

Board of Commissioners, Cascade County, 89 Mont. 37, 296 Pac. 1; *Nichols v. School District No. 3 of Ravalli County*, 87 Mont. 181, 287 Pac. 624; *London Guaranty & Accident Company v. Industrial Accident Board*, 82 Mont. 304, 266 Pac. 1103; *Ex parte Naegele*, 70 Mont. 129, 224 Pac. 269.)

Opinion No. 90.

Fish and Game—Salmon Eggs.

HELD: Chapter 200, Laws of 1935, does not give the State Fish and Game Commission authority to permit the use of salmon eggs as fish bait.

April 26, 1935.

Mr. J. W. Carney
State Game Warden
The Capitol

This will acknowledge receipt of your letter of April 16, in which you ask us to advise you if Chapter 200, Laws of Montana, 1935, gives the State Fish and Game Commission authority to permit the use of salmon eggs as fish bait.

Nothing that is said in Chapter 200, *supra*, either expressly, or by necessary implication, repeals or amends Section 3694, R. C. M. 1921, as amended by Chapter 162, Laws of Montana, 1931, which provides: "That from and after the twentieth day of May, 1931, it is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any limitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters of this State any salmon eggs or other fish spawn, or any limitation or substance prepared therefrom, as a fish bait or fish lure."

This being true, your question must be answered in the negative. (*State v.*