

**Fishing Licenses, When Alien May Procure — Alien,
When Entitled to Fishing License.**

When aliens are entitled to fishing licenses and to what class they belong.

June 24, 1920.

Mr. A. A. Alvord,
County Attorney,
Thompson Falls, Montana.

Dear Sir:

The State Game Warden has advised me that Deputy Game Warden Anderson has made complaint to you that one M. Johnson, an alien but resident of the state, has been fishing under a Class A or resident citizen's license, and that you have refused to prosecute him for the reason that he is a resident of the state having resided within the state for two years, further advising me that he believes that you have refused to prosecute for the reason that you have construed the law to mean that a resident, altho an alien, may fish under a Class A license, and he has requested me to write you regarding the matter.

The provisions for hunting and fishing licenses are found in Chapter 173, Session Laws of 1917, and provide for four different classes of licenses. While each provision for a license is not very clear, examining and construing them together, I believe there can be no question but what the meaning is entirely clear. As I construe these several provisions licenses must be procured as follows:

Class A license to fish and hunt both large and small game; By every person who is both a citizen of the United States and a resident of this state; by every person who is a resident of this state who is not a citizen of the United States, but who has declared his intention to become such citizen and either owns real estate within the state, or has made a bona fide homestead filing on not less than forty acres under the Hunted States homestead laws. A person who is not a citizen of the United States, even tho he has declared his intention to become such citizen, is not entitled to fish under such a license, even tho he owns real estate within this state and is a resident of the state. The fee for this license is \$1.50.

Class B license for fishing only: By every person who is not a citizen of the United States, even tho he is a resident of this state, unless he has declared his intention to become a citizen of the United States and owns real estate within the state or has made a bona fide homestead filing on not less than forty acres of public land, but if he has declared his intention to become a citizen of the United States and is a resident of this state and either owns real estate in this state or is a bona fide homestead entryman, then he may procure a Class A license. The fee for a Class B license is \$5.00.

Class C license to fish and hunt both large and small game; By every person who is a citizen of the United States but a non-resident of this state. If the license is to fish and hunt small and feathered game, the fee is \$15.00, if to fish and hunt both large and small game, the fee is \$50.00.

Class D license to fish and hunt both large and small game; By every person who is both an alien and a non-resident of this state. The fee for this license is \$50.00.

If Johnson is a resident of the state, but is not a citizen of the United States, and owns no real estate within this state, or has not made a homestead entry on at least forty acres of public land, he is not entitled to fish on a Class A license, even tho he has declared his intention to become a citizen, but must procure a Class B. license.

Respectfully,

S. C. FORD,

Attorney General.