

TITLE 16.—CONSERVATION

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THE NATIONAL MILITARY PARKS

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430n. Same; roads; opening or repair; historical markers.
430o. Same; acceptance of donations; disposition of contributions of money.
430p. Same; right of states to enter and mark battle lines.
430q. Same; offenses.
430r. Same; rules and regulations.
430s. Same; appropriation.

NATIONAL MONUMENTS

431. National monuments; reservation of land; relinquishment of private claims.
432. Same; permits to examine ruins, excavations, and gathering of objects; regulations.
433. American antiquities.
434. National monument in Riverside County, California.
435. Same; reservations.
436. Roads and trails; material, equipment, and supplies for.
437. Fort McHenry; restoration and preservation.
438. Same; repairs and improvements; how made.
439. Same; land for use of Secretary of the Treasury.
440. Same; closure in times of national emergency.
441. Badlands National Monument; establishment.
441a. Same; boundaries.
441b. Same; construction of highway by State of South Dakota.
441c. Same; administration; franchises for hotel and lodge accommodations.
441d. Same; examinations, excavations, and gathering of objects of interest within monument.
441e. Same; sections 441 to 441d when in effect.
442. George Washington Birthplace National Monument.
443. Colonial National Monument; establishment; purpose.
443a. Same; location; boundaries.
443b. Same; acquisition of property; condemnation proceedings.
443c. Same; appropriation.
443d. Same; administration, protection, and developments.
443e. Same; civil and criminal jurisdiction; legislative authority of State over monument.
443f. Same; donation of buildings thereafter revenue producing; disposition of proceeds.
444. Petrified Forest National Monument; elimination of private holdings of land within boundaries; exchange of lands.
444a. Same; ascertainment of value of lands offered for exchange; evidence of title.
445. Canyon De Chelly National Monument; establishment; boundaries.
445a. Same; rights and privileges of Navajo Indians therein.

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- 445b. Same; administration by National Park Service; powers and duties.
 446. Sites for tablets at Antietam; care and supervision.
 447. Death Valley National Monument; mining laws extended to.
 447a. Ocmulgee National Monument; establishment; acquisition of property.
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 448. Pioneer National Monument; establishment.
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MISCELLANEOUS

451. Limit on cost of buildings erected in national parks.
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 458. Travel expenses incident to study of battlefields; payment.

THE NATIONAL PARK SERVICE

Section 1. Service created; director; other employees. There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director. The Secretary of the Interior shall appoint the director, and there shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of War, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (Aug. 25, 1916, c. 408, § 1, 39 Stat. 535; Mar. 4, 1923, c. 265, 42 Stat. 1488; Mar. 3, 1925, c. 462, 43 Stat. 1176; June 10, 1933 Ex. Or. 6166 § 2; Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.)

§ 2. National parks, reservations, and monuments; supervision. The director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which on August 25, 1916, were under the jurisdiction of the Department of the Interior, and of the Hot Springs National Park in the State of Arkansas, and of such other national parks and reservations of like character as may be created by Congress. In the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior. (Aug. 25, 1916, c. 408, § 2, 39 Stat. 535; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407.)

§ 3. Same; rules and regulations; timber; leases. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1 and 2 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months or both, and be adjudged to pay all costs of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his

judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations provided for under section 2 of this title, but for periods not exceeding twenty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further,* That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further,* That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing: *And provided further,* That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments. (Aug. 25, 1916, c. 408, § 3, 39 Stat. 535; June 2, 1920, c. 218, § 5, 41 Stat. 732; Mar. 7, 1928, c. 137, § 1, 45 Stat. 235.)

§ 4. Rights-of-way through public lands. The provisions of sections 1, 2, and 3 of this title shall not affect or modify the provisions of sections 79 and 522 of this title, and section 959 of Title 43. (Aug. 25, 1916, c. 408, § 4, 39 Stat. 536.)

§ 5. Rights-of-way through parks or reservations for electrical poles and lines. The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided,* That such right-of-way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such park or reservation falls, and upon a finding by him that the same is not incompatible with the public interest. All or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit, prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms

and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

See subsection (d) of section 797 of this title.

§ 6. Donations of lands within national parks and monuments and moneys. The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system. (June 5, 1920, c. 235, § 1, 41 Stat. 917.)

See section 725s of Title 31.

§ 7. Purchase of supplies or services for National Park Service. The purchase of supplies or the procurement of services by the National Park Service outside the District of Columbia may be made in open market without compliance with sections 5 and 16 of Title 41, Public Contracts, in the manner common among business men, when the aggregate amount of the purchase or service does not exceed \$50. (Jan. 24, 1923, c. 42, 42 Stat. 1215.)

