

result in the denial to anyone of his right to vote and was of no legal significance, to advise you not to purchase the above issue of bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1521.

DOG—REGISTRATION TAG—KENNEL LICENSE—“FARMING OUT” OF
DOGS FROM KENNEL DISCUSSED.

SYLLABUS:

An owner of a duly registered kennel of dogs may use the five registration tags, issued under the provisions of Section 5652-1, General Code, in connection with the kennel license, upon any dogs owned in good faith by such licensee. The mere fact that such dogs are temporarily “farmed out” to individuals other than the kennel owner does not require that such dogs be separately registered, provided such dogs wear one of the several registration tags issued to such kennel owner.

COLUMBUS, OHIO, January 4, 1928.

HON. ELMER L. GODWIN, *Prosecuting Attorney, Bellefontaine, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter dated December 30, 1927, which reads:

“Section 5652-1 (108 O. L. 534) is as follows:

Every owner of a kennel of dogs bred or kept for sale shall in like manner as in Section 5652 provided, make application for the registration of such kennel, and pay therewith to the county auditor a registration fee of \$10 for such kennel. Provided, however, the owner of such dog kennel, shall, in addition to paying such kennel fees, comply with all of the requirements of Section 5652 with respect to every dog more than three months of age belonging to such dog kennel not kept constantly confined in such kennel.

Section 5652-1 (112 O. L. 347) reads as follows:

Every owner of a kennel of dogs bred or kept for sale shall in like manner as in Section 5652 provided, make application for the registration of such kennel, and pay therewith to the county auditor a registration fee of \$10 for such kennel. Provided, however, that the payment of such kennel license fee shall entitle the holder thereof to not more than five tags to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee, with the tags provided for in Section 5652-4 of the General Code of Ohio.

You will note that the last amended section eliminates the words ‘not kept constantly confined in such kennel.’ The question I am submitting to you for opinion is this:

Can a person who has taken out a kennel license farm out the dogs,—that is, separate them and place them under the control of other individuals without the person with whom they are placed registering said dogs as provided in Section 5652, G. C.?”

You do not quote that part of an act passed March 27, 1925, by the 86th General Assembly, (111 v. 290) which amended Section 5652-1, General Code, as quoted in the first paragraph of your letter, to read as follows:

"Every owner of a kennel of dogs bred or kept for sale shall in like manner as in Section 5652 provided, make application for the registration of such kennel, and pay therewith to the county auditor a registration fee of \$10 for such kennel. Provided, however, that the payment of such kennel license fee shall entitle the holder thereof to not more than five tags to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee, with the tags provided for in Section 5652-4 of the General Code of Ohio."

The 87th General Assembly (112 v. 347) amended this section to read as quoted in the second paragraph of your letter.

Section 5652-1a, General Code, defines a "kennel owner" as follows:

"A kennel owner is hereby defined as being a person, persons, partnership, firm, company or corporation professionally engaged in the business of breeding dogs for hunting or for sale."

Section 5652-4, General Code, to which Section 5652-1, supra, refers, reads:

"In addition to the certificate of registration provided for by Section 5652-3, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor, a metal tag for each dog so registered. The form, character and lettering of such tag shall be prescribed by the state bureau of inspection and supervision of public offices. If any such tags be lost, duplicate shall be furnished by the county auditor upon proper proof of loss and the payment of twenty-five cents for each duplicate tag so issued."

Section 5652-6, General Code, in so far as pertinent, provides:

"Every registered dog, except dogs constantly confined to registered kennels, shall at all times wear a valid tag issued in connection with the certificate evidencing such registration. * * * "

Section 5652-1, General Code, was construed in Opinion No. 967, rendered under date of September 8, 1927, to the Prosecuting Attorney of Wood County the second paragraph of the syllabus of which reads as follows:

"The dog kennel license provided in Section 5652-1 of the General Code does not amount to a registration of any of the dogs bred or kept for sale in such kennel."

The following language was used in the opinion:

"Coming to your second inquiry relative to the kennel fees, Section 5652-1, supra, provides that any person owning a kennel of dogs bred or kept for sale shall pay 'a registration fee of \$10 for such kennel.' In such case the kennel is registered and not the dogs bred or kept therein. The

section provides, however, that the owner of the kennel so registered shall be provided with five tags to bear consecutive numbers, which the owner may place on any dog owned in good faith by such licensee, and when so worn such tag shall have the same effect as though it were such a tag as is provided for in Section 5652-4, General Code. It will be noted in connection with the kennel license that neither the dogs in the kennel nor the dogs upon which the kennel tags are placed are registered and the five tags issued in connection with the kennel registration can only be worn by dogs 'owned in good faith by such licensee.'

In answer to your second question, it is my opinion that the tags issued in connection with the kennel registration may only be worn by dogs owned in good faith by the owner of such kennel and that such tags are not transferable."

As provided in Section 5652-1, supra, upon the payment of the \$10.00 kennel license fee, the holder thereof shall be entitled to not more than five registration tags which bear consecutive numbers. Such tags are to be issued in like manner and have like effect, when worn by any dog owned in good faith by such licensee, as the tags provided for in Section 5652-4, supra.

A number of kennel owners breed dogs for hunting purposes. The value of such dogs is greatly enhanced upon their being trained to work in the field. In order to train such dogs it is generally necessary to work them outside the confines of the kennel to which they belong. Many kennel owners also exhibit their dogs in the several dog shows. Numerous other instances may arise whereby it becomes necessary temporarily to take dogs out of the confines of the dog kennel to which they belong. The five tags provided for in Section 5652-1, supra, are for such dogs while used for such purposes. The sole test is:—Are such dogs owned in good faith by the owner of a duly licensed dog kennel? If they are so owned it is unnecessary for the owner of such kennel separately to register such dogs unless he so uses more than five dogs at any one time. Being entitled to only five registration tags with each kennel license, any dogs in excess of that number would necessarily have to be registered separately if more than three months of age.

Specifically answering your question, it is my opinion that the owner of a duly licensed kennel of dogs may use the five registration tags, issued under the provisions of Section 5652-1, General Code, in connection with the kennel license, upon any dogs owned in good faith by such licensee. The mere fact that such dogs are temporarily "farmed out" to individuals other than the kennel owner does not require that such dogs be separately registered, provided such dogs wear one of the five registration tags issued to such kennel owner.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1522.

DISAPPROVAL, BONDS OF THE VILLAGE OF BEACHWOOD, CUYA-
HOGA COUNTY, OHIO—\$82,000.00.

COLUMBUS, OHIO, January 5, 1928.

Re: Bonds of the Village of Beachwood, Cuyahoga County, Ohio, \$82,000.00.