

**Oil Lands, Taxation of. Taxation, of Oil Lands. Oil Locations, Nature of.**

Oil lands upon the public domain are subject to the same rules as entry and patent as placer claims are, under the federal law. They are, therefore, subject to the same laws in regard to taxation, and since a placer claim is taxable only after patent is issued from the government at the price paid therefor to the government, mere oil locations are not taxable even though made previous to the first Monday of March of any year.

March 30th, 1914.

Hon. Martin W. Flasted,  
County Attorney,  
Ekalaka, Montana.

Dear Sir:

I am in receipt of your communication under date of the 16th instant, submitting for my opinion the two following questions:

1. "Can oil locations be assessed when recorded after the first Monday of March?"
2. "Can oil lands be assessed on oil location certificates where there has not been an absolute deed granted and recorded?"

Oil lands upon the public domain are entered and patent obtained therefor under the laws relating to placer mineral claims, act of February 11th, 1897, Chap. 29, U. S. Stats. at Large, 526. This act of congress putting oil locations in the same class with placer claims would therefore, make them subject to the same laws and rules in regard to taxation to which placer claims are subject. The provisions in

regard to the taxation of such property, are found in Art. XII, Sec. 3, Constitution of Montana.

"All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor."

By this constitutional provision, the state is limited in the taxation of placer claims to the time after purchase thereof from the United States, and under this interpretation, a mere oil location, whether filled previous to or after the second Monday of March, of any year, would not be subject to taxation by this state.

Yours very truly,

D. M. KELLY,  
Attorney General.