

one million dollars, the fees to be paid to the Secretary of State for the use of the State shall be at the rate of five cents on each one thousand dollars of par value in excess of one million dollars.

Will you render us a written opinion as to whether there is a difference in estimating the fees on nonpar and par. Should nonpar stock included in the articles with par be estimated the same as the par?

OPINION

In reference to your first inquiry you are advised that there is a difference in computing fees on par and nonpar stock. The fees collectible upon nonpar stock are based upon the number of shares issued.

In reference to your second inquiry, if the aggregate value of par and nonpar stock does not exceed an amount requiring the payment of the minimum fee, the minimum fee of twenty-five dollars should be charged.

Respectfully submitted,

M.A. DISKIN, *Attorney-General.*

HON. W.G. GREATHOUSE, *Secretary of State, Carson City, Nevada.*

247. Elections—Indians' Rights to Vote—Residence Qualification, Indian Reservation—State's Jurisdiction Over—Residence Thereon Sufficient.

(1) Residence for required period upon Pyramid Lake Indian Reservation constitutes residence within State of Nevada.

(2) State courts have jurisdiction over crime committed upon the territory and the same must be considered as within the State for the purpose of establishing residence.

INQUIRY

CARSON CITY, September 28, 1926.

The Constable of Wadsworth Township, Washoe County, Nevada, has requested an opinion upon the following proposition:

Wadsworth Township, Washoe County, Nevada, includes the Pyramid Lake Indian Reservation, which is under the jurisdiction of the United States Government. It is alleged that the township officials of Wadsworth Township have no jurisdiction within the reservation. Under a recent Act of Congress, Indians, under certain conditions, have been given the right to vote. Can such Indians, residing upon the Pyramid Lake Indian Reservation, vote for township officers of Wadsworth Township, Washoe County, Nevada?

I am asking your opinion on this matter for the reason that such an opinion might affect other offices higher than the township offices.

OPINION

The Congress of the United States, by the Citizenship Act of June 2, 1924, gave to Indians the right to vote.

While citizenship was conferred by this Act, in order to vote in the State of Nevada a residence within the State is mandatory under the law. The boundaries of Wadsworth township include the Reservation.

The sole question to be determined is whether a residence upon the Pyramid Lake Indian Reservation constitutes residence within the State of Nevada. To support the theory that such residence cannot be established requires sustaining the contention that the State of Nevada has no jurisdiction and that the United States has exclusive jurisdiction over this territory.

I am of the opinion that a residence upon this reservation is a residence within the State of Nevada.

The Supreme Court of Nevada in the case of *Ex Parte Crosby*, 38 Nev.389, passed upon the authority of the courts of the State of Nevada to punish an individual for the violation of a statute which made it unlawful for an individual to buy fish from Indians of a reservation and transport them to places of market. The party charged with the commission of this crime, at the time of his arrest, was within the confines of the Pyramid Lake Indian Reservation and had in his possession more fish than the law allowed.

Concerning the right of the State to enforce this law on the reservation, the Court stated:

The Pyramid Lake Indian Reservation was definitely created and the lands embraced therein withdrawn from sale or disposition, by order of President Grant on March 23, 1874, some ten years after the admission of this State into the Union. We have been unable to find the existence of any treaty or agreement between the Government and the Pah Utes, or other tribe of Indians, relative to or affecting the territory embraced within this reservation, either prior or subsequent to the admission of this State. The State has by no Act of which we are aware ever relinquished jurisdiction over this territory.

That the state courts have jurisdiction over offenses committed by parties other than Indians on Indian reservations is, we think, well established; and this general rule is not affected by a provision in the Enabling Act of a State taking account of Indian lands or Indian reservations within the territory or providing that such Indian lands should remain under the absolute jurisdiction and control of the Congress of the United States. (*Draper v. United States*, 164 U.W. 240, 17 Sup. Ct. 107, 41 L.Ed. 419.)

In the case of the *United States v. McBratney*, 104 U.S. 621, 26 L.Ed. 869, the Supreme Court of the United States said:

Whenever, upon the admission of a State into the Union, Congress has intended to except out of it an Indian reservation, or the sole and exclusive jurisdiction over that reservation, it has done so by express words. (The Kansas Indians, 5 Wall. 737, 18 L.Ed. 667; United States v. Ward, Woolw. 17, Fed. Cas. No. 16,639.)

The Supreme Court, therefore, having ruled that the state courts have jurisdiction over white persons and offenses committed within the Indian reservation, we must conclude that this decision negatives the theory that such territory is exclusive within the jurisdiction of the United States and, on the contrary, affirm the principle that the officers of the State of Nevada and the several townships therein have jurisdiction to enforce the criminal laws in said territory.

Respectfully submitted,

M.A. DISKIN, *Attorney-General*.

HON. LESTER D. SUMMERFIELD, *District Attorney, Washoe County, Reno, Nevada*.

248. Corporation—Fees for Filing Amendments to Original Articles.

Where corporation files amendment to original articles under section 6 of Corporation law, a filing fee, as provided, must be collected.

INQUIRY

CARSON CITY, November 29, 1926.

Under section 6, chapter 177, "An Act providing a General Corporation Law," the incorporators have a right to modify, change or alter their original certificate of incorporation in whole or in part, which amended certificate of incorporation shall take the place of the original certificate and shall be deemed to have been filed on the date of filing of the original certificate.

Is there any charge for filing such a paper under said section 6 of the above-named law other than for certified copies?

OPINION

In submitting this question you fail to fully quote the provisions of section 6. It appears to me that the plain and unambiguous wording of this section answers your question.

Section 6 provides as follows:

It shall be lawful for the incorporators of any corporation, before the payment of any part of its capital, to file with the Clerk of the county in which copy of certificate of incorporation was filed, and file with the Secretary of State, an amended certificate duly signed by the incorporators named in the original certificate of incorporation, and duly acknowledged or proved as required for certificates of incorporation under this Act,