

**License Fee, for Hunting by Indian. Flathead Indians, Residents of State. Hunting and Fishing, Indians Must Obtain Licenses. Indians, Must Obtain License to Hunt.**

Indians residing in what was formerly the Flathead Indian reservation in Montana are residents of the state, and must obtain license to hunt and fish the same as other citizens.

August 15, 1910.

Mr. Henry Avare,  
State Game Warden,  
Helena, Mont.

Dear Sir:—

Replying to your request for an opinion as to whether or not Indians are required to obtain a license before they may be permitted to hunt or fish within the bounds of what was formerly the Flathead Indian Reservation in the State of Montana, I will say:

By the act of Congress, April 23rd, 1904 (33 U. S. St. L. P. 302) all of the Flathead Indian Reservation situate within the State of Montana, was directed to be surveyed for the purpose of being disposed of under the general provisions of the homestead, mineral and town site laws of the U. S., to be opened to settlement and entry by the proclamation of the President; the President's proclamation has heretofore been issued and the land embraced within said reservation opened to settlement under provision of this act. By the act referred to, and the President's proclamation the Flathead Indian Reservation was abolished.

Section 1976, Laws of Montana 1907, as amended by an act of the eleventh legislative assembly provides:

"Every person who is a bona fide resident of the State of Montana, under the provisions of Section 1970 of this Code, who desires to hunt, take, kill or catch any of the game, animals or game birds, and desires to take, kill or catch any fish in any of the streams of this State, must first obtain a license therefor by paying the officer issuing such license the sum of one dollar."

Indians residing within the former limits of the Flathead Indian Reservation in the State of Montana are residents of this State.

Since the Flathead Indian Reservation was abolished I am of the opinion that any Indian or other person desiring to hunt or fish within the bounds of what was formerly the Flathead Indian Reservation in the State of Montana, is required to first obtain a license under the provisions of Section 1976, above quoted.

Yours very truly,

ALBERT J. GALEN,  
Attorney General