, concerning records and reports of employment agencies.**

October 19, 1933.

Hon. John F. White, Supervisor,  
Licensing Department,  
Indiana State Employment Service,  
Room 404, Statehouse,  
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of October 13, 1933, asking my advice regarding the interpretation placed by your department on section 9, chapter 25, Acts of 1927. The section in question refers to records and reports of employment agencies and reads as follows:

"It shall be the duty of every licensed agency to keep a *permanent* record of every person referred or placed for employment, including date such person was referred or placed in employment, name, address, age, nativity, sex, color and trade, occupation or profession, of each person; also *the amount* of the fee received and rate of wages agreed upon, and the name and address of the person, firm or corporation with whom any of such applicants have been placed. *A copy of such record*, duly attested under oath of the person, firm or corporation conducting such agency, shall be furnished the industrial board of Indiana *on the first of each month.*" (My italics.)

According to your letter, your department has interpreted the language "the amount of the fee received" to mean and intend the amount of the fee *charged*, and have been requiring reports in accordance with this interpretation.