

within boundaries of state is not sufficient to exclude state from exercising any legislative authority, including its taxing and police power, in relation to property and activities of individuals and corporations within territory, but it must appear that state, by consent or cession, has transferred to United States that residuum of jurisdiction which otherwise it would be free to exercise. *Silas Mason Co. v Tax Com. of Washington* (1937) 302 US 186, 82 L Ed 187, 58 S Ct 233.

Federal government has power to acquire land within state by purchase or by condemnation without consent of state. *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovld on other grounds by *Kleppe v New Mexico* (1976) 426 US 529, 49 L Ed 2d 34, 96 S Ct 2285, 6 ELR 20545) as stated in *Minnesota by Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033, cert den (1982) 455 US 1007, 71 L Ed 2d 876, 102 S Ct 1645, 16 Env't Rep Cas 2216.

United States may lawfully make title to land in one of states by expropriation of eminent domain of such state, and with assent thereof. (1855) 7 Op Atty Gen 114.

#### 14. Acceptance of jurisdiction, generally

Jurisdiction obtained by United States from state by consent or cession may be qualified by agreement or through offer and acceptance or ratification. *Collins v Yosemite Park & Curry Co.* (1938) 304 US 518, 82 L Ed 1502, 58 S Ct 1009.

In view of 40 USCS § 255, no jurisdiction exists in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States has been filed in behalf of United States as provided in said section, and fact that state has authorized government to take jurisdiction is immaterial. *Adams v United States* (1943) 319 US 312, 87 L Ed 1421, 63 S Ct 1122.

Since 1940, Congress has required United States to assent to transfer of jurisdiction over property, however it may be acquired. *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovld on other grounds by *Kleppe v New Mexico* (1976) 426 US 529, 49 L Ed 2d 34, 96 S Ct 2285, 6 ELR 20545) as stated in *Minnesota by Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033, cert den (1982) 455 US 1007, 71 L Ed 2d 876, 102 S Ct 1645, 16 Env't Rep Cas 2216.

Under 40 USCS § 255, which provides that unless and until United States has accepted jurisdiction over lands acquired in accordance therewith, "it shall be conclusively presumed that no such jurisdiction has been accepted." United States' assent is necessary to its exercise of exclusive jurisdiction over lands acquired by it. *United*

*States v State Tax Com.* (1973) 412 US 363, 37 L Ed 2d 1, 93 S Ct 2183.

Missouri had criminal jurisdiction over Mark Twain National Forest, there was no evidence that United States had accepted jurisdiction over lands in way statute requires. *Hankins v Delo* (1992, CA8 Mo) 977 F2d 396.

Mere fact that United States acquires title to property within boundaries of state, which may be acquired irrespective of consent of state, does not necessitate assumption by United States of burdens incident to exclusive jurisdiction. *United States v Thompson* (1941, DC Wash) 41 F Supp 13.

#### 15. —Procedure

Fact that state has enacted statute ceding jurisdiction to United States does not constitute acceptance of jurisdiction by United States as envisioned by 40 USCS § 255, language "or in such other manner as may be prescribed by the laws of the State" does not relate to decision of United States whether it shall or shall not acquire jurisdiction, but to mode by which acceptance is indicated once appropriate officer has deemed it desirable to acquire jurisdiction. *De Kalb County v Henry C. Beck Co.* (1967, CA5 Ga) 382 F2d 902.

40 USCS § 255 authorizing head of department to accept cession of jurisdiction, merely provides method for cession of jurisdiction, and does not limit character or ownership of lands acquired. *United States v Petersen* (1980, DC Cal) 91 F Supp 209, aff'd (1981, CA9 Cal) 191 F2d 154, cert den (1981) 342 US 885, 96 L Ed 664, 72 S Ct 174.

In Secretary of Army's letter of acceptance, omission of word "exclusive" does not signify intent to accept partial jurisdiction; federal jurisdiction was accepted without qualification. *United States v Warne* (1969, ND Cal) 190 F Supp 645, cert den (1969) 372 US 907, 9 L Ed 2d 716, 83 S Ct 716 and aff'd in part and vacated in part on other grounds (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovld on other grounds by *Kleppe v New Mexico* (1976) 426 US 529, 49 L Ed 2d 34, 96 S Ct 2285, 6 ELR 20545) as stated in *Minnesota by Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033, cert den (1982) 455 US 1007, 71 L Ed 2d 876, 102 S Ct 1645, 16 Env't Rep Cas 2216.

Since legislature of state of Ohio has not provided any other manner for acceptance, notice of acceptance of jurisdiction by Federal Government must be filed with Governor of State of Ohio. *Cincinnati v Nussbaum* (1968) 14 Ohio Misc 19, 42 Ohio Ops 2d 359, 233 NE2d 152.

#### 16. —Evidence

In absence of controversy over federal acceptance of jurisdiction, letter from Executive Assistance Administrator of Veterans Administration