§ 8. Roads and trails in national parks and monuments; construction, etc. The Secretary of the Interior, in his administration of the National Park Service, is authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior. (Apr. 9, 1924, c. 86, § 1, 43 Stat. 90.)

See section 8b of this title.

§ 8a. National-park approach roads; designation. Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national parks roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county. (Apr. 9, 1924, c. 86, § 4; Jan. 31, 1931, c. 79, 46 Stat. 1053.)

§ 8b. National-park approach roads and roads and trails within national parks and national monuments; construction, improvement, and maintenance; appropriation. The Secretary of the Interior is hereby authorized during the fiscal years 1932 and 1933 to construct, reconstruct, and improve national-park approach roads designated under section 8a of this title, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums: \$7,500,000 for the fiscal year ending June 30, 1932; the sum of \$7,500,000 for the fiscal year ending June 30, 1933: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Agriculture may carry out any or all of the provisions of this section: *Provided further*, That not to exceed \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this

section or sections 8a and 8c of this title shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monuments. (Apr. 9, 1924, c. 86, § 5; Jan. 31, 1931, c. 79, 46 Stat. 1053.)

§ 8c. National-park approach roads across or within national forests; approval of Secretary of Agriculture. Whenever any approach road is proposed under the terms of section 8a of this title across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin. (Apr. 9, 1924, c. 86, § 6; Jan. 31, 1931, c. 79, 46 Stat. 1054.)

§ 8d. National monument approach roads; application of sections 8a to 8c. Approach roads to national monuments shall be included within the provisions of sections 8a to 8c of this title under the same conditions as approach roads to national parks, and the limitation therein on the amount of annual allocation of funds to national park approach roads shall be inclusive of such national monument approaches. (Mar. 4, 1931, c. 522, Title I, 46 Stat. 1570.)

§ 9. Exchange of motor vehicles and equipment as part consideration in purchase of new equipment. The National Park Service may exchange, as part consideration, in the purchase of new equipment, motor vehicles, and any other equipment for use in the national parks. (Jan. 24, 1923, c. 42, 42 Stat. 1215.)

§ 9a. Government of parks, etc.; violation of regulations as misdemeanor. The Secretary of War is hereby authorized to prescribe and publish such regulations as he deems necessary for the proper government and protection of, and maintenance of good order in, national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials as are now or hereafter may be under the control of the War Department; and any person who knowingly and willfully violates any such regulation shall be deemed guilty of a misdemeanor and punishable by a fine of not more than \$100 or by imprisonment for not more than three months, or by both such fine and imprisonment. (Mar. 2, 1933, c. 180, § 1, 47 Stat. 1420.)

§ 10. Arrests by employees of park service for violations of laws and regulations. All persons employed in the National Park Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the national forest or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations. (Mar. 3, 1905, c. 1405, 33 Stat. 873.)

§ 10a. Arrest by employees for violation of regulations made under section 9a. The commissioners, superintendents, caretakers, officers, or guards of such national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials, or any of them, are authorized to make arrests for violations of any of the regulations prescribed pursuant to section 9a of this title, and to bring the offenders before the nearest commissioner, judge, or court of the United States having jurisdiction in the premises. (Mar. 2, 1933, c. 180, § 2, 47 Stat. 1420.)

§ 11. Medical attention for employees. The Secretary of the Interior in his administration of the National Park Service is authorized to contract for medical attention and service for employees and to make necessary pay-roll deductions agreed to by the em-

ployees therefor. (May 10, 1926, c. 277, § 1, 44 Stat. 491.)

§ 12. **Aid to visitors in emergencies.** The Secretary of the Interior is hereby authorized to aid and assist visitors within the national parks or national monuments in emergencies, and when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable them to reach safely a point where such food or supplies can be purchased: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit and shall be available for the purchase of similar food or supplies. (July 3, 1926, c. 792, § 1, 44 Stat. 900.)

§ 13. **Medical attention to employees at isolated places; removal of bodies for burial.** The Secretary of the Interior, in his discretion, is authorized to provide, out of moneys appropriated for the general expense of the several national parks and national monuments, medical attention for employees of the National Park Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial. (July 3, 1926, c. 792, § 2, 44 Stat. 900.)

§ 14. **Appropriations; availability where charge made for camp-ground privileges.** None of the appropriations for the National Park Service shall be available for expenditure within any park or national monument wherein a charge is made or collected by the Park Service for camp-ground privileges. (Mar. 7, 1928, c. 137, § 1, 45 Stat. 238; Mar. 4, 1929, c. 705, § 1, 45 Stat. 1602.)

