

**Indian Reservations—School Census—Apportionment.**

All white children upon reservations, and the children of Indians who have severed their tribal relations, are entitled to attend the district schools of the county, and such children should be counted in the school census of the district in which they reside. Apportionment to such school district should be based upon such census.

March 17, 1905.

Phil I. Cole, Esq., County Attorney, Chouteau, Montana:

Dear Sir:—Your letter of the 13th instant, asking opinion of this office, to hand. It appears that the Clerk of School District No. 9, of your county, made a census of the school children in the district, including all children of school age living upon the Blackfeet Indian Reservation, and you now ask if said school district is entitled to have the children of such census, residing on said reservation, included by the superintendent in making per capita apportionment of the general school funds.

It is an established principle of law that white people living upon reservations embraced within the boundaries of a county must pay taxes upon their property, including taxes for school purposes, and such children therefore have the right to attend the public schools of such county. And it therefore follows, of course, that where the parents of children are liable to taxation for school purposes, and their children are entitled to the privilege of attending school, that all such children should be enumerated in the school census of the district in which they reside, and that the district is entitled to its share of the school moneys, as shown by such census. However, the above opinion applies only to children of white parents, and of such Indians as have severed their tribal relations. The education of children of Indians who are still wards of the United States Government is provided for by the national government, and all such children should not be included in the school census of said district, and the school district is not entitled to any apportionment of school funds for such Indian children.

Yours very truly,

ALBERT J. GALEN,

Attorney General.