RICHMOND STATE HOSPITAL: Insane—requirements necessary to constitute “legal residence.”

November 8, 1933.

Richard Schillinger, M. D.,
Medical Superintendent,
Richmond State Hospital,
Richmond, Indiana.

Dear Sir:

I have before me your letter of November 4, 1933, in which you request an opinion as to the required length of residence in a county of the state in order to make the person a legal resident of said county. This question becomes important in determining the institution to which an insane person should be sent. I desire to advise that as between counties of the State of Indiana, there is no prescribed time of residence in order to make such residence a basis for determining the institution to which the patient shall be sent.

Moreover, there is no statute whereby you can require that a person who is able to give a complete history, shall accompany the patient to the hospital. This matter is governed by statute which provides that the patient shall be conveyed to the hospital by a relative or relatives or a friend or friends and in case there are neither relatives nor friends, who desire to convey the insane person to the hospital, the judge of the circuit or superior court is required to direct that a suitable attendant or the county sheriff shall convey the insane person to the hospital.

VETERINARIAN, STATE: Lay vaccinator of swine may not be compensated—definitions.

November 8, 1933.

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

Dear Doctor Axby:

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

"The veterinarians in many localities claim to be injured by the lay vaccinator of swine, many of whom are representatives of serum houses doing their work
cheaply, claiming at cost, and (maintaining) that they receive no compensation for the work. * * * Therefore, a definition of compensation and a setting out indicating what work they can do under the law, would be helpful to me in the work of my department, specific reference being made to other than licensed veterinarians."

Pertinent to a consideration of the question presented, are the provisions of section 3, chapter 105, of the Acts of 1933 (page 693), which are as follows:

"AMENDMENT—PRACTICING WITHOUT LICENSE—OFFENSE—PENALTY—EXCEPTIONS—ACT CONSTRUED.—Sec. 3.—That section 7 of the above entitled act be amended to read as follows: Sec. 7. That section 15 of said act approved March 4, 1905, be amended to read as follows, to-wit: Sec. 15. To open an office for such purposes, or to announce to the public in any way an intention or readiness to practice veterinary medicine or surgery, in any county in the state, shall be to engage in the practice of veterinary medicine within the meaning of this act. Any person who shall practice or hold himself out as practicing veterinary medicine or surgery in this state, without having a license, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars; upon a second or other subsequent offense shall be fined not less than fifty dollars and not more than one hundred dollars and be confined in the county jail or penal farm for not less than thirty days nor more than one hundred days. Nothing in this act shall prevent any person from administering anti-hog cholera serum and hog cholera virus, medicinal or surgical treatment to an animal or animals belonging to himself, nor to any animal or animals belonging to any other person or persons when such medicinal or surgical treatment is administered without compensation." (Our italics.)

The term "compensation" has been judicially defined as being "the giving back an equivalent in either money, which
is but the measure of value, or in actual value otherwise con-
ferred,

Long v. Harrisburg, etc., R. Co., 126 Pa. 143, 146;
19 Atl. 39;

and as "the rendering an equivalent in value or amount,"

Kramer v. Cleveland, etc., R. Co., 5 Ohio S. 140,
155;

and as "that return which is given for something else;"

Searcy v. Graw, 15 Calif. 117, 123.

An indication of the intent of the General Assembly to use
the term "compensation" in its broad sense, as defined above,
is shown by noting that portion of the act of 1905, which was
stricken out by the amendment of 1933.

Section 3 of chapter 105, Acts of 1933, amended the pre-
vious act by eliminating the following provisions, which in
the original enactment were placed immediately following the
word "compensation" as the section is set forth above:

"* * * fee or remuneration of any character what-
soever for the services so performed, and without profit
on the biological or medicinal agent so administered,
and without compensation or reimbursement for trans-
portation or traveling expenses."

The portion stricken out was in limitation of the term "com-
ensation" and by striking out this matter, which circum-
scribed that term, it is my opinion that the legislative body
prohibited the administration of anti-hog cholera serum and
hog cholera virus, or medicinal or surgical treatment to any
animal or animals belonging to another, unless such adminis-
tration was wholly without compensation of any kind or
character.

In response to your request, that the work which may be
done by one other than a licensed veterinarian be listed, I
submit the following provisions of section 3, chapter 105 of
the Acts of 1933 (pages 693-694), subject to the definition of
"without compensation" given above:

"Nothing in this act shall prevent any person from
administering anti-hog cholera serum and hog cholera
virus, medicinal or surgical treatment to an animal or
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