

958.

APPROVAL, NOTES OF SEBRING EXEMPTED VILLAGE SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$8,250.00.

COLUMBUS, OHIO, June 16, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

959.

DOGS—OWNER MAY TRAIN DURING CLOSED SEASON—MUST BE NO INTENT TO KILL OR INJURE GAME AND NONE IN FACT INJURED OR KILLED.

SYLLABUS:

The owner of a dog has the right to train his dog during the closed season, providing there is no intent to kill or injure game and that such game is not in fact killed or injured. (Opinion No. 4200 of the Opinions of the Attorney General for 1932 approved and followed.)

COLUMBUS, OHIO, June 17, 1933.

HON. EARL H. HANEFELD, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of a letter from William H. Reinhart, Conservation Commissioner of the State of Ohio, wherein he requests my opinion on the following question:

“Are the owners of other breeds of sporting dogs allowed the same privilege as owners of fox hounds now enjoy or should all dogs be kept out of the fields during the closed season except at field trials which are permitted under paragraph A, Section 1398, General Code of Ohio?”

The question presented by that letter was decided in the case of *State vs. Mohler*, 13 Abs. 682, 44 O. App. 52, wherein it was held that:

“The owner of a dog has the right to train his dog in the field in a closed season for hunting game, but it must be done in such a way that the game will not be injured or brought to a gun for slaughter.”

In view of the holding in that case, further discussion herein becomes unnecessary.

Specifically answering your question, I am of the opinion that the owner of a dog has the right to train his dog during the closed season, providing there is no intent to kill or injure game and that such game is not in fact killed or injured.

Respectfully,

JOHN W. BRICKER,

Attorney General.