

Game Law License—Guide's License.

One who accompanies a party of hunters from a given point in the State of Montana across the state line into Idaho under contract to act as a hunter's guide in the State of Idaho, and does not act as such hunter's guide within the State of Montana, is not liable for the payment of a guide's license within Montana. If, however, such party does any hunting within the State of Montana the guide is liable for the payment of a license, though their expressed intention was to hunt only in the State of Idaho.

Helena, Montana, Oct. 27, 1905.

Hon. W. F. Scott, State Game Warden, Helena, Montana.

Dear Sir:—I am in receipt of your letter of the 24th instant, submitting the following question: "Does a man who starts with a hunting party, as guide, from a given point in this State, with the intentions of taking such party into the State of Idaho and where it consumes several days to travel overland through hunting country to reach the Idaho line, and where said guide's compensation begins with the time he leaves the starting point until he reaches the same on his return; does this man come within the provisions of Senate Bill No. 30, session laws 1903, and must he have a guide's license?"

This is largely a question of fact to be determined from the circumstances and evidence of each particular case. If the man acted as a guide for a hunting party within the State of Montana he is liable for the payment of the license. If, however, he was merely hired in the State of Montana for the purpose of guiding a hunting party in the State of Idaho, and did not act as such guide within the State of Montana, he is not liable for the payment of such license, though he may have accompanied the party on its travel from a point in Montana across the state line into Idaho, for he would then be merely traveling with them or acting as a traveler's guide. If the party did any hunting whatsoever within the State of Montana, under his guidance, he should first procure the license; and if it is found that the party traveling under his guidance have done any hunting within the State of Montana, the guide who was conducting them through the State without a license is guilty of a misdemeanor, notwithstanding the expressed intention of the party to hunt only within the State of Idaho.

Respectfully submitted,

ALBERT J. GALEN.

Attorney General.