§ 15. **Appropriations for purchase of equipment; waterproof footwear.** Appropriations whenever made for the National Park Service, which are available for the purchase of equipment may be used for purchase of waterproof footwear which shall be regarded and listed as park equipment. (Mar. 7, 1928, c. 137, § 1, 45 Stat. 238.)

§ 16. **Central warehouses at parks and monuments; maintenance; purchase of supplies and materials; distribution.** The Secretary of the Interior, in his administration of the national parks and national monuments, is authorized to maintain central warehouses at said parks and monuments, and appropriations made for the administration, protection, maintenance, and improvement of the said parks and monuments shall be available for the purchase of supplies and materials to be kept in said central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations, and transfers between the various appropriations made for the national parks and national monuments are hereby authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited; and such supplies and materials as remain therein at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of said parks and monuments for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: *Provided*, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year. (Apr. 18, 1930, c. 187, 46 Stat. 219.)

§ 17. **Personal equipment and supplies for employees; purchase by Secretary of Interior; deductions from moneys due employees.** The Secretary of the Interior is authorized to purchase personal equip-

ment and supplies for employees of the National Park Service, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees. (May 26, 1930, c. 324, § 1, 46 Stat. 381.)

§ 17a. **Travel on official business; allowances authorized; motorcycles and automobiles.** The Secretary of the Interior, in his administration of the National Park Service, may authorize the payment of not to exceed 3 cents per mile for a motorcycle or 7 cents per mile for an automobile used for official business, including travel at official stations, when, in his judgment, the expense of travel can be reduced thereby: *Provided*, That he may authorize not to exceed 10 cents per mile for an automobile used in localities where poor road conditions or high cost of motor supplies prevail, and he finds that the average cost to the operator is in excess of 7 cents per mile: *Provided further*, That he may authorize the payment of toll and ferry charges, storage, and towage for such automobiles in addition to mileage allowances. (May 26, 1930, c. 324, § 2, 46 Stat. 382.)

§ 17b. **Services or other accommodations for public; contracts; rates.** The Secretary of the Interior is authorized to contract for services or other accommodations provided in the national parks and national monuments for the public under contract with the Department of the Interior, as may be required in the administration of the National Park Service, at rates approved by him for the furnishing of such services or accommodations to the Government and without compliance with the provisions of section 5 of Title 41. (May 26, 1930, c. 324, § 3, 46 Stat. 382.)

§ 17c. **Procurement of supplies, materials, and special services to aid permittees and licensees in emergencies; authority of Secretary of Interior.** The Secretary of the Interior is authorized in emergencies, when no other source is available for the immediate procurement of supplies, materials, or special services, to aid and assist grantees, permittees, or licensees conducting operations for the benefit of the public in the national parks and national monuments by the sale at cost, including transportation and handling of such supplies, materials, or special services as may be necessary to relieve the emergency and insure uninterrupted service to the public: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit, and shall be available for expenditure for national-park and national-monument purposes. (May 26, 1930, c. 324, § 4, 46 Stat. 382.)

§ 17d. **Traveler's checks and other forms of money equivalent; acceptance in payment of automobile license fees, etc.** The provisions of section 543 of Title 31 shall not be construed so as to prohibit the cashing of traveler's checks or other forms of money equivalent in customary use by travelers, exclusive of personal checks, when tendered in payment of automobile license fees charged at national parks under the jurisdiction of the Secretary of the Interior, or other collections made within the national parks or national monuments. (May 26, 1930, c. 324, § 5, 46 Stat. 382.)

§ 17e. **Care and removal of indigents; disposition of dead persons.** The Secretary of the Interior is authorized, in his discretion, to provide, out of moneys appropriated for the general expenses of the several national parks, for the temporary care and removal from the park of indigents, and in case of death to provide for their burial in those national parks not under local jurisdiction for these purposes; this section in no case to authorize transportation of such indigent or dead for a distance of more than fifty miles from the national park. (May 26, 1930, c. 324, § 6, 46 Stat. 382.)

§ 17f. **Property of employee lost, damaged, or destroyed while in use on official business; reimbursement of employee.** The Secretary of the Interior in

his administration of the National Park Service is authorized to reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of such employee or the Department of the Interior, under authorization, contract, or loan, for necessary fire fighting, trail, or other official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment would be properly chargeable. (May 26, 1930, c. 324, § 7, 46 Stat. 382.)

§ 17g. **Equipment required by field employees; by whom furnished and maintained.** The Secretary of the Interior may require field employees of the National Park Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and he may provide, at Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment so required to be furnished. (May 26, 1930, c. 324, § 8, 46 Stat. 383.)

§ 17h. **Hire, rental, and purchase of property of employees; when authorized.** The Secretary of the Interior may, under such regulations as he may prescribe, authorize the hire, rental, or purchase of property from employees of the National Park Service whenever the public interest will be promoted thereby. (May 26, 1930, c. 324, § 9, 46 Stat. 383.)

