

residing upon the lands in the Fort Peck area, within the borders over which the War Department has assumed exclusive jurisdiction, do not become residents so as to entitle them to register and vote in Valley County, Montana.

This is to advise that in our opinion Mr. Dignan is correct in his statement, and that employees of the United States government, residing within the Fort Peck area, do not gain residence so as to entitle them to vote in Valley County. I wish to call your attention to the last paragraph of the opinion recently given to Mr. Dignan by this office on the subject of taxation. The exclusive jurisdiction of the United States extends only to such lands as were purchased by the United States, with the consent of the state.

That persons residing on such lands do not thereby gain a residence for the purpose of voting in Valley County, is supported by *Sinks v. Reese*, 19 Ohio St. 306, 2 Am. Rep. 397. The United States Supreme Court in *Leavenworth R. R. Co. v. Lowe*, 114 U. S., 525 at pp. 532, 536, said of this case: "And it was held that, upon the purchase of the territory by the United States, with the consent of the legislature of the State, the general government becomes invested with the exclusive jurisdiction over it and its appurtenances in all cases whatsoever; and that the inmates of such asylum resident within the territory, being within such exclusive jurisdiction, were not residents of the State so as to entitle them to vote, within the meaning of the Constitution, which conferred the elective franchise upon its residents alone."

See also 6 Opinions of Attorney General (U. S.) 577, in the case of the Armory at Harper's Ferry, Virginia, and 10 Opinions of the Attorney General (U. S.) 35, in the case of the New York Post Office site.

It is understood, of course, that while persons do not gain a residence in Valley County for the purpose of voting, this does not mean that such persons lose such legal residence as they may have acquired in other jurisdictions by reason of residing in such area.

Opinion No. 281.

Elections—Qualifications of Electors —Fort Peck—Federal Reservations.

HELD: 1. Persons residing upon lands in the Fort Peck area, within the borders over which the War Department has assumed exclusive jurisdiction, do not become residents so as to entitle them to register and vote in Valley County Montana.

2. Such persons, however, by residing in the Fort Peck Reservation, do not necessarily lose such legal residence as they may have acquired in another jurisdiction.

May 9, 1936.

Mr. H. R. Bjorklund
Clerk and Recorder
Glasgow, Montana

This will acknowledge receipt of your letter of May 6, 1936, in which you state that Mr. Dignan, your County Attorney, advises you that anyone