

Flathead Reservation, Form of Indemnity Selections on Board of Land Commissioners, to Make Selections on Flathead Reservation.

The law providing for the opening of the Flathead Indian Reservation requires that indemnity selections for the state be made by the governor, but as he is a member of the state board of land commissioners the usual form of indemnity selections is sufficient.

Helena, Montana, February 7, 1910.

Hon. F. H. Ray,
Register,
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of February 2, 1910, with which you

enclose a form used by you in indemnity school land selections, and asking if, in my opinion, it is a proper form to be used in making selection of lands in the Flathead Indian Reservation.

Section 8 of the original act relating to the opening of the Flathead Indian Reservation, (33 Stat. 302), provides that indemnity selections shall be made by the governor of the state of Montana, with the approval of the secretary of the interior.

The Montana statute provides that indemnity selections shall be made by the board of land commissioners. However, reference to section 4, article XII., of the constitution of the state of Montana, and section 2152, revised codes, shows that the governor is a member of the board of land commissioners and the form which you submit indicates that his name will appear as one of the board making indemnity selections.

I therefore think that the form in present use, which has been approved by the department of the interior, in making lieu selections, under the Enabling Act, is sufficient under the act of April 23, 1904, relating to the opening of the Flathead Indian Reservation.

Very truly yours,

ALBERT J. GALEN,

Attorney General.