

Constitutional Law.

Chapter 130, session laws 1909, is valid and constitutional, there being no conflict between said law and section 1970, revised codes.

Helena, Montana, March 10, 1910.

Hon. Henry Avare,
State Game Warden,

Dear Sir—

I am in receipt of your letter of March 10, requesting my official opinion as to the validity and constitutionality of chapter 130, session laws of 1909.

This question was taken up verbally with this office by Mr. D. H. Morgan, deputy game warden, and the question then presented was as to whether chapter 130, section 2, was in conflict with section 1970, revised codes. After comparing said section 1970, revised codes, with chapter 130, session laws of 1909, I believe that the latter law is entirely constitutional and valid.

A bona fide resident is defined by section 1970, and chapter 130 alludes specifically to said section, but provides an exception in the mat-

ter of license fees charged where the applicant, even though he may be a bona fide resident, is not a citizen of the United States and has not declared his intention to become such.

I believe, therefore, that the fishing license of \$5.00, and also the big game license of \$25.00, and the limited license of \$10.00, provided for by section 130, can be collected, and that you will not encounter a successful defense to a violation of this act through conflict with section 1970, revised codes.

Section 3, of chapter 130, amends section 1977, revised codes, and does not make any specific allusion to non-citizens. However, you will notice that this section refers to resident hunting and fishing licenses, and the manner in which they may be procured without appearing in person before the officer authorized to issue them, and I think the courts would construe said section 3 so that the same might be read in connection with section 2 of said chapter 130.

Very truly yours,

ALBERT J. GALEN,

Attorney General.