§ 17i. **Hire of work animals, vehicles and equipment with or without personal services; rates.** The National Park Service may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary of the Interior and without compliance with the provisions of sections 5 and 16 of Title 41. (May 26, 1930, c. 324, § 10, 46 Stat. 383.)

§ 17j. **Appropriations for National Park Service; use for payment of traveling expenses of employees.** Appropriations whenever made for the National Park Service which are available for general administration may be used for the payment of traveling expenses, including the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior. (May 26, 1930, c. 324, § 11, 46 Stat. 383.)

YELLOWSTONE NATIONAL PARK

§ 21. **Yellowstone Park; establishment.** The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom. (R. S. § 2474.)

From Act Mar. 1, 1872, c. 24, § 1, 17 Stat. 32.
See section 21a of this title.

§ 21a. **Same; revision of boundaries; contiguous national forests; jurisdiction of forests.** The boundary of the Yellowstone National Park is hereby changed so as to read as follows:

Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble

Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are hereby included in and made a part of the Yellowstone National Park; and all of those lands of the present Yellowstone National Park excluded from the park are hereby included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is hereby, ceded over the land hereby excluded from the park to the State of Wyoming. (Mar. 1, 1929, c. 437, § 1, 45 Stat. 1435; Apr. 19, 1930, c. 190, 46 Stat. 220.)

§ 21b. **Same; extension of certain laws to park.** The provisions of section 21 of this title, reserving lands for park purposes, the Act of July 10, 1890, admitting the State of Wyoming into the Union, and sections 1 to 4 and 24 to 32 of this title are made applicable to and extended over the lands added to the park: *Provided*, That the provisions of sections 791 to 823 of this title shall not apply to or extend over such lands. (Mar. 1, 1929, c. 437, § 2, 45 Stat. 1436.)

§ 21c. **Same; section 485 as extending to revised boundaries; lands acquired by exchange.** The provisions of section 485 of this title shall continue to be applicable to the areas included within the Yellowstone National Park by section 21a of this title, and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park. (Mar. 1, 1929, c. 437, § 3, 45 Stat. 1436.)

§ 21d. Same; existing claims, locations, and entries as affected by sections 21a to 21c. Nothing contained in sections 21a to 21c of this title shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land. (Mar. 1, 1929, c. 437, § 4, 45 Stat. 1436.)

§ 22. Same; control by Secretary of the Interior; removal of trespassers. The Yellowstone National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make regulations providing for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding twenty years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section. (R. S. § 2475; Aug. 25, 1916, c. 408, § 3, 39 Stat. 535.)

R. S. § 2475 from Act Mar. 1, 1872, c. 24, § 2, 17 Stat. 33.

§ 23. Same; detail of troops for protection. The Secretary of War, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein. (Mar. 3, 1883, c. 143, 22 Stat. 627.)

§ 24. Same; jurisdiction over park; fugitives from justice. The Yellowstone National Park, as its boundaries now are defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States. All the laws applicable to places under the sole and exclusive jurisdiction of the United States, shall have force and effect in said park. Nothing in this section shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana, and Wyoming. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Wyoming. (May 7, 1894, c. 72, § 1, 28 Stat. 73.)

§ 25. Same; criminal laws applicable. If any offense shall be committed in said Yellowstone National Park, which offense is not prohibited or the punishment is not specially provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said State; and no subsequent repeal of any such law of the State of Wyoming shall affect any prosecution for said offense committed within said park. (May 7, 1894, c. 72, § 3, 28 Stat. 73.)

§ 26. Same; regulations for hunting and fishing in; punishment for violations; forfeitures. All hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in

such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within the said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish so killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding \$300. Any person found guilty of violating any of the provisions of this section or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this section, and upon conviction under this section of such person or persons using said guns, traps, teams, horses, or other means of transportation such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided herein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (May 7, 1894, c. 72, § 4, 28 Stat. 73; June 28, 1916, c. 179, 39 Stat. 238.)

See section 3 of this title.

