July 12,1938.

Mr. W. H. Sawtelle,
State Game Warden,
Arizona Game and Fish Commission,
Phoenix, Arizona.

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ARIZONA ATTORNEY GENERAL

Dear Mr. Sawtelle:

We have your letter of July 10th relative to the proposed purchase of an existing lease of certain lands and waters known as Page Springs, enclosing the following papers:

Bill of Sale from Arizona Trout Company

Authorization by Stock Holders

Authorization by Board of Directors

Assignment of Lease by Arizona Trout Company

Agreement by State to purchase

Proposed Lease between the State and James Page.

We have examined the above instruments and find that they are in correct form.

As to the validity of the purchase of a lease, or the entering into of a lease of lands and waters for the purpose of operating a fish hatchery, it is the opinion of this office that your Commission has power to purchase such existing leases from the lessee or to enter into new leases with the owners of land on which the Commission desires to establish a hatchery. Although Section 2, Chapter 93, Laws of 1933, provides only for the acquisition of lands and waters for the use of fish hatcheries by purchase, gift or condemnation, we believe that it was the intent of the Legislature in enacting the Game and Fish Preservation Laws, to give the Commission broad powers in the matter of establishing and operating hatcheries for the propagation of fish, and that although the above quoted section does not specifically grant the power to deal in leases, and sets out the manner of acquisition of land for hatcheries, it is the opinion of this office that the rule of statutory construction that the enumeration of certain things, or the manner of doing certain things in a statute will operate

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to exclude all other things or all other manner of doing certain things, does not apply in the instant case. However, inasmuch as it seems to be the policy of your Commission to lease lands for the purpose of establishing hatcheries and for other purposes enumerated in the Game and Fish Preservation Laws, we believe that it would be well to remove any doubt as to the latitude of the statute in the matter of leasing lands for such purposes, by having the next Legislature amend the act so as to include that power specifically.

Very truly yours,

JOE CONNAY,
Attorney General.

E. P. CLIN ,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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