

Glacier National-Park. County, Jurisdiction Of in National Park. Roads, Right to Construct in National Park. Highways in National Park.

The county of Flathead has no jurisdiction to lay out or establish public highways within the boundaries of the Glacier National Park.

May 21, 1912.

Hon. Joseph A. Edge,  
Chairman, Board County Commissioners,  
Flathead County,  
Kalispell, Montana.

Dear Sir:

I am in receipt of your letter of the 15th inst., submitting the question:

“What, if any, jurisdiction has the board of county commissioners relative to the construction of roads within the boundaries of ‘The Glacier National Park?’”

“This park was created by act of Congress May 11th, 1910 (36 Stat. at Large 354), specifically defining the boundaries and placing the park under the control of the Secretary of the Interior and giving to him full authority to make rules and prescribe regulations therefor. Under the provisions of Chapter 33 of the Session Laws of the Twelfth Legislative Assembly of Montana, exclusive jurisdiction is ceded to the United States over and within all the territory included with in this park. It is, provided, however, that this jurisdiction does not vest until the United States notifies the Governor of this State that the

general government has assumed the police or military jurisdiction of said park.

**Never Given Notice.**

"This notice, I am informed by the Governor, has never been served upon him but such notice seems to relate only to the general government of the park, and in as much as the United States has assumed jurisdiction over the park apparently in all matters except the arrest and punishment of offenders, which is still left with the State, as evidenced by the appointment of an overseer or superintendent thereof, and as I am informed appropriations have been made and certain government work done in the park, it is my conclusion that the county board does not have jurisdiction to lay out or establish public highways within the boundaries of said park."

Yours very truly,

ALBERT J. GALEN,

Attorney General.