expressly provide for the protection of the property interests of innocent persons therein, or the courts, with few exceptions, have construed the statutes as implying such protection."

In the case of Indiana Investment, etc., Co. v. Zimmerman, 89 Ind. App. 316, the rule was stated to be that the owner was entitled to have its rights protected, but that the burden of proof was upon the claimant of the property to show that it was in good faith the owner thereof, and that it had no knowledge of the fact that it was being used in violation of the law.

In the case of Forgen v. State, 91 Ind. App. 604, the right of a finance company to recover property upon which it held a conditional sales contract and which property was used in an unlawful manner without its knowledge, was upheld. Hundreds of cases to the same effect might be cited in the various State and Federal Courts.

I am, therefore, answering your question to the effect that the rights of an innocent contract, lien or mortgage holder should be recognized, but that the burden of proving both the ownership or interest and the lack of knowledge of the use to which the vehicle is put is upon the claimant.

MEDICAL REGISTRATION AND EXAMINATION, STATE BOARD OF: Osteopaths and chiropractors—Whether entitled to advertise as podiatrist or foot correctionalist.

February 7, 1936.

D. R. Tucker, President,
Board of Podiatry Examiners,
Indiana State Board of Medical Registration and Examination,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion, dated January 24, 1936, regarding two propositions, the first of which is as follows:

"Whether or not a regular licensed osteopath, or an osteopath licensed under the 1927 Drugless Amend-
ment to the Medical Practice Act, after obtaining this post-graduate course and receiving diploma, would have the right to practice or assume the duties incident to Podiatry under his osteopathic license.”

Prefacing this question you state as follows: That a recognized osteopathic school is giving what they term a post-graduate course in podiatry, sometimes called chiropody, to licensed osteopaths; that the post-graduate diploma is issued upon the completion of a period of four weeks attendance at this school.

Section 10716 and following sections of Baldwin’s 1934 Indiana Statutes, define the term “osteopathy” and also regulate the practice. Briefly stated, osteopathy is a system of medicine in which diseases are treated by manipulating the bones of the human body. It is stated further, in the sections above quoted, that an osteopath shall have the right to practice osteopathy, surgery and obstetrics and to administer anesthetics, antiseptics and narcotics. He is properly designated as a physician licensed to practice his profession in all ways and methods used by a regular physician and surgeon with the exception that the applicant for an osteopathic license shall not be required to pass an examination before the State Board of Medical Registration and Examination in materia medica. He is not, therefore, empowered or licensed to administer medicines other than as stated hereinafore. He is not prohibited from practicing osteopathy when the practice pertains to the foot any more than he is limited to the practice of osteopathy on any other part of the human body. It would follow that he is empowered under his osteopathic license to treat diseases of the feet and toes. He does it, however, as an osteopath and not as a podiatrist. He would not be permitted to advertise himself as a podiatrist.

Your attention is directed to the Acts of the Indiana Legislature of 1925, Section 9, page 15, same being Baldwin’s Indiana Statutes, 1934, Section 13317, which reads as follows:

“EXEMPTIONS.—This Act shall not apply to the physicians licensed by the state board of medical registration and examination of this state, nor to the surgeons of the United States army, navy and United States public health service, when in actual performance of their official duties.”
See also, Baldwin’s 1934 Indiana Statutes, Section 13309, which reads as follows:

"DEFINITIONS.—The term ‘podiatry’ (sometimes called chiropody) as used in this act shall be construed to mean the diagnosis, medical, surgical and mechanical treatment of ailments of the human foot. The term ‘podiatrist’ as used in this act shall be construed to mean one practicing podiatry."

Your second request reads as follows:

"In the matter of Drugless practitioners, licensed under the 1927 Drugless Amendment to the Medical Practice Act, which amendment provides that Drugless practitioners shall practice the system or method taught by the school or college of which he is a graduate, and which he was practicing on January 1, 1927. Therefore, would a chiropractor, or any practitioner of Drugless Healing, have the right to advertise himself as a ‘Foot Correctionist’, ‘Foot Expert’, ‘Foot Specialist’, etc., or to diagnose foot ailments and prescribe or make arch supports, or to advertise and use any form of physio-therapy apparatus for the relief or correction of foot troubles?"

It appears from the above advertisements as a foot correctionist, etc., that the terms pertain to feet and also to the diagnosis of ailments thereof, which advertisements appear to be clearly within the field of the podiatrist and not that of the chiropractor. The duties of a chiropractor are rather clearly defined by numerous decisions and also by statutes. (See Baldwin’s Indiana Statutes, 1934, Section 10713 and following sections.) It is further observed that an accepted definition of the term “chiropractor” is as follows:

"A system of treating disease by manipulation of the spinal column."

The license of the chiropractor, it will be observed both from the definition and the statute itself, is one limited. He is a drugless healer and his practice is confined to the spinal column, not to the feet. If a chiropractor advertises as set out in your second proposition, last above stated, he is guilty of practicing medicine without a license. It is observed
further, pertaining to arch supports, that it is not necessary for the person making the sale of supports to have a license of any kind within the purpose and intent of the Medical Practice Act if these supports simply constitute an article of merchandise. The violation comes when the salesman attempts to diagnose foot ailments and prescribe arch supports to correct this ailment. Physiotherapy, according to the accepted meaning of the term, is the treatment of disease by natural forces, as light, heat, water, etc. It is my opinion that physiotherapy is not within the meaning of the statute prescribing the duties and rights of the holder of a drugless license, such as a chiropractor or any practitioner of drugless healing, when the same pertains to the relief or protection of foot troubles, for the reason that the very meaning of the term itself implies a diagnosis of the foot which is without the bounds of the license of the above designated practitioner.

MOTOR VEHICLES, BUREAU OF: Board of County Commissioners, power to exempt person from payment of poll tax.

February 10, 1936.

Hon. John Mosier, Auditor,
Bureau of Motor Vehicles,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in response to the following question:

"May a board of county commissioners exempt a person from the payment of poll tax?"

This question arises out of the provision of section 30 of Chapter 20 of 1 R. S. 1852 which provides, referring to the board of county commissioners, that "such commissioners may exempt from paying poll tax any person who, from any cause, they may deem unable to pay it."

Burns Indiana Statutes Annotated (1933) Section 26-1207.