§ 27. Same; commissioner; jurisdiction and powers of. The United States district court in said district shall appoint a commissioner, who shall reside in the park, who shall have jurisdiction to hear and act upon all complaints made, of any and all violations of the law, or of the rules and regulations made by the Secretary of the Interior for the government of the park, and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by sections 25 to 27 of this chapter. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with the violation of the rules and regulations, or with the violation of any provision of such sections prescribed for the government of said park, and for the protection of the animals, birds, and fish in the said park, and to try the person so charged, and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Wyoming, said appeal to be governed by the laws of the State of Wyoming providing for appeals in cases of misdemeanor from justices of the peace to the district court of said State; but the United States district court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. Said commissioner

shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission of any felony within the park, and to summarily hear the evidence introduced, and, if he shall determine that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court in said State of Wyoming, and shall certify a transcript of the record of his proceedings and the testimony in the case to the said court, which court shall have jurisdiction of the case. He shall grant bail in all cases ballable under the laws of the United States or of said State. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Wyoming; but nothing herein contained shall be construed as preventing the arrest by any officer of the Government or employee of the United States in the park without process of any person taken in the act of violating the law or any regulation of the Secretary of the Interior. He shall exercise such authority and powers only as are conferred by this section. (May 7, 1894, c. 72, § 5, 28 Stat. 74; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

§ 28. **Same; deputy marshals.** The marshal of the United States for the district of Wyoming may appoint one or more deputy marshals for Yellowstone National Park, who shall reside in said park. (May 7, 1894, c. 72, § 6, 28 Stat. 75.)

§ 29. **Same; compensation of commissioner, marshals, and United States attorneys.** The commissioner in Yellowstone National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly, and the marshal of the United States and his deputies, and the attorney of the United States and his assistants in said district, shall be paid the same salary as provided by law for like services in said district. (May 7, 1894, c. 72, § 7, 28 Stat. 75; Apr. 17, 1900, c. 192, § 1, 31 Stat. 133; Mar. 4, 1923, c. 295, 42 Stat. 1560.)

§ 30. **Same; jail, and office for commissioner.** The Secretary of the Interior shall cause to be erected in Yellowstone National Park a suitable building to be used as a jail, and also having in said building an office for the use of the commissioner. (May 7, 1894, c. 72, § 9, 28 Stat. 75.)

§ 31. **Same; payment of costs and expenses.** All costs and expenses arising in cases under sections 24 to 30 of this title, and properly chargeable to the United States, shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified, approved, and paid under the laws of the United States. (May 7, 1894, c. 72, § 8, 28 Stat. 75.)

§ 32. **Same; lease of lands within park.** The Secretary of the Interior is authorized and empowered to lease for a period not exceeding twenty years, at an annual rental to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yellowstone National Park, separate tracts of land, not exceeding twenty acres each, at such places not to exceed ten in number to any one person, corporation, or company, in said park as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of stage, stock, and equipment.

Such lease or leases shall not include any of the geysers or any objects of curiosity or interest in said park, or exclude the public from free and convenient approach thereto, or include any ground within one-eighth of a mile of any of the geysers of the Yellowstone Falls, the Grand Canyon, or the Yellowstone River, Mammoth Hot Springs, or any object of curiosity in the park; nor shall such lease convey either expressly or by implication any exclusive privilege within the park, except on the premises held thereunder and for the time therein granted. Every lease made for any property of said park shall require the lessee to observe and obey each and every provision in

any Act of Congress, every rule, order, or regulation made or which shall hereafter be made and published by the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein under penalty of forfeiture of such lease, and shall be subject to the right of revocation and forfeiture, which shall therein be reserved by the Secretary of the Interior.

The provisions of this section are not to be construed as mandatory upon the Secretary of the Interior, but the authority herein given is to be exercised in his sound discretion. (Aug. 3, 1894, c. 198, 28 Stat. 222; June 4, 1906, c. 2570, 34 Stat. 207; Mar. 2, 1907, c. 2518, 34 Stat. 1219.)

See section 3 of this title.

§ 33. **Same; leases of lands; mortgages by lessees.** Any person, corporation, or company holding a lease within Yellowstone Park for the purposes described in the preceding section is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights, properties, and franchises, including his or its contract or contracts with the Secretary of the Interior, and such mortgages, together with the approval of the Secretary of the Interior may be filed for record in the office of the Secretary of the Interior, and when so reported shall have all the effect of a public record. Any mortgage, lien, or encumbrance created under the provisions of this section shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor. (June 4, 1906, c. 2570, 34 Stat. 207.)

See section 3 of this title.

§ 34. **Same; road extensions.** Road extensions and improvements shall be made in the Yellowstone National Park under and in harmony with the general plan of roads and improvements to be approved by the Secretary of the Interior. (July 1, 1918, c. 113, § 1, 40 Stat. 678.)

See section 8 et seq. of this title.

§ 35. **Same; private use of electricity from lighting and power plant.** Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of War, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and 10 per centum additional, under such regulations as may be prescribed by the Secretary of War. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1130.)

