

Boats, Inspection Of in Glacier Park. Waterways, in Glacier National Park, Authority of State Over. Glacier National Park, Under Jurisdiction of Federal Government.

The Federal Government having set aside the territory included within the Glacier National Park, as a park, and the State of Montana having ceded to the Federal Government exclusive jurisdiction over such territory, the state has no authority to make inspection of boats upon the waters within the boundaries of this park.

June 15, 1912.

Railroad Commission of Montana,
Helena, Montana.

Gentlemen:

I am in receipt of your letter of the 13th inst., stating that you have received a communication from Mr. R. H. Chapman, acting superintendent of The Glacier National Park, advising you that the department of the interior has ruled that boats operated on lakes within the limits of the Park must be inspected by the U. S. inspector, and requesting my official opinion as to whether or not the state has jurisdiction to inspect such boats.

In reply I will say that by the Act of Congress, approved May 11th, 1910, creating The Glacier National Park, this park was placed under the exclusive control of the Secretary of the Interior; and by the provisions of Chap. 33, Session Laws 1911, the State of Montana ceded exclusive jurisdiction to the United States over the territory included within the limits of this park, but provided that such jurisdiction should not vest until the United States, through the proper officers, notified the Governor of this State that it assumed police or military jurisdiction over the park. This proviso has never been complied with by any notice to the Governor of this State. However, the government of the United States, under the Act of Congress and the Act of the Legislature of Montana, above referred to, has assumed actual jurisdiction over the park, and made appropriations to cover the expense thereof. While, technically speaking, the state may still have authority to extend its governmental powers over the territory included within this park until such notice is given, yet I am of the opinion that the federal government having assumed actual control of this territory, it would have exclusive authority to make such rules and regulations as it may see fit with reference to boats plying the lakes and rivers within the boundaries of the park.

You are therefore advised that the State of Montana has no jurisdiction to inspect, or make any rule or regulation governing the operation of boats upon the navigable waters within the limits of this park.

Very truly yours,

ALBERT J. GALEN,
Attorney General.