

provision of the statute and authorized advertisements for a period of ten days, bids were tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
C. C. CRABBE,
Attorney General.

2578.

APPROVAL, BONDS OF WILLOUGHBY RURAL SCHOOL DISTRICT,
LAKE COUNTY, \$4,000.00.

COLUMBUS, OHIO, June 19 1925.

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

2579.

APPROVAL, FINAL RESOLUTION, ONE ROAD IMPROVEMENT IN
MEDINA COUNTY.

COLUMBUS, OHIO, June 19 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2580.

FISHING LICENSES LAW—PERSONS ANGLING IN WATERS IN THIS
STATE WITH ROD AND REEL REQUIRED TO HAVE LICENSES.

SYLLABUS:

Any person angling in the waters in this state with reel and rod is required to have a license, but for those angling otherwise no license is now required under the provisions of section 1430, General Code.

COLUMBUS, OHIO, June 20, 1925.

*Department of Agriculture, Division of Fish and Game, Hon. D. O. Thompson,
Chief, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date requesting the advice of this department reads as follows:

"Will you please advise me at once if the recently enacted anglers license laws has made any change in the non-resident license.

"It is the opinion of many anglers that a non-resident now will not have to secure a non-resident license if he does not use a rod and reel.

"An early reply will be appreciated in order that we may prepare for putting the law in force."

Former section 1430, General Code, read as follows:

"No non-resident shall take or catch any fish by angling in any of the waters of the state of Ohio, or engage in fishing in such waters without first having procured a license so to do. Said license shall be procured in the manner provided for taking out hunting and trapping licenses. The applicant shall pay to the clerk having authority to issue such license, the sum of two dollars, together with the sum of twenty-five cents, as a fee to the clerk; provided, however, that any person under the age of sixteen years, may take or catch fish by angling without a license. The provisions of the hunting and trapping license section of this state in so far as the same are applicable to licenses shall apply to all licenses issued under this section."

The Edwards-Myers bill, known as senate bill No. 4, recently passed by the general assembly, reads as follows:

AN ACT

"Be it enacted by the general assembly of Ohio:

"Section 1. That section 1430 of the General Code be amended to read as follows:

"Section 1430. Fishing license. No person shall take or catch any fish by angling with reel and rod in any of the waters of the state of Ohio, or engage in fishing with reel and rod in such waters without first having procured a license so to do. Said license shall be procured in the manner provided for taking out hunting and trapping licenses. The applicant shall pay to the clerk having authority to issue such license, the sum of two dollars, if a non-resident, and the sum of one dollar if a resident of Ohio, as a license fee therefor, together with the sum of twenty-five cents if a non-resident and ten cents if a resident, as a fee to the clerk; providing, however, that any person under the age of eighteen years may take or catch fish by angling without a license. The provisions of the hunting and trapping license fee section of this state in so far as the same are applicable to the license fees herein provided for shall apply to all licenses under this section; provided, however, that in addition to the clerk of courts, village and township clerk, the chief of the fish and game division be empowered to permit responsible persons in each municipality, village and township to issue fishing licenses. All money derived from such licenses are hereby appropriated for the use of the director of agriculture for the protection, propagation and preservation of fish, including the establishment, operation and maintenance of fish hatcheries, the leasing, purchasing or otherwise acquiring title to land for said hatcheries, constructing fish chutes and dams and such other methods of fish propagation and fish culture as shall be approved by the said director. Owners of lands over, through, upon or along which any water shall flow or stand, together with the members of the immediate families of such owners, shall have the right to take or catch fish of the kind

lawfully permitted to be taken or caught therefrom, without procuring the license herein provided for; and provided that such exemption from the license herein provided for shall extend to tenants actually residing upon such lands, and to the members of the immediate families of such tenants. Whoever violates any of the provisions of this section shall be fined not less than twentyfive dollars or more than two hundred dollars and the cost of the prosecution.

“Section 2. That original section 1430 of the General Code be, and the same is hereby repealed.”

Under original section 1430, General Code, non-residents only were required to have a license when

“Taking fish by line in hand or rod in hand, with not more than three baited hooks attached thereto, or with lure with not more than three sets of three hooks each attached thereto.”

as fishing or angling is defined in section 1390, General Code.

New section 1430, General Code, as quoted herein, makes no distinction between residents and non-residents, except in the amount of the license fee and the clerk's fee that is charged for a license for taking or catching fish “by angling with reel and rod in any waters in the state of Ohio.”

Non-resident is defined in section 1390, General Code, as:

“Any person who is a citizen of the United States and has not resided in the state of Ohio for a period of ninety days or more next preceding the date of making application for license.”

Resident is also defined as one who is a citizen of the United States and who has resided in Ohio for not less than ninety days next preceding the date of his application for a license.

New section 1430, General Code, says:

“No person shall take * * * fish by angling with reel and rod, etc.”

Former section 1430, General code, said:

“No non-resident shall take * * * fish by angling,” etc.

It is evident that a license must be had by all persons who fish with reel and rod whether resident or non-resident in Ohio, unless they are persons who come within the exceptions found in the new section, i. e., persons under eighteen years of age, or persons owners of the land along the streams or other water, members of their immediate families, or tenants actually resident on such land.

Anyone using a pole and line without a reel, or using a hand line may fish in this state without first having procured a license under the terms of new section 1430, General Code.

Answering your inquiry, you are advised that a license is required only for anglers who fish with reel and rod whether residents or non-residents of the state.

Respectfully,

C. C. CRABBE,

Attorney General.