§ 36. **Same; disposition of surplus elk, buffalo, bear, beaver, and predatory animals.** The Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to give surplus elk, buffalo, bear, beaver, and predatory animals inhabiting Yellowstone National Park to Federal, State, county, and municipal authorities for preserves, zoos, zoological gardens, and parks. He may sell or otherwise dispose of the surplus buffalo of the Yellowstone National Park herd, and all moneys received from the sale of any such surplus buffalo shall be deposited in the Treasury of the United States as miscellaneous receipts. (Jan. 24, 1923, c. 42, 42 Stat. 1214.)

§ 36a. **Same; disposition of surplus elk.** The Secretary of the Interior is authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1929, c. 707, 45 Stat. 1644.)

§ 37. **Provision of feed and range facilities for game animals.** As a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities in-

dispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this section and sections 38, 39, and 40 of this title. (May 26, 1926, c. 399, § 1, 44 Stat. 655.)

See section 725s of Title 31.

§ 38. Exchange for State or private lands authorized. The Secretary of the Interior is hereby authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. (May 26, 1926, c. 399, § 2, 44 Stat. 655.)

§ 39. Reservation of timber, minerals, or easements by owners on exchange. Reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of sections 37 to 40 of this title. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in said sections: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (May 26, 1926, c. 399, § 3, 44 Stat. 656.)

§ 40. Additions to park; entry under other Acts. The President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line mark-

ing the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of sections 37 to 40 of this title, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 39 of this title; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of sections 37 to 40 of this title: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 37 of this title shall not be subject to location and entry under the mining laws of the United States nor sections 506 to 509 of this title, authorizing homestead entries in national forests. (May 26, 1926, c. 399, § 6, 44 Stat. 656.)

SEQUOIA, YOSEMITE, AND GENERAL GRANT NATIONAL PARKS

§ 41. Sequoia National Park. The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as hereinafter provided, shall be considered trespassers and removed therefrom. (Sept. 25, 1890, c. 926, § 1, 26 Stat. 478.)

See section 45a of this title.

§ 42. Same; donations of lands or rights-of-way. [Repealed.]

This section (Act July 1, 1916, c. 209, § 1, 39 Stat. 308) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 6 of this title.

§ 43. Same; rules and regulations; leases; fish and game; trespassers. Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding twenty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, in addition to the powers and duties enumerated in sections 3 and 61 of this title, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 41 of this title. (Sept. 25, 1890, c. 926, § 2, 26 Stat. 478; Aug. 25, 1916, c. 408, § 3, 39 Stat. 535.)

See section 45b of this title.

§ 44. Lands set aside as reserved forest lands. The tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east Mount Diablo meridian, thence eastwardly on the line be-

tween townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 25 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westwardly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and, except as otherwise provided in section 46 of this title, set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing in this section and sections 45, 55, and 61 of this title shall be construed as in anywise affecting any bona fide entry of land made within the limits above described under any law of the United States prior to October 1, 1890. (Oct. 1, 1890, c. 1263, § 1, 26 Stat. 650.)

See section 45a of this title.

§ 45. Additional forest reserves in California. There is reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands, as provided in section 44 of this title, and subject to all the limitations and provisions therein contained, the following lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township, included in section 41 of this title. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships 15 and 16 south, of ranges 29 and 30 east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28, east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian. Nothing in this section or sections 44, 55, and 61 of this title, shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States. (Oct. 1, 1890, c. 1263, § 3, 26 Stat. 651.)

See section 45a of this title.

§ 45a. Sequoia National Park; revision of boundaries. The boundaries of the Sequoia National Park, California, are hereby changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fork [Fork] Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township

line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the crest of the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwestwardly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwestwardly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the Junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are hereby included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests. (July 3, 1926, c. 744, § 1, 44 Stat. 818.)

§ 45b. Same; rules and regulations; leases; fish and game. The 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 reasonable 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, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of sections 45a to 45e of this title. Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be directed by the Secretary of the Interior. Such rules and regulations, however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is hereby authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of said sections. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided*, That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created. (July 3, 1926, c. 744, § 2, 44 Stat. 820.)

See sections 3 and 43 of this title.

§ 45c. **Prior claims, locations, and entries; permits for use of natural resources.** Nothing contained in section 45a or 45b of this title shall affect any valid existing claim, location, or entry established prior to July 3, 1926, under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entryman, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to exceed those charged by the Forest Service on adjacent areas, so long as such timber cutting and grazing are not detrimental to the primary purpose for which such park is created: *Provided*, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as herein constituted, shall be granted or made without specific authority of Congress. (July 3, 1926, c. 744, § 3, 44 Stat. 820.)

§ 45d. **Exclusive privileges prohibited.** No exclusive privilege shall be granted within said park, or on or over the roads and trails therein, except upon ground leased for the erection of buildings or camps thereon. (July 3, 1926, c. 744, § 4, 44 Stat. 820.)

