

1932, and that the quail so trapped hereunder shall be and remain the property of the State of Indiana, and may be liberated at any time, but shall not be sold, bartered or otherwise disposed of by the said Crosley."

Among the powers expressly conferred upon your department by the legislature are the following:

"To take, or cause to be taken, any fish or game, in any manner and at any time, for the purposes connected with fish or game culture, protection, preservation or propagation, or with scientific observation."

Section 4743 (4), Burns' Annotated Indiana Statutes, Revision of 1926.

The term "game" as used in this statute includes quail and other wild fowl or birds fit for food and obtained by fowling and hunting.

Meul v. People, 64 N. E. (Ill.) 1106, 1107;
State v. Higgins, 28 S. E. (S. C.) 15;
Am. & Eng. Enc. Law, p. 23.

In my opinion, it is within your power to grant such a permit as the one inquired about.

TREASURER OF STATE: Requests for opinions not relating to state business.

December 19, 1933.

Hon. William Storen,
Treasurer of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion, reading as follows:

"Mr. W. T. Handy, treasurer of Putnam County, has asked this office to request an opinion as to whether that county may levy on approximately \$27,000 worth of Monon Railroad personal property, located in that county, and if in your opinion such levy may be made, what fee might Mr. Handy legally claim?"

In answering the above request, I refer you to Section 11725, Burns' Revised Statutes of Indiana, 1926, which, in defining the duties of the Attorney General, reads as follows:

“He shall be required to give his legal opinion to the Governor, whenever requested to do so, touching any question or point of law in which the interests of the state may be involved; to give his opinion to any other state officer touching any question or point of law concerning the duties of any such officer; and likewise, to either house of the General Assembly, on the constitutionality of any existing or proposed law, whenever required so to do by resolution of such house; and he shall not be required to advise any other officer or person.”

The above request indicates that the question does not in any manner concern your duties as Treasurer of the State of Indiana, but is for the guidance of a county treasurer in the performance of his duties, and the same therefore does not fall within the classification of the statute providing for the giving of official opinions by this office. I must, therefore, decline to officially answer such questions.

The county attorney of each county is the legal adviser of county officers of such county in the same manner that the Attorney General is legal adviser of state officers, and I would therefore recommend that the county treasurer, for whom this opinion has been requested, be advised to refer such questions to his county attorney.

**PUBLIC INSTRUCTION, DEPT. OF: Teachers' contracts—
substitution of two-year contract for one-year contract,
after latter partially executed.**

December 19, 1933.

Hon. Grover VanDuyn,
Assistant Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of December 14, 1933, requesting my opinion on the following question:

“May a township trustee recall a one-year teacher's contract after the teacher has taught on this contract for two months, and exchange it for a two-year contract?”