

Game and Fish—Number That May be Caught by One Person in One Day—Statutory Construction.

Not more than 50 game fish should be taken in one day irrespective of their weight.

Not more than 25 pounds of fish gross should be taken in one day irrespective of the number.

M. L. Parcells, Esq.,
County Attorney,
Columbus, Montana.

My dear Mr. Parcells:

You have asked for my interpretation of that part of Section 14 of Chapter 238 of the Laws of 1921, relating to the number of game fish that may be caught by one person in one day.

The second paragraph of Section 14 reads as follows:

"It shall hereafter be unlawful for any one person to catch from the public waters of this state more than fifty fish with a gross weight of more than twenty-five pounds of any of the variety of fish designated herein, as game fish, or more than ten of any such game fish which are less than six inches in length in any one day. It is hereby declared to be the intention of this Act to provide that fifty fish with a gross weight of not more than twenty-five (25) pounds of any or all of the game fish shall constitute the limit for a day's fishing. It shall be unlawful for any person to be in possession of more than fifty fish or more than twenty-five pounds gross weight of any kind of game fish at any one time."

While there might possibly be a difference of opinion with reference to the first part of said paragraph, as to whether more than 50 fish might legally be taken, provided their gross weight did not exceed 25 pounds, the last sentence removes any doubt as to the meaning of this paragraph.

It unquestionably was the intention of the Legislature that not more than 50 game fish should be taken in one day irrespective of their weight, and that no more than 25 pounds gross should be taken in one day irrespective of their number.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.