

hatcheries, nursery ponds, or game farms; (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; (c) For public hunting, fishing, or trapping areas to provide places where the public may hunt, trap, or fish in accordance with the provisions of law or the regulations of the commission; (d) To extend and consolidate by exchange lands or waters suitable for the above purposes; (e) To capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes, or to exercise control measures of undesirable species. * * *

Under authority of this provision we do not think there is any question but that the commission is authorized to spend department funds in the purchase or acquisition of land for wild life restoration purposes.

Opinion No. 5.

Fish & Game Commission—Powers.

HELD: The Fish & Game Commission has power to spend department funds in the purchase of lands for wild life restoration purposes.

December 27, 1938.

Mr. J. A. Weaver
State Fish and Game Warden
The Capitol

Dear Mr. Weaver:

You have submitted the following:

“In connection with an acquisition of land under the Pittman-Robertson Act it is necessary that this department secure an opinion from you to the effect that this Commission is authorized to spend department funds for wild-life restoration purposes.”

Section 3653 R. C. M. 1935 expressly provides that the fish and game commission shall have the following powers:

“ * * * It shall have authority to acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes: (a) For fish