§ 45e. **Violations; penalty.** Any person found guilty of violating any of the provisions of sections 45a to 45e of this title or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or other objects within said park, or for the protection of the animals, birds, and fish in said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months or both. (July 3, 1926, c. 744, § 5, 44 Stat. 820.)

§ 46. **Yosemite National Park; lands segregated from and included in Sierra National Forest; rights-**

of-way over. All those tracts or parcels of ground described in section 44 of this title, but not included within the metes and bounds of the land hereinafter described are included and made a part of the Sierra National Forest, namely: The tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections 3 and 4, township 4 south, range 20 east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships 3 and 4 south, range 20 east, to the northwest corner of section 3, township 3 south, range 20 east; thence westerly along township line to the southwest corner of section 33, township 2 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence southerly along range line to the southeast corner of the northeast quarter of section 24, township 2 south, range 19 east; thence westerly to the southwest corner of the northeast quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 24, said township; thence westerly along section lines to the southwest corner of section 23, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the southeast quarter of section 14, said township; thence northerly along section line to the northwest corner of section 13, said township; thence easterly along section line to the northeast corner of section 13, said township; thence northerly along range line to the northwest corner of the southwest quarter of section 7, township 2, south, range 20 east; thence easterly to the northeast corner of the southeast quarter of section 7, said township; thence southerly along section line to the northwest corner of section 17, said township; thence easterly along section lines to the northeast corner of section 16, said township; thence northerly along section lines to the northwest corner of section 3, said township; thence westerly along township line to the southwest corner of section 33, township 1 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence northerly along range line to the northwest corner of section 6, said township; thence westerly along Mount Diablo base line to the southwest corner of section 34, township 1 north, range 19 east; thence northerly along section lines through the middle of townships 1 and 2 north, range 19 east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall Creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin Rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township 4 south, range 23 east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning. The lands above described are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of sections 44, 45, and 61 of this title. The Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79, 419, and 522 of this title, and other sections concerning rights-of-way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra National Forest shall be paid into the

Treasury of the United States as provided by law. The forest lands herein set aside and reserved shall be known as the "Yosemite National Park." (Feb. 7, 1905, c. 547, § 1, 33 Stat. 702.)

§ 47. Same; additional lands excluded from Yosemite National Park and added to Sierra National Forest. That portion of the Yosemite National Park lying between the boundary line described in section 46 of this title and the line next herein described is excluded from said park and the said portion so described added to and made a part of the Sierra National Forest, to wit: Beginning at the point on the line between sections 35 and 36, township 4 south, range 21 east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section 25; thence west on section lines to the southwest corner of section 28; thence north on section line to the northwest corner of section 28; thence west on section line to the quarter-section corner between sections 20 and 29; thence north through the middle of section 20 to the center thereof; thence east through the middle of section 20 to the quarter-section corner between sections 20 and 21; thence north on section line to the quarter-section corner between sections 16 and 17; thence west through middle of section 17 to the center thereof; thence north through the middle of sections 17, 8, and 5 to the quarter-section corner of north boundary of section 5 on township boundary, all in township 4 south, range 21 east; thence north through the middle of section 32, township 3 south, range 21 east, to the center thereof; thence west through the middle of section 32, said township, and section 36, township 3 south, range 20 east, to the quarter-section corner between sections 35 and 36; thence north on section line to the quarter-section corner between sections 25 and 26; thence east through the middle of section 25 to the center thereof; thence north through the middle of sections 25 and 24 to the center of section 24; thence west through the middle of sections 24, 23, and 22 to the quarter-section corner between sections 21 and 22, township 3 south, range 20 east, on the present western boundary of the Yosemite National Park. The above-indicated portion of land so made a part of the Sierra National Forest shall be subject to all of the Acts of Congress with relation thereto. The Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79, 419, and 522 of this title, relating to rights-of-way over certain parks, reservations, and other lands, and other sections concerning right-of-way over public lands. In the grant of any right-of-way for railway purposes across the lands placed under this measure within the Sierra National Forest it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior and under regulations to be promulgated by him. (June 11, 1906, No. 27, § 1, 34 Stat. 831.)

§ 47a. Same; addition of certain lands to park authorized. For the purpose of preserving and consolidating timber stands along the western boundary of the Yosemite National Park the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of Interior and Agriculture, to add to the Yosemite National Park, in the State of California, by Executive proclamation, section 1 and the north half of section 12, township 1 south, range 19 east, Mount Diablo meridian. (May 9, 1930, c. 234, § 1, 46 Stat. 265.)

