itself, make him a "resident," nor did the legislature so intend the use of the word in the statute under consideration. Unless such a person has his domicile in this state with the intention of making it his home, he is a non-resident and is entitled to hunt, fish or trap in Indiana only after procuring the non-resident license provided for in section 2782, *supra*.

CONSERVATION DEPT.: Legality of importing and selling within the state certain game or carcasses thereof legally acquired outside of state.

August 5, 1933.

Hon. Kenneth M. Kunkel, Director,
Fish and Game Division,
Conservation Department,
Department of Public Works,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 1, 1933, submitting the following questions:

1. Whether or not your department has any jurisdiction over a bear bought legally in Canada and shipped to this state.
2. Whether or not your department has any jurisdiction over carcasses of big game, acquired legally in another state and shipped to Indiana.
3. Whether or not there is any law of this state prohibiting the sale of such animals, acquired legally outside of this state, for food purposes.

Since your questions all involve substantially the same matter, I will answer them together. The answer to all the questions submitted is in the negative.

There is no statute, either general or specific, affecting the right to hunt, kill, capture or possess bears. The only statutes touching, even in a remote way, upon the question of the possession or transportation into the state of so-called "big game" are sections 2782 and 2809 Burns Annotated Indiana Statutes, Revision of 1926.

Section 2782, *supra*, makes it unlawful to shoot, destroy, pursue or possess, dead or alive, "any wild deer, buck, doe or

fawn, wild turkey, or any pheasant of any species or kind, *killed or bred in this state,"* except for breeding purposes. (My italics.)

Section 2809, *supra,* makes it unlawful to transport, or receive for transporting, *"beyond the limits of this state,"* certain game, including wild deer, bucks, does or fawns. (My italics.)

Clearly, neither of the sections last above referred to could be construed as prohibiting the shipping into this state or selling of any bear or other "big game" acquired legally outside of Indiana.

HIGHWAY COMMISSION: Compensation liability of state in labor authorized by state but paid for by county.

August 7, 1933.

Hon. James D. Adams, Chairman,
State Highway Commission,
Indianapolis, Indiana.

Dear Sir:

Your letter of August 4, 1933, enclosing a copy of a letter written this office on April 8th, is received. I note that your letter in part is as follows:

> "Elkhart county's relief organization has asked the State Highway Commission to authorize the use of equipment and to furnish supervisors for groups of unemployed men in that county. Elkhart county will pay for the labor, and it is work that can advantageously be done, but is also work which would not be done if the state had to use its funds for it.
>
> "The question we would like to have you settle is this: In the event such an employee is hurt, where would the liability for workmen's compensation rest?"

You are referred to section 9432 of Burns Revised Statutes of 1926, which reads as follows, to wit:

> "Any person, firm or corporation, while engaged in business, trade or commerce within this state, and employing in such business, trade or commerce five or more persons, shall be liable and respond in damages to any person suffering injury while in the employ of such per-