CONSERVATION DEPT.: Who is considered a "resident" of Indiana within the meaning of hunting and fishing license requirements.

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 2, 1933, asking whether a person whose legal residence is in another state, but who owns property in Indiana upon which he pays taxes to this state, must purchase a non-resident license before being authorized to fish and hunt in this state.

The statute under consideration is section 2782 Burns Annotated Indiana Statutes, Supplement of 1929, which reads as follows:

"A license to hunt, fish and trap shall be issued to any resident of Indiana upon the payment of the sum of one dollar to such officer or agent issuing the same. A license to hunt, fish and trap shall be issued to any non-resident of Indiana upon the payment of fifteen dollars and fifty cents to such officer or agent. A license to fish only shall be issued to any non-resident of Indiana upon the payment of the sum of two dollars and twenty-five cents to such officer or agent. A resident of Indiana, within the meaning of this section, shall be a person who is at the time, and who has been continuously for the full period of six months next preceding, a bona fide resident of this state."

The term "residence" has been defined by the courts of this state as "being in a given place with the intention of making it one's home."

McCollem v. White, 23 Ind. 48;
Brittenham v. Robinson, 18 Ind. App. 502;
Pedigo v. Grimes, 113 Ind. 153;
Schmoll v. Schenck, 40 Ind. App. 590.

Clearly, the fact that a person owns property in Indiana and pays taxes in this state on such property does not, of
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