

**Opinion No. 225****Fish and Game—Licenses—Aliens  
—Japanese.**

HELD: A resident fishing license may not issue to an alien Japanese, ineligible to citizenship.

May 31, 1933.

You request my opinion on the right of an alien Japanese, ineligible to citizenship, to secure a resident fishing license.

The law appears to be plain that such a license cannot issue. Sec. 3685, R. C. M. 1921, provides in part: “\* \* \* said applicant, if an alien, resident or non-resident, shall pay to the officer \* \* \*” said fees for licenses described in that paragraph. As the language is certain and definite, that paragraph must control, and an alien must comply with its provisions and not the provisions in relation to resident licenses, which provisions also state that they apply to “said applicant if a resident of the State of Montana and a citizen of the United States.”

The fee required from aliens and not the fee required from resident citizens must therefore control in this case.