

Indian Reservations, Contagious Diseases On. Board of Health, Jurisdiction Over White Persons on Indian Reservations.

A white person residing on an Indian reservation is entitled to the same care and protection from the county authorities as if he resided at some point in the county not on the reservation.

State and county boards of health have jurisdiction over white persons residing on Indian reservations.

Helena, Montana, Sept. 27, 1907.

Hon. John L. Slattery,
County Attorney,
Glasgow, Montana.

Dear Sir:—

Your letter of the 12th inst. received, in which you request an opinion upon the following question.

A white man residing upon Fort Peck Indian Reservation is reported to have typhoid fever. Should the county take charge of such patient who resides on an Indian reservation situated within the limits of the county?

It has been repeatedly held that property of persons, not Indians, situated upon a reservation is subject to assessment and taxation.

See:

Coster et al. vs. McMillian, 22 Mont. 484.

Moore vs. Veason, 51 Pac. (Wyo.) 875.

It has also been held that by the Enabling Act of Montana "it was not intended to deprive the State of the power to punish for crimes committed on a reservation or Indian lands by other than Indians or against Indians."

Draper vs. U. S. 164 U. S. 247.

From the above authorities it is clear that persons other than Indians, residing upon Indian reservations, must pay county and State taxes. It is also well settled that should such persons violate any of

the quarantine laws or police regulations of the State enacted for the preservation of the health and prevention of the spread of contagious diseases that they would be subject to punishment under the State laws.

Therefore, in our opinion, a white person residing upon an Indian reservation is entitled to the same treatment and to the same care and attention on behalf of the county authorities as he would be entitled to if he resided elsewhere in the county.

Therefore, if the man mentioned in your letter is such that he would be a county charge, or entitled to receive treatment from the county health officer, if he resided in some other part of the county than on the reservation, the fact that he resided on the reservation would not deprive him of the same care and treatment from the county. In other words, white persons residing on Indian reservations are under the jurisdiction of the State and county boards of health as defined in Chapter 110 of the Laws of 1907.

Very truly yours,

ALBERT J. GALEN,

Attorney General.