

Opinion No. 14-1237

May 22, 1914

BY: FRANK W. CLANCY, Attorney General

TO: To Don Antonio A. Vigil, Justice of the Peace, Espanola, New Mexico.

PUEBLO INDIANS.

State courts have jurisdiction in offenses against the law of the state committed by Pueblo Indians.

OPINION

{*99} Last night I received your letter of the 21st of this month, but so late that I could not answer until today.

I cannot find in Art. XXI of the Constitution, to which the Superintendent of the Indians refers, a single word which would deprive the state courts of jurisdiction of the trial of offenses against the laws of the state or of the territory committed by the Pueblo Indians. There is nothing more in that article than a renunciation by the people of the state of all right and title to the lands of the Indians so that those lands should remain subject to the disposition and under the jurisdiction and control of the Congress of the United States; but I do not understand that it means that the Indians themselves are not subject to our laws, especially in matters about which Congress has not enacted any law.

Therefore I advise you that you proceed with the trial of the case brought by the Indian Mayordomo of the acequia against other Indians for having taken water from the acequia against his order. It is probable that the Superintendent will sue out some writ to transfer the business to the Federal court, or will take an appeal to the State District Court, and then we will be able to obtain a definite decision by a competent court upon this point of law.