sion dam unless, by reason of such dam, the old channel of Whitewater river below the dam has lost its character as a “river, stream, or watercourse.” If this be true, as the attached letters would seem to indicate, then the fish ladders should be constructed in connection with the dams built across the stream as now diverted through the canal, rather than in connection with the diversion dam itself. This question is a question of fact, the answer to which depends upon information not in the writer’s possession.

CONSERVATION DEPARTMENT: Whether people leasing camp on White river would be required to have license to fish.

June 22, 1933.

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

Dear Sir:

I have before me your communication of June 21, 1933, which reads in part as follows:

“We would like to have an opinion as to whether or not a number of people leasing a camp on White River would be required to have a license to fish. They claim their lease reaches to the middle of the stream and that, therefore, they would not be required to have a license to fish on White river.”

The act relating to hunting and fishing licenses, as amended by the recent legislature, (Chapter 216, Acts 1933), provides:

“The following persons only may hunt, fish or trap without a license therefor, and upon these conditions only: The owners of farm lands who are residents of Indiana, and their children living with them, upon such lands only; bona fide tenants of farm lands, residing thereon, upon such lands only. All persons under eighteen years of age may fish without a license. Also all persons who by right of being an honorably discharged soldier, sailor, marine or army nurse are exempt from securing a license under this act.” (Our italics.)
There is nothing in the above act which would exempt the parties in question, upon the statement of facts contained in your letter. Leasing a camp site does not make the lessees "bona fide tenants of farm lands, residing thereon" within the intent of the act. Whether or not the lease in question can extend to the middle of the stream depends to a large extent upon whether or not the stream is a navigable stream at the point where the land is situated. At all events, it is a question of fact which is not material for the purposes of this opinion, in view of the language of the act as referred to above.

AUDITOR OF STATE: Manner and method to be followed in sales of gasoline unfit for propulsion of motor vehicles.

June 22, 1933.

Hon. Floyd E. Williamson,
Auditor of State,
Indianapolis, Indiana.

Dear Sir:

In response to your request of June 10th for an opinion of this office upon the manner and method to be followed by you in sales of gas machine gasoline, and such other similar products as are wholly unfit for the propulsion of motor vehicles, I submit herewith the following opinion:

Subdivision d of section 4 of chapter 159, Acts of 1933, at page 832, reads as follows:

"(d) The word gasoline as used in this act, shall include the liquids derived from petroleum or natural gas, commonly known or sold as gasoline, and all other volatile and inflammable liquids by whatsoever name known or sold, containing any derivative of petroleum, natural gas, coal, shale, or similar natural materials and produced, prepared, blended or compounded for the purpose of propelling motor vehicles, or which is suitable and practicable for the propulsion of motor vehicles upon the public highways."

The mere fact that gas machine gasoline carries the name "gasoline", does not necessarily bring it within this definition, since the definition refers only to such liquids as are commonly known and sold as gasoline, and to such as are pro-