gether with any and all interest which shall have accrued thereon.” (My italics.)

In view of this statement, it is my opinion that such a debt becomes a “direct obligation” of the taxing unit, within the purview of that portion of chapter 11, Acts of 1929, which is quoted above.

Your letter calls attention to the State Sinking Fund for Public Deposits Act (Acts 1932, p. 141), wherein there is a provision that such fund shall become subrogated to the municipality’s right to deposits in closed banks in proportion to the amount in which the municipality is reimbursed out of the fund on account of such deposits. While it is possible that the respective provisions of the sinking fund act, and of the recent act authorizing the municipality to pledge its deposits as security for a loan, might lead to complications when the deposits are released in part or in full by the bank, still this fact does not affect the question now under consideration. The debt incurred under the provisions of chapter 240 of the Acts of 1933, would remain as a “direct obligation” of the taxing unit.

CONSERVATION DEPARTMENT: Fish and game division
—whether it has power to open for musseling certain parts of streams closed by resolution of conservation commission.

October 23, 1933.

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

Dear Sir:

I have before me your letter of October 18, 1933, asking whether or not your department has the power to open for musseling certain short sections of streams now closed by resolution of the conservation commission.

Section 5, chapter 253, Acts of 1927, provides in part as follows:

“The conservation commission is hereby authorized and empowered to prescribe and designate by regulation or order areas or parts of waters of this state as
breeding grounds for mussels from which mussels shall not be taken for such period of time as may be fixed by the commission; * * * Such regulation or order may be revoked, rescinded, amended or modified by said commission at any time, upon publication of notice thereof as aforesaid. * * *" (My italics.)

By chapter 60, Acts of 1919 (p. 375) the conservation commission was created as a non-partisan board of four members, in which was vested the powers and duties of the department of conservation.

Under the authority of the state Executive-Administrative Act (chapter 4, Acts 1933), the conservation commission was abolished, and the executive order effective April 15, 1933, transferred and assigned "the powers, duties and functions" of the conservation department to the department of public works. By the provisions of section 16, chapter 4, Acts of 1933, supra, the department of public works is placed under the control of a "board of department of public works," the membership to be fixed as therein provided.

It is my opinion, that the board of department of public works has the authority, by appropriate procedure as provided in section 5, chapter 253, Acts of 1927, supra, to revoke, rescind, amend or modify any existing order or regulation made by the former conservation commission by which certain areas or parts of waters are now closed to musseling.

I would call your attention, however, to the fact that the executive order above referred to, effective April 15, 1933, does not specifically transfer and assign to the department of public works the powers, duties and functions bestowed upon the conservation commission by chapter 253, Acts of 1927. In the enumeration of the various statutes bestowing upon the department of conservation certain powers, duties and functions which are, by said executive order, transferred and assigned to the department of public works, the latter act inadvertently has been omitted. Although it is my opinion that the transfer is effected by the general terms of the order, I would suggest that an additional and supplemental order be obtained by your department specifically covering the act in question, in order to eliminate any possible controversies or difficulties that might arise on account of its omission.