

Indians, Status of as Citizens. Notarial Commission, Right of Indian to Hold. Indians, right of to Vote.

An Indian of the Crow Tribe who takes part in the transaction of the business of his tribe, and who receives money from the tribal funds, may not vote at general or school elections, and may not hold a notarial commission in this state.

June 30th, 1913.

Hon. C. F. Gillette,
County Attorney,
Hardin, Montana.

Dear Sir:

Under date of the 25th inst. you propounded the following question to this office, with the request that an opinion thereon be rendered, viz:

"Can an Indian holding land in fee patent under the act of February 8th, 1887, who still takes part in the transaction of business of the Crow tribe of Indians and who receives money from the tribal funds vote at the general and school elections and hold a notarial commission?"

As to the rights of Indians who have not severed their tribal relations and who are still wards of the government to vote, this office has held (Opinions Attorney General, 1905-06, p. 352) that such right does not exist. As to the right of such Indians to hold notarial commissions, Sec. 2 of Chap. 103, Session Laws of the Eleventh Legislative Assembly, fixes the qualifications of notaries public. This section provides that an applicant at the time of his appointment must be a citizen of the United States and of the State of Montana for at least one year preceding his appointment, and must continue to reside within the State of Montana. This office has held a number of times that Indians residing upon an Indian reservation and who have not severed their tribal relations are not citizens of this state, even though such Indians take land in fee under the act of February 8th, 1887. (Opinions Attorney General, 1910-12, 109; Idem. 1903-10, 413.) It follows, therefore, that the class of Indians named are neither entitled to exercise the elective franchise in this state, nor are they entitled to act as notary public.

Yours very truly,

D. M. KELLY,
Attorney General.