

**Glacier National Park, Game Warden Has No Authority.
Game Warden, Has No Authority in National Park.**

The game warden has no control over the fish and game within the Glacier National Park.

March 12th, 1913.

Hon. Henry Avare,
State Game and Fish Warden,
Helena, Montana.

Dear Sir:

I beg to acknowledge receipt of your letter under date of the 11th inst., requesting my opinion upon the following question:

"Is it necessary for a citizen of Montana, or another state, to procure a license to fish in the Glacier National Park?"

In reply thereto, I call your attention to the act of congress to establish the Glacier National Park, passed on May 11, 1910, and found in 36 Stats. at Large, 354. Sec. 2 of this act provides:

"That said park shall be under the **exclusive control** of the secretary of the interior, whose duty it shall be, as soon as practicable to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management and improvement of the same, which regulations shall provide for the preservation of the park in a state or nature so far as is consistent with the purposes of this act, and for the care and protection of the fish and game within the boundaries thereof."

The last words of the above quoted provision places the care and protection of the fish and game within the boundaries of the Glacier National Park under the exclusive control of the secretary of the interior. By necessary implication it forbids the State of Montana and the game warden of the State of Montana from exercising any jurisdiction or authority over the fish or game within the said park.

You are therefore advised that you have no control over the fish or game within the Glacier National Park, and that a person desiring to fish therein need comply only with the rules and regulations of the U S. secretary of the interior in regard thereto.

Very truly yours,

D. M. KELLY,
Attorney General.