

**Lands—State Board of Dental Examiners—Jurisdiction—
United States Veterans' Hospital—Federal Reserve—Dentist-
ry.**

Exclusive jurisdiction is ceded to the United States over and with respect to any lands within the limits of the state which shall be acquired by the United States for the purposes described in the federal constitution, and therefore the state board of dental examiners has no control over the practice of dentistry on a federal reserve.

February 3, 1928.

Dr. T. P. Regan,
Helena, Montana.

My dear Dr. Regan:

You have requested my opinion on the following question:

Has the state board of dental examiners any control over the practice of dentistry at the U. S. Veterans' Hospital at Fort Harrison, which is located on the federal reserve?

Section 24, R. C. M. 1921 provides as follows:

"The legislative assembly consents to the purchase or condemnation by the United States of any tract of land within this state for the purpose of erecting forts, magazines, arsenals, court-houses, postoffices, and other needful buildings, upon the express condition that all civil process issued from courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime, may be served and executed thereon in the same mode and manner, and by the same officers, as if the purchase or condemnation had not been made."

Section 25, R. C. M. 1921, further provides:

"Pursuant to article I, section 8, paragraph 17, of the constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States over and with respect to any lands within the limits of this state,

which shall be acquired by the United States, for any of the purposes described in said paragraph of the constitution of the United States, said jurisdiction to continue as long as the said lands are held and occupied by the United States for public purposes; reserving, however, to this state a concurrent jurisdiction for the execution upon said lands of all process, civil or criminal, lawfully issued by the courts of the state, and not incompatible with the cession hereby made; provided, that an accurate map or plat and description by metes and bounds of said land shall be filed in the office of the county clerk and recorder of the county in which the same are situated, and if such lands shall be within the corporate limits of any city, such map or plat shall also be filed in the office of the city clerk of said city; and provided, further, that the state reserves the right to tax all property of any railroad or other corporation having a right of way or location over or upon the said land."

In considering these questions the supreme court of this state held as follows:

"By this section the state gives its consent to the purchase, and exclusive jurisdiction is ceded to the United States over and with respect to any lands within the limits of the state which shall be acquired by the United States for the purposes described in the federal constitution." (State v. Tully, 31 Mont. 365.)

It is therefore my opinion that the state board of dental examiners has no control over the practicing of dentistry on a federal reserve such as the one in question.

Very truly yours,

L. A. FOOT,
Attorney General.