

Deaf and Blind School, Admission of Indian Children. Indian Children, Admission to Deaf and Blind School.

Indian children living on a reservation are wards of the government and are not citizens of this state and their parents do not pay taxes, therefore they should pay their tuition and board if admitted to the school the same as non-resident children.

Helena, Montana, August 22, 1908.

Hon. L. E. Milligan,
Superintendent Montana School for Deaf and Blind,
Boulder, Montana.

Dear Sir:—

Your letter of the 19th inst. received, in which you request an opinion on the following question:

“Are deaf and blind Indian children of school age who reside on the various Indian reservations in the state entitled to be admitted to their board and tuition in the state school for deaf and blind, or should they be admitted on the same footing as pupils from other states on the payment of board and tuition?”

Section 1169, Revised Codes (Section 2343, Political Code), provides for the admission of non-residents of the state to the deaf and blind school. Subdivision 11 of Section 482 of the Revised Codes (Section 1211, Political Code), provides that “any person living upon an Indian or military reservation shall not be deemed to be a resident of the state of Montana within the meaning of this chapter unless such person has acquired a residence in some county of the state prior to taking up his residence upon such Indian or military reservation.” As Indian children living upon reservations are wards of the government, in our opinion they are not residents of the state of Montana and therefore must comply with the provisions of said Section 1169 of the Revised Codes in order to be admitted to the deaf and blind school of the state of Montana.

Indian children are not subject to taxation and therefore contribute nothing towards the maintenance of this school and are no more entitled to the free benefits of the school than are residents of other states.

Yours very truly,

ALBERT J. GALEN,
Attorney General.