In view of these provisions in the law, it would appear that the teacher in question *still remains* a tenure teacher, regard-
less of the discontinuance of the subjects which she is licensed
to teach, in the absence of any act of her own, which might
constitute a waiver or abandonment of her tenure rights under
her indefinite contract, unless cancellation has been effected by
the school corporation according to the procedure outlined in
the Act. If cancellation has been legally had, it is my opin-
ion that she is in the same position as any other non-tenure
teacher, and that the tenure status may be regained only by
again teaching five or more successive years in the same school
city corporation or school town corporation, and by entering
into a contract for the sixth year’s service in such corporation.

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**CONSERVATION DEPT.: Authority of conservation depart-
ment, by permit, to authorize trapping of quail for propa-
gation purposes.**

December 18, 1933.

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

Dear Sir:

I have before me your letter of December 16, 1933, which
reads as follows:

“My predecessor in this position granted to Mr. Powel Cros-
ley, Jr., of Cincinnati, Ohio, the authority
to trap quail on his twenty-four hundred acre farm in
southern Indiana.

“The form of permit is enclosed. Have I the power
to grant such a permit?”

The permit attached to your letter authorized “Powel Cros-
ley, Jr., and John Ellers, and all other bona fide employees of
the said Crosley when directed by him” to trap quail, for
propagation purposes only, on lands in this state owned or
leased by the said Crosley, “for and on behalf of the Depart-
ment of Conservation, State of Indiana.” Certain conditions
are attached to the permit, providing that “one-third of the
quail reared to an age of twelve weeks or older, shall be lib-
erated in the State of Indiana by said Crosley in the year
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. Higgens, 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.

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: