

[APPENDIX 26]

CESSION OF JURISDICTION
BY NEVADA AND ACCEPTANCE
BY UNITED STATES

447

ACT OF NEVADA CEDING JURISDICTION OVER LANDS OF UNITED STATES

An Act ceding the jurisdiction of this State over certain lands owned or to be acquired by the United States and repealing certain acts relating thereto

Approved February 24, 1921.

Sec. 2895. Jurisdiction ceded over United States lands.

Sec. 2896. Civil and criminal process excepted.

Sec. 2897. Jurisdiction does not vest until United States acquires title.

Sec. 2898. Certain acts repealed.

Sec. 2895. Jurisdiction ceded over United States lands.

1. The consent of the State of Nevada is hereby given, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this State which has been, or may hereafter be, acquired for sites for customhouses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purpose of the Government.

The following note is from a case decided under an earlier enactment (Stats. 1885, p. 40):

Under the provisions of article 1, section 8, United States Constitution, land purchased for the purposes therein enumerated ipso facto falls within the exclusive jurisdiction of the United States.

Post offices and Federal courthouses are "needful buildings" under the provisions of said section.

Where a State cedes to the United States exclusive jurisdiction over land purchased as a site for a public building "for all purposes except the administration of the criminal laws of this State," the State has no jurisdiction for the punishment of crimes committed on the purchased land but only the right to execute criminal process thereon for the violation of its laws committed elsewhere within the State. (State v. Mack, 23 Nev. 362, 366, 62 Am. St. Rep. 811, 47 Pac. 763.)

Sec. 2896. Civil and criminal process excepted.

2. The exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby, ceded to the United States for all purposes, except the service upon such sites of all civil and criminal process of the courts of this State, but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands; provided, that an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the Governor of this State.

Sec. 2897. Jurisdiction does not vest until United States acquires title.

3. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal assessment, taxation, or other charges which may be levied or imposed under the authority of this State.

Sec. 2898. Certain acts repealed.

4. Those certain acts entitled "An act ceding the jurisdiction of this State over certain lands owned by the United States," approved January 18, 1883, and "An act ceding the jurisdiction of this State over certain lands to be acquired by the United States," approved February 24, 1885, are hereby repealed.

[Act of February 24, 1921, secs. 2895-2898, Nevada Comp. Laws, 1929.]

THE SECRETARY OF THE INTERIOR,
Washington, D. C., May 19, 1931.

HON. FRED B. BALZAR,
Governor of Nevada,
Carson City, Nev.

MY DEAR GOVERNOR BALZAR: Pursuant to the seventeenth clause of article 1, section 8 of the Constitution of the United States, and to section 2897 of the Nevada Compiled Laws, 1929, there is attached hereto for filing in your office an accurate description and plat or diagram showing lands embraced within the Boulder Canyon project Federal Reservation in Clark County, Nev., the establishment of which is hereby declared, effective the date on which this letter and its accompanying enclosures are filed in your office. This reservation is established in order to facilitate the construction and operation of the Hoover Dam, power plant and appurtenant works authorized by the Boulder Canyon project act of December 21, 1928. (45 Stat. 1057.)

Within the area described on said plat or diagram exclusive jurisdiction shall be exercised by the United States for all purposes except the service of civil and criminal process of the courts of the State of Nevada, as duly authorized by law.

The reservation hereby established is supplemental to the withdrawals of public lands heretofore made under the provisions of the said Boulder Canyon project act and of the reclamation law, and the filing of said plat and description and the establishment of said reservation shall not be construed as a restoration of any public lands heretofore so withdrawn or as an abridgement of the rights of the United States under such withdrawals.

This letter and accompanying plat will be delivered to you by Chief Engineer R. F. Walter, of the Bureau of Reclamation, who will be glad to give you any details desired concerning plans of construction or any related matters.

In the prosecution of this work I hope to have the cooperation of yourself and of the other officials of your State. Any helpful suggestions pertaining to this work will be welcomed and deeply appreciated.

Very truly yours,

(Signed)

RAY LYMAN WILBUR.

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, May 26, 1931.

HON. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR SECRETARY WILBUR: This will acknowledge receipt at the hands of Chief Engineer R. F. Walter, of the Bureau of Reclamation, of your letter of May 19, with accompanying map of the Boulder Canyon project Federal Reservation in Clark County, Nev., which last has been filed in this office, and transmitted to the Surveyor General of Nevada for recording and filing in that office.

It is noted that within the area described upon said plat or diagram, exclusive jurisdiction shall be exercised by the United States for all purposes except the service of civil and criminal process of the courts of the State of Nevada, as duly authorized by law.

Very truly yours,

F. B. BALZAR, *Governor.*