ment evidencing an interest in property" as contemplated by the act.

I am, therefore, answering your question in the negative, that leases and leases with options to purchase, are not subject to taxation under chapter 81 of the Acts of the Indiana General Assembly for the year 1933.

CONSERVATION DEPARTMENT: Whether fish and game laws of Indiana apply to privately owned ponds.

July 5, 1933.

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

Dear Sir:
I have before me your letter of June 30, 1933, asking my opinion upon the following matters:

"Do the fish and game laws of the state apply to private ponds?
"We would appreciate your opinion in the following case: The owner of a certain lake, which lake is privately owned, charges a fee for fishing. Do our fish and game laws apply to the persons so authorized by the owner, when fishing in this lake, in regard to license, bag limit, size and closed season?"

It is generally held that a state has the right to regulate the catching of fish in any "public waters" of the state, or in any private ponds or private bodies of water which are connected with "public waters" of the state. But the legislature cannot regulate the taking of fish from strictly private waters which do not have such connection with "public waters" of the state as to permit the passage of fish from one to the other.

Milton v. State, 221 S. W. 461;
State v. Roberts, 59 N. H. 256;
26 Corpus Juris, p. 624.

A private pond, as distinguished from "public waters" of the state, has been defined as "a body of water wholly upon the lands of a single owner, or a single group of joint owners
or tenants in common, which does not have such connection with any public waters that fish could pass from one to the other," even in times of freshet or high water.

State v. Lowder, 198 Ind. 234.

Accordingly, it is my opinion that the fish and game laws of our state with regard to license, bag limit, size and closed season for fishing, do not apply to persons authorized by the owner of the "lake" mentioned in your inquiry to fish therein, provided it is such a private body of water as is defined by State v. Lowder, supra.

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TEACHERS' RETIREMENT FUND BOARD: Whether teaching service in Germany may be added to teacher's credit.

July 6, 1933.

Hon. Robert B. Hougham,
Executive Secretary,
Teachers' Retirement Fund Board,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of June 28, 1933, in which you set forth the following facts, and your question based thereon:

"I have before me the case of Miss Auguste Knabe, who has had thirty-six years of service as a teacher in the Indianapolis schools. Previous to her service in Indianapolis, she was a teacher in Berlin, Germany, in the Mittleschule for five years. She desires to receive credit for out-of-state teaching for these five years. I find the section of our law covering this point to read as follows: 'In computing years of service, as provided in this act, the board of trustees may include service as a public school teacher rendered outside of the state, not, however, in excess of ten years for such outside service nor for more than one-fourth of the years of service claimed for retirement as a portion of the service necessary before any teacher shall be entitled to be paid any benefits under this act.' I would like to have your opinion as to whether or not this section would apply in this case."