

animals belonging to any other person or persons when such medicinal or surgical treatment is administered without compensation. Nothing in this act shall prevent any person from performing the operation of castration, spaying or dehorning, but shall prevent the use of any diagnostic agents, except that nothing in this act shall be so construed as to prohibit any hatcheryman or his agent from administering tests for bacillary white diarrhea to poultry belonging to persons other than himself when such hatcheryman regularly purchases the eggs produced by such poultry for incubation in his own hatchery, nor shall this act apply to commissioned veterinary surgeons in the United States army, nor shall the terms of this act insofar as they require and provide for the issuance of licenses apply to persons now holding licenses, or certificates lawfully issued to them under the laws of Indiana, which licenses, or certificates, shall continue to be valid as if issued under this law but shall otherwise be subject to the terms of this act, and providing that nothing in this act shall apply to nor in any manner interfere with the practice of a regularly licensed pharmacist in his professional capacity as a pharmacist, in compounding for and supplying his customers with such medicine as he may desire, and nothing in this act shall be so construed as to prohibit the sale of proprietary remedies."

VETERINARIAN, STATE: Disposal or storage plant—right of live stock sanitary board to license under certain conditions.

November 9, 1933.

Dr. J. L. Axby, State Veterinarian,
State Live Stock Sanitary Board,
151 Statehouse,
Indianapolis, Indiana.

Dear Doctor Axby:

I have before me your request that an official opinion issue in response to the following inquiry:

"I have an instance in which a person has applied for a license to conduct a disposal plant, intending to

use an old plant that has not been in operation for several years as a loading or collecting station, said loading station located in Indiana, not now operating, nor intended to be put in operation, from which loading station he intends to remove the carcasses of collected dead animals to Illinois, where he has a plant in operation.

“Can a license be granted to any person in Indiana under such conditions as above described, the animals being collected in Indiana but finally disposed of in Illinois?”

In response, I am of the opinion that under section 3790, Burns Annotated Indiana Statutes, 1926 Revision, specifying what occupations shall be deemed to constitute engaging in the business of disposing of the bodies of dead animals, which provides in part:

“Any person, firm or corporation who shall obtain from any other person, firm or corporation by purchase or otherwise, the body of any animal for the purpose of obtaining the hide, skin or grease from such animal, or for the purpose of disposing of the carcass of such animal in any way whatsoever, shall be deemed to have engaged in the business of disposing of the bodies of such animals, and shall be subject to the provisions and penalties of this act.”

Burns Annotated Indiana Statutes (1926), section 3790.

It would seem that a person who procures such bodies of animals, by purchase or otherwise, from other persons, firms or corporations, for any of the purposes outlined in the section quoted from, is engaged in the business of disposing of dead bodies of animals. It would seem that that part of the section which reads:

“Any person * * * who shall obtain * * * the body of any animal * * * for the purpose of disposing of the carcass of such animal in any way whatsoever * * *”

is broad enough to include the activities outlined in the letter of inquiry, and such person is subject to the provisions of this act.

And, since the provisions of the act are applicable to such persons, those sections providing for inspection, and for suitable equipment, etc., are also applicable, and it would be the duty of the state to see that his facilities are adapted for the purpose for which he intends to use them.

LIBRARY BUILDING COMMISSION: Authority of commission to contract for mural paintings.

November 9, 1933.

Hon. H. P. Kenney, President,
State Library Building Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting a request for an official opinion as to whether the commission has authority to contract for four large mural paintings for the adornment of the state library and historical building. For the purpose of the question, I am assuming that the necessary funds are available and that all procedure requisite to legal action of the commission has been or will be complied with.

Section 7 of chapter 66, of the Acts of 1929, creating the commission and prescribing its powers and duties provides as follows:

“The commission is hereby authorized to acquire or select a suitable site in the city of Indianapolis, county of Marion, and erect thereon a state library and historical building which will be suitable and adequate to house the state library and the historical bureau and to house and care for the archives and other public records of the state. The site so selected may be on land already owned by the state, or, if no such site is suitable or available, the commission may acquire a site, either by purchase, gift or condemnation, as hereinafter provided. If a site on land already owned by the state is selected, the commission shall have authority, if necessary, to clear and prepare such site for the construction and erection thereon of a state library and historical building. In addition to constructing a building, the commission shall likewise install therein any and all equipment, appurtenances and *paraphernalia*