

**Railroad Commission, Authority of. Ferries, Authority of
Railroad Commission Over. Navigable Streams, Ferries on.**

Since Congress has exclusive jurisdiction over navigation whenever it chooses to legislate in relation thereto, the State Railroad Commission has no authority to require inspection or licenses of ferries operating upon navigable streams in this state if such ferries are subject to federal inspection.

July 7, 1914.

Hon. Railroad and Public Service Commission,
Helena, Montana.

Gentlemen:

I am in receipt of your communication under date the 26th ultimo, asking me as to your authority to require licenses from ferry boats operating on the Missouri river below Great Falls. Upon looking into the matter, I find that this office has heretofore passed upon this question in an opinion found in Volume 4 of the Official Opinions of the Attorney General at page 240. The reasoning there given, as to why your commission has no authority, still pertains, to-wit: that the congress of the United States has exclusive jurisdiction over navigation, and that having taken jurisdiction by appointing a federal inspector, the state is without authority to make regulations, inspections or require licenses.

Yours very truly,

D. M. KELLY,
Attorney General.