In Sutherland Statutory Construction, 3rd Edition, Vol. 1, page 486, Section 2021, the following well established rule of statutory construction applies:

"**An implied repeal of prior statutes will be restricted to statutes of the same general nature, since the legislature is presumed to have known of the existence of prior special or particular legislation, and to have contemplated only a general treatment of the subject matter by the general enactment. Therefore, where the later general statute does not propose an irreconcilable conflict, the prior special statute will be construed as remaining in effect as a qualification of or exception to the general law." (Citing Cases.)

It is, therefore, my opinion that adoption of children from your institution is now controlled by said Chapter 182 of the Acts of 1933, which is a special statute on such subject, and is not affected by the subsequent enactment of the general statute regarding adoption, to-wit: Chapter 146 of the Acts of 1941.

STATE BOARD OF ELECTION COMMISSIONERS: Elections. Right of residents to vote in areas owned and ceded to U. S. Gov't.—Right of residents to vote in areas owned by U. S. Gov't. but not ceded thereto by the State.

March 30, 1944.

Opinion No. 35

Indiana State Board of
Election Commissioners,
Indianapolis, Indiana.

Dear Sirs:

This will acknowledge receipt of your letter dated March 7th, 1944, which reads as follows:

"The State Board of Election Commissioners received the following letter from Clayton L. Rhoade, Clerk of La Porte Circuit Court:

'I should be pleased to have you check the matter of the status of people living within the Kingsbury
Ordnance Plant grounds, and also the status of people living in Kingsford Heights and Maple Terrace, two housing projects within our county.

'Since the Ordnance Plant and these two housing projects belong to the Federal Government there is a question in our minds as to whether or not these people would have a similar voting status as the people of the District of Columbia at Washington, D. C.'

"We would like very much to have an opinion as to the status of the people living within the Kingsbury Ordnance Plant grounds and also the people living in Kingsford Heights and Maple Terrace, two housing projects within La Porte County insofar as their right to register and vote is concerned."

The answer to your question involves the interpretation and construction to be placed upon the following state and federal statutes, to-wit: Burns' 1943 Replacement, Section 62-1001, which reads in part as follows:

"The jurisdiction of this state is hereby ceded to the United States of America over all such pieces or parcels of land within the limits of this state as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting postoffices, customhouses or other structures exclusively owned by the general government and used for its purposes: 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 the state: And, provided further, That this cession is upon the express condition that the state of Indiana shall so far retain concurrent jurisdiction with the United States in and over all lands acquired or hereafter acquired as aforesaid that all civil and criminal process issued by any court of competent jurisdiction or officer having authority of law to issue such process, and all orders made by such court or any judicial officer duly empowered to make such orders and necessary to be served upon any person, may be executed upon said lands, and in the
buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.”

Section 255, Title 40, U. S. C., being the Act of October 9th, 1940, reads in part as follows:

“Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.”

Referring to the Kingsbury Ordnance Plant ground, I beg to advise that the records in the governor’s office disclose that under date of September 7th, 1942, the Secretary of War notified the Governor of Indiana in writing as follows:

“The United States has acquired 13,412.09 acres of land, more or less, located in La Porte County, State of Indiana, for use in connection with Kingsbury Ordnance Plant.

“In compliance with the provisions of an act of the General Assembly of Indiana, approved January 25, 1883 (chapter VII, page 8, Laws of Indiana, 1883) (see also Annotated Indiana Statutes, 1933 (Burns), sec. 62-1001), there is inclosed an accurate description and
plat of such land so acquired verified by the oath of an officer of the United States having knowledge of the facts.

"Notice is hereby given that the United States accepts jurisdiction over this area effective as of the 5th day of October, 1942, at 10:00 a.m. The transfer of jurisdiction has been authorized by virtue of the provisions of the above act, as amended by section 1 of an act of the General Assembly of Indiana, approved March 9, 1901 (chapter 158, page 344, Laws of Indiana, 1901), as amended by section 1 of an act of the General Assembly of Indiana, approved March 11, 1941 (chapter 211, page 641, Indiana Acts, 1941).

"Return of the duplicate copy of this letter, with your indorsement thereon designating time of receipt of this acceptance by your office, would be appreciated."

There is nothing shown upon the plat or in connection with the description of the 13,412.09 acres of land to indicate or disclose whether or not the same included Kingsford Heights and Maple Terrace referred to in your letter, and there is no other notice on file in the Governor's office from any United States officer or head of any governmental department or agency stating that the United States is accepting or has accepted jurisdiction over any tract or parcel of land known and referred to as Kingsford Heights or Maple Terrace.

Therefore, it is apparent that unless Kingsford Heights and Maple Terrace are included within the 13,412.09 acres of land referred to in the Secretary of War's letter of September 7, 1942, no attempt has been made to comply with the Federal statute above quoted insofar as Kingsford Heights and Maple Terrace are concerned.

In order definitely to ascertain whether or not Kingsford Heights and Maple Terrace referred to in your letter are included in the real estate referred to in the Secretary of War's letter of September 7, 1942, I made inquiry to the county assessor of La Porte County as to the location of Kingsford Heights and Maple Terrace, with reference to the Kingsbury Ordnance Plant of 13,412.09 acres. I am in receipt of the following letter dated March 24, 1944:

"In reply to your inquiry of March 22nd, will say that the Kingsbury Ordnance Plant contains 13,412.09
acres. In addition to this, Maple Terrace in Center Township has 56.74 acres, and Kingsford Heights in Union Township has 363.21 acres, as indicated by the enclosed map.

"The United States Government has not, as yet, assumed jurisdiction over Maple Terrace and Kingsford Heights, but pay to La Porte County annually a sum in lieu of taxes."

