

3471.

APPROVAL, BONDS OF FRANKLIN RURAL SCHOOL DISTRICT,
JACKSON COUNTY, OHIO, \$2,205.83.

COLUMBUS, OHIO, November 19, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3472.

APPROVAL, BONDS OF LOSTCREEK RURAL SCHOOL DISTRICT,
MIAMI COUNTY, OHIO, \$3,173.57.

COLUMBUS, OHIO, November 19, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3473.

APPROVAL, BONDS OF CONCORD TOWNSHIP RURAL SCHOOL
DISTRICT, MIAMI COUNTY, OHIO, \$2,234.33.

COLUMBUS, OHIO, November 19, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3474.

VETERINARY MEDICINE—ADMINISTRATION OF DRUGS OR
MEDICINES TO CHICKS FOR FEE PROHIBITED UNLESS PER-
SON POSSESSED OF LICENSE TO PRACTICE VETERINARY
MEDICINE AND SURGERY.

SYLLABUS:

A person is not permitted by law to administer for a fee or compensation of any kind, and drugs or medicines to chicks, unless he is a graduate of a veterinary college recognized by the State Board of Veterinary Examiners and has received

a certificate from such board entitling him to engage in the practice of veterinary medicine and surgery.

COLUMBUS, OHIO, November 19, 1934.

HON. CLIFTON L. CARYL, *Prosecuting Attorney, Marysville, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication, which reads as follows:

“This office desires an opinion or interpretation relative to the practice of veterinary medicine and surgery under sections 1177-16f, General Code of Ohio, and other sections pertaining to veterinary medicine. My question for your opinion is as follows:

Whether or not hatchery owners or employers or their employees, who are engaged in the business of hatching and selling day old chicks, in which event these chicks are distributed throughout the various communities and are fed and raised by the various persons to whom they are sold, and from time to time the hatchery operators or their employees whose duties are to keep a check on these various flocks which are distributed by them for the purpose at some later date of buying the eggs which are produced from said flocks for hatching purposes, and in performing their duties, which are chiefly for the purpose of keeping the flock pure from all ailments and diseases, the hatchery men and their employees go to the extent of diagnosing by biological tests and administering drugs for the cure of disease and inoculating with biologics for the prevention of disease, for which service a certain fee is charged and paid to said hatchery operators or their employees by the flock owner.

I will appreciate an early reply in this matter as to whether or not the facts, as stated above, violate Section 1177-16f or any other sections pertaining to the practice of veterinary medicine or surgery.”

Sections 1177-16b, 1177-16f, and 1177-16g read as follows:

Section 1177-16b.

“An applicant for such examination shall be a graduate of a veterinary college recognized by the state board of veterinary examiners before taking the examination. He shall present himself at the office of the secretary of the board at the time when the examination is to be held, and pay ten dollars for each examination. Such fee shall accompany his written application and be paid to the secretary of the board previous to such examination. And no person shall practice veterinary medicine and surgery in this state, without first having obtained from the state board of veterinary examiners a certificate entitling him to engage in such practice. Provided, that the provisions of this section shall not be deemed to apply to those persons who are duly licensed under the laws of this state to practice veterinary medicine or surgery and the various branches thereof at the time this act (G. C. §§1177-16 to 1177-16h) becomes operative, it being the intention hereof to allow such license holders to continue in the practice of their profession.”

Section 1177-16f.

"The practice of veterinary medicines, surgery and dentistry and the various branches thereof, shall within the meaning of this act (G. C. §§1177-16 to 1177-16h) be defined as follows: Any person shall be considered as practicing veterinary medicine who represents himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches, or who examines or diagnoses for a fee or compensation of any kind, prescribes, advises, recommends, administers or dispenses for a fee or compensation of any kind directly or indirectly, a drug, medicine, appliance or application, operation or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or diseases of animals. The use of any words, letters or titles in such connection or under such circumstances as to induce the belief that the person who uses them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry shall be prima facie evidence of the intent of such person to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry."

Section 1177-16g.

"Whoever engages in the practice of veterinary medicine, veterinary surgery or veterinary dentistry in violation of any provision of this act (G. C. §§1177-16 to 1177-16h), shall be fined not less than fifty dollars nor more than one hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisonment in jail not more than sixty days, or both. This section shall not prohibit veterinary advice, or service in cases of emergency if rendered without compensation directly, or indirectly, by a person not entitled to practice or apply to animal castration and dehorning cattle."

From the foregoing it appears clear that the Legislature has expressed a very definite intention that no person shall engage in the work of administering drugs and medicines to animals unless he is a graduate of a properly recognized veterinary college and has received a certificate from the Ohio State Board of Veterinary Examiners, entitling him to engage in such practice.

Section 1177-16f, supra, provides that any person who diagnoses for a fee or administers or dispenses for a fee or compensation of any kind a drug or medicine for the prevention or cure of disease of animals, is considered as practicing veterinary medicine. An animal is defined in Bouvier's Law Dictionary as, "any animate being which is not human, endowed with power of voluntary motion." Anderson's Dictionary of Law gives as a first definition, "an irrational being as distinguished from man: (2) in a common sense, a quadruped, not a bird nor a fowl. Again, while the use in any particular context or statute may be limited by the general meaning and purpose, the term, in jurisprudence, may include any living creature not human or rational."

From the above definitions, it would appear that the word "animal" is very comprehensive. The fact that the word "animal," alone, is used in the statute under consideration must lead one to the conclusion that it is used therein in its broadest sense.

Therefore, in specific answer to your question, I am of the opinion that the persons mentioned in your letter, under the circumstances set forth therein, are not qualified to diagnose or administer drugs and medicines in chicks.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3475.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ANDOVER TOWNSHIP, ASHTABULA COUNTY, OHIO, OWNED BY THE PYMATUNING LAND COMPANY, FOR PUBLIC PARK, HUNTING AND FISHING GROUNDS.

COLUMBUS, OHIO, November 19, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title to a certain tract of land in Andover Township, Ashtabula County, Ohio, which tract, together with other tracts of land in Williamsfield, Andover and Richmond Townships in said county, the state of Ohio is acquiring from The Pymatuning Land Company. These lands are being acquired for the purpose and to the end that such lands and the waters inundating and submerging the same as a result of the construction and maintenance by the Water and Power Resources Board of the commonwealth of Pennsylvania of the dam at and across the outlet of the Pymatuning Swamp into the Shenango River in Crawford County, Pennsylvania, may be used as a public park and as public hunting and fishing grounds or territory.

The tract of land here in question is the east half of Lot 50, according to the original survey of said township, and is bounded and described as follows:

Beginning at a point in the Ohio-Pennsylvania State line, at the North-East corner of the Township of Williamsfield in said County, said point being also the South-East corner of said Andover Township; thence North-erly along said State line, to the South-East corner of lands formerly owned by Lydia S. Brown and C. J. Marvin, said point being also the South-East corner of Lot No. 49 in said Township; thence Westerly along the South line of said Lot No. 49, said line being also the South line of said Brown and Marvin lands, to the North-East corner of lands formerly owned in said Lot No. 50 by Frank Perry; thence Southerly along the East line of said Perry lands to the North line of said Township of Williamsfield; thence Easterly along the North line of said Williamsfield Township, to the place of beginning, and containing about 173.75 acres of land.

This tract of land is the same as that conveyed by The Realty Guarantee and Trust Company to The Pymatuning Land Company by deed under date of December 30, 1921, which is recorded in Deed Volume 263, page 421, of the Record of