fuse the beauty culturist, who has a license to cut hair, with a barber who not only has a license to cut hair, but also to shave, etc. Rather it was the intention and the purpose of the Legislature to regulate the profession of haircutting, and confine it to be done in connection or combination with permanent waving and at no other time, to grant the license to a beauty culturist to cut hair only in connection or combination with a permanent wave and at no other time. It is true and it follows from the above that if a boy desires a permanent wave he may enter and receive the services of a beauty culturist and have his hair cut or trimmed in connection or combination with this permanent wave. It is not the intention of the Legislature to permit the holder of a haircutter's license in a beauty culturist's shop to cut hair of boys in any manner or any circumstance other than as herein last above set out.


March 19, 1937.

Mr. B. D. Myers, Secretary,
State Anatomical Board,
Indiana University School of Medicine,
Bloomington, Indiana.

Dear Sir:

Receipt is acknowledged of your request dated March 18, 1937, pertaining to application and administration of the anatomical law, which request is as follows:

"I have a request from one who signs himself, Dr. H. E. Vedder, and the letterhead shows him to be the president of the Lincoln Chiropractic College, 633 North Pennsylvania St., Indianapolis, Indiana. He states that he is a licensed drugless physician and asks procedure necessary to secure a cadaver.

"The State Anatomical Law, approved February 25, 1903, requires (Section 3) that cadavers shall be distributed to such of the schools and colleges, physicians and surgeons entitled thereto as request in writing to receive the same."
"Then section 4 outlines the formality for securing such anatomical material, which includes the filing of a bond in the sum of $1,000.

"If it is true that this man is a licensed drugless physician (and I have written the State Board of Registration and Examination to ascertain this fact) then I suppose that under section 3, the State Anatomical Board is required to deliver a body to him, provided he files bond called for in section 4. This man is not asking for the body for the chiropractic school. If he were then I suppose that as indicated in the first sentence of section 3, we would have to determine whether the school is duly incorporated. The law says, 'cadavers should be distributed to such of the schools and colleges, physicians and surgeons entitled thereto' but there is no indication of what is meant 'entitled thereto.'

"The interpretation in the past has been that any licensed physician or surgeon in good standing, was entitled to anatomical material under this section 3.

"I want to make certain that I am proceeding legally in turning anatomical material over to this man. . . .

"The question I presume, however, is the one of the legal status of this particular man."

Since this is not a request from the Lincoln Chiropractic College for a cadaver, being rather one who signs himself as Dr. H. E. Vedder, and who states that he is a licensed drugless physician, the question of whether or not the Lincoln Chiropractic College is entitled to a cadaver under the law is not before us.

The request is from a drugless physician generally designated as a chiropractor.

Section 3 of the Acts of Legislature, approved February 25, 1903; the same being section 63-603 Burns Indiana Statutes Annotated, 1933, reads in part as follows:

"Section 3. The said Anatomical Board or its agent may take and receive the bodies reported to it as aforesaid and shall distribute and deliver such as are received among and to such of the schools and colleges, physicians and surgeons entitled thereto as
request in writing to receive the same, preference being given in such distribution to the incorporated schools and colleges.”

From the above quotation it is noted:
First, that the language places in the Anatomical Board discretion as to the taking and receiving and the distribution of cadavers, the mandatory action to be taken on the part of the Board is the actual distribution of the cadavers between schools and colleges, physicians and surgeons only after said Board satisfies itself of the applicant entitled thereto.

2. That among the applicants to whom these cadavers shall be distributed, after such time as said Board has properly informed itself on the question; namely, whether the physicians and/or surgeons or schools or colleges are really entitled to receive the same, appears the name “physicians.”

It not only is the duty of the Board to convince itself that the particular applicant is entitled to receive said cadaver, but it is its duty under the law to convince and inform itself that the particular applicant as in this case is a “physician.”

Our courts have defined the practice of medicine to be persons who pretend to cure diseases for a compensation by any means.

Witty v. State, 173 Ind. 404.

All persons who pretend to cure diseases of any character. Chiropractic is defined by Webster as follows:

“A system of healing that treats disease by manipulation of the spinal column.”

It is our further observation that the practice of chiropractic is a limited and restricted branch of the practice of medicine; that a chiropractor in a limited sense is a physician. We now make the further observation; namely, that the Anatomical Act which you are administering was passed by the Legislature and approved February 25, 1903. The chiropractic law defining and limiting the rights, powers, privileges and duties of the holder of a license to practice
chiropractic was passed in 1927, twenty-four years after the enactment of your anatomical law.

See Burns Indiana Annotated Statutes, 1933, Sec. 63-1312.

I conclude that at the time of the passage of the anatomical law the Legislature intended that cadavers, upon proper application to the Board, could be turned only to physicians, as the term at that time implied. That is to a physician who was the holder of a license to practice medicine in all of its branches, and not a physician who was limited in his practice such as is a drugless physician. I make the further observation and query: Since, in the limited field of chiropractic the applicant for a cadaver, to confine his practice to that limited field would have little use for a cadaver, would it not be leading your discretionary power, to distribute cadavers, farther afield than was intended by the Legislature?

A broad general statement of the law in interpreting Acts of the Legislature seems to be, that in the absence of express language therein, it becomes the duty of the court if possible to discover the intention of the Legislature at the time of the passage of the Act. I fail to be able to discover that the Legislature had an intention to grant to you the authority to distribute cadavers to physicians other than those licensed to practice in an unrestricted and unlimited field: That it was not the intent of the Legislature that bodies should be distributed to physicians of the limited class any more than it was to distribute cadavers to private individuals holding no license of any kind to practice the profession of medicine.

I conclude that section 3 of your Act; same being Sec. 63-603, Burns Indiana Statutes, 1933, when read and studied in connection with the broad intent of the Legislature would direct you to refuse to deliver to a physician, such as is described in your request, a cadaver, even though the applicant being a drugless physician offers to and is able to furnish a bond as set out in section 4 of your law.

Our decision might be different pertaining to the delivery of a cadaver if the Lincoln Chiropractic College were to make the request and conform with the law in all of its provisions. However, since that question is not before us we decline to give it further attention.