It thus appears that insofar as Kingsbury Ordnance Plant containing 13,412.09 acres is concerned all of the requirements of both the state and federal statutes above quoted have been fully met. In view of this fact the law applicable thereto is fully stated in the following United States decisions, to-wit: in the case of United States v. Unzeuta, 281 U. S. 138, Chief Justice Hughes says:

"In the present instance, there is no question of the status of the Fort Robinson Military Reservation. Nebraska ceded to the United States its entire jurisdiction over the reservation save in the matter of executing process and opening and repairing roads or highways. * * * The conditions of the cession relating to the execution of criminal process were construed as intended to save the right to execute process within the reservation for crimes committed outside, that is, to prevent the reservation from being a sanctuary for fugitive offenders."

In the case of Collins v. Yosemite Park Company, 304 U. S. 518, Justice Reed says:

"* * * As territorial jurisdiction over the Park was in the United States, the State could not legislate for the area merely on account of the XXI Amendment. There was no transportation into California 'for delivery or use therein.' The delivery and use is in the Park, and under a distinct sovereignty. Where exclusive jurisdiction is in the United States, without power in the State to regulate alcoholic beverages, the XXI Amendment is not applicable."
In the case of Adams v. United States, 319 U. S. 312, Justice Black, speaking for the court in construing the federal statute heretofore quoted, says:

"The act of October 9, 1940, 40 U. S. C., Sec. 255, 40 U. S. C. A., Sec. 255, passed prior to the acquisition of the land on which Camp Claiborne is located, provides that United States agencies and authorities may accept exclusive or partial jurisdiction over lands acquired by the United States by filing a notice with the Governor of the state on which the land is located or by taking other similar appropriate action. The Act provides further: 'Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.' The government had not given notice of acceptance of jurisdiction at the time of the alleged offense." (Our emphasis.)

"* * *

"* * *. The Act created a definite method of acceptance of jurisdiction so that all persons could know whether the government had obtained 'no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction.'"

The last expression of the Supreme Court of the United States upon this subject is found in the case of Walter B. Johnson et al. v. Yellow Cab Transit Company, decided March 13th, 1944. This case involved jurisdiction over Fort Sill, a military reservation within the boundaries of the state of Oklahoma. Justice Black, speaking for the Court, says:

"Petitioners do not claim, nor could they claim, that either of these two separate questions should be decided in their favor on the ground that Oklahoma has power to control liquor transactions on the Fort Sill reservation. * * *. With certain minor exceptions not here material, Oklahoma ceded to the United States in 1913 whatever authority it ever could have exercised in the Reservation." (Our emphasis.)
Under the sections of the statutes above set forth and the facts as disclosed by the records in the governor's office relative to the Kingsbury Ordnance Plant, and the law as established by the authorities above quoted, the exclusive jurisdiction over the enclave known as the Kingsbury Ordnance Plant is vested exclusively in the United States Government. Under such circumstances persons residing within said area, and any other similar area, are for all purposes considered as non-residents of the state. In the following cases it has been expressly held that such persons are not entitled to vote in state elections. See Opinions of the Justices, 1 Met. 580 (Mass. 1841);

Sinks v. Reese, 19 Ohio St. 306 (1869);
In re Town of Highlands, 48 N. Y. 795, 22 N. Y. Supp. 137 (1892);
McMahon v. Polk, 10 S. D. 296, 73 N. W. 77 (1897);
State ex rel. Lyle v. Willett, 117 Tenn. 334, 97 S. W. 299 (1906);

Referring to the areas known as Kingsford Heights and Maple Terrace, it is clearly apparent that no attempt has been made by the United States Government to acquire or accept exclusive, or even partial jurisdiction, over said areas, as required by the sections of the State and Federal statutes, aforesaid. The law applicable to such areas is well settled in the case of Surplus Trading Co. v. Cook, 281 U. S. 647, on page 650, as follows:

"It is not unusual for the United States to own within a State lands which are set apart and used for public purposes. Such ownership and use without more do not withdraw the lands from the jurisdiction of the State. On the contrary, the lands remain part of her territory and within the operation of her laws, save that the latter cannot affect the title of the United States or embarrass it in using the lands or interfere with its right of disposal." (Our emphasis.)
Under such facts and circumstances persons residing within the areas referred to, and any other similar areas in the state, retain their right to vote under state laws. See

Johnson v. Morrill, —— Calif. ——, 126 Pac. (2d) 873;
State ex rel. Parker v. Corcoran, Commissioner, 128 Pac. (2d) 999.

My attention has been called to an opinion of the Attorney General, issued to the State Board of Election Commissioners under date of November 5th, 1938 (see Opinions of the Attorney General, 1938, page 405), holding that inhabitants of C. C. C. camps located in the state of Indiana were not entitled to vote as residents of the precinct, township and county in which the C. C. C. camp was located. As applied to the facts therein involved, I agree with the conclusion therein stated but I do not believe that said opinion is applicable to, or decisive of, the questions presented by your letter.

RULE MAKING POWER OF ADMINISTRATIVE BOARDS.
Standard Rules and Regulations of private or semi-private associations may be adopted by proper reference without copying.

April 3, 1944.

Opinion No. 36

Mr. Joseph L. Quinn, Jr., Acting Director
Division of Environmental Sanitation,
Indiana State Board of Health,
1098 West Michigan Street,
Indianapolis, Indiana.

Dear Mr. Quinn:

I have your letter of March 21st in which you request an official opinion on the following questions:

"1. Can the Administrative Building Council in its Rules and Regulations refer to recognized standards, such as, the American Society of Testing Materials and the American Standards Association?"