

**Fish and Game—Indians—Reservations—Furs—Trapping.**

The state has no jurisdiction over trapping by an Indian on a reservation and as furs taken under a permit from the

superintendent of the reservation are not taken contrary to law, they may be purchased by anyone.

October 17, 1927.

Robert H. Hill, Esq.,  
State Game Warden,  
Helena, Mont.

My dear Mr. Hill:

You have requested my opinion on the following questions:

1. Is it lawful for a company to buy furs before the season opens under the state law from an Indian who holds a trapping permit from the superintendent of the reservation for trapping fur-bearing animals during October and November on the reservation?

2. Is the Indian subject to the state law as regards trapping on his own reservation?

Under the decision of the supreme court of this state in the case of State vs. Big Sheep, 75 Mont. 219, the state has no jurisdiction over that part of an Indian reservation to which the United States government has not relinquished title, nor has the state jurisdiction over an Indian who is still a ward of the government for misdemeanors committed upon this part of the reservation.

It necessarily follows that an Indian may lawfully trap fur-bearing animals on that part of the reservation which is still held by the government under a permit issued by the superintendent of the reservation, and such fur being lawfully obtained, there is no law which prohibits the purchase of the same by any fur buyer.

From the foregoing, it is my opinion that your second question must be answered in the negative.

Very truly yours,

L. A. FOOT,  
Attorney General.