

**Boilers, Inspection of. Military Reservation, No Jurisdiction of. Jurisdiction of State Government on Military Reservation.**

The state has no authority to compel the inspection of boilers and the licensing of engineers employed by the government

under contract on Fort Missoula Military Reservation.

Helena, Montana, August 26, 1909.

Hon. J. H. Dailey,  
State Boiler Inspector,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 24th instant, submitting the question as to whether you have the authority to inspect steam boilers and to license engineers employed under contract by the government on the Fort Missoula military reservation.

Under the provisions of section 1, article II., of the state constitution, as the same is interpreted by state and federal courts, the United States has exclusive jurisdiction to punish for offenses committed on said military reservation.

State v. Tulley, 31 Mont. 365, and cases there cited.

As the state has no authority to punish for offenses committed on the military reservation, it necessarily follows that we have no authority or way of enforcing a command that our laws relating to the inspection of boilers and the licensing of engineers to be observed in such places.

It is probable that the only way this could be done would be for the federal authorities to require the contractors to comply with the state inspection laws in these matters before permitting them to proceed with their work. In this event you could require, in your judgment, the parties to pay in advance for such inspection.

Yours very truly,

ALBERT J. GALEN,

Attorney General.