§ 47b. Same; inapplicability of certain laws to lands acquired under section 47a. The provisions of sections 791 to 823 of this title shall not apply to any lands added to the Yosemite National Park under the authority of section 47a of this title. (May 9, 1930, c. 234, § 2, 46 Stat. 265.)

§ 47c. Same; acquisition of certain lands for preservation and consolidation of timber stands. For the purpose of preserving and consolidating certain tim-

ber stands along the western boundary of the Yosemite National Park, the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20 township 2 south, range 20 east, Mount Diablo meridian, approximately nine thousand acres. (Mar. 2, 1929, c. 498, 45 Stat. 1486.)

§ 47d. Same; acquisition of certain lands for protection of park deer. For the purpose of protecting park deer along the western boundary of the Yosemite National Park, the Secretary of the Interior is authorized to acquire as part of said park, by exchange as hereinafter provided, title in fee for and on behalf of the United States of America to all that land in sections 21 and 28 in township 3 south, range 20 east, Mount Diablo meridian, lying between the abandoned railroad grade running from a point in the Wawona Road near Chinquapin to the top of the abandoned incline hoist in the northeast quarter of the southwest quarter of section 21, and the east and west center line of section 21, and in sections 22, 23, 24, 25, 26, and 27 lying between said abandoned railroad grade and the existing park boundary, containing one thousand three hundred and fifty acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are hereby, added to the park; and in exchange therefor the said Secretary is authorized to issue patent to the owner of said lands, for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half section 36, township 3 south, range 20 east; southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing one thousand and ten acres, more or less, which lands upon issuance of patent shall be, and are hereby, eliminated from said park. (May 28, 1928, c. 817, 45 Stat. 787.)

§ 48. Same; Yosemite Valley and Mariposa Big Tree Grove reserved and made part of Yosemite National Park. The tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, described as the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, in the State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, and the tracts embracing what is known as the "Mariposa Big Tree Grove", not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, together with that part of fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the south boundary of the Yosemite National Park, on June 11, 1906, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as a national forest, subject to all the limitations, conditions, and provisions of sections 44, 45, and 61 of this title, as well as the limitations, conditions, and provisions of section 46, and shall here-

after form a part of the Yosemite National Park. (June 30, 1864, c. 184, §§ 1, 2, 13 Stat. 325; June 11, 1906, No. 27, § 1, 34 Stat. 831.)

§ 49. Same; rights of claimants and owners of lands included; laws and regulations applicable within. None of the lands patented and in private ownership in the area included under sections 46 and 47 of this title in the Sierra National Forest shall have the privileges of the lieu-land script provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the national forests. All laws, rules, and regulations affecting national forests, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by sections 46 and 47 from the Yosemite National Park, except as otherwise provided. (Feb. 7, 1905, c. 547, § 2, 33 Stat. 703; June 11, 1906, No. 27, § 2, 34 Stat. 832.)

§ 50. Same; revenues from privileges. [Repealed.] This section (Res. June 11, 1906, No. 27, § 3, 34 Stat. 832) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 452 of this title.

§ 51. Same; exchange of privately owned lands in park. The Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. The secretaries of the said departments are authorized to acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of sections 44, 45, 55, and 61 of this title. (Apr. 9, 1912, c. 74, § 1, 37 Stat. 80; Apr. 16, 1914, c. 58, 38 Stat. 345.)

§ 52. Same; values of lands and timber to be exchanged; lands added to park. The value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands. The lands conveyed to the Government under section 51 of this title shall become a part of the Yosemite National Park. (Apr. 9, 1912, c. 74, § 2, 37 Stat. 80.)

§ 53. Same; cutting and removal of timber. All timber must be cut and removed from the Yosemite National Park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of

the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior. (Apr. 9, 1912, c. 74, § 3, 37 Stat. 81.)

§ 54. Same; sale of matured, dead, or down timber. The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts. (Apr. 9, 1912, c. 74, § 4, 37 Stat. 81.)

§ 55. Same; leases of land in; mortgages by lessees. The Secretary of the Interior is authorized and empowered to grant leases, for periods of not exceeding twenty years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding twenty acres each, at such places, not to exceed ten in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, and so forth. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

Any person or corporation or company holding a lease or leases within said park for the purposes above described is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor. (Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651; July 23, 1914, c. 206, 38 Stat. 554; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

See section 3 of this title.

§ 56. Same; donations of lands or rights-of-way. [Repealed.]

This section (Act July 1, 1916, c. 209, § 1, 39 Stat. 308) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 6 of this title.

§ 57. Yosemite, Sequoia, and General Grant National Parks; exclusive jurisdiction of United States; jurisdiction remaining in and taxation by California. Sole and exclusive jurisdiction is assumed by the United States over the territory embraced and included within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid parks or either of them in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situated. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

§ 58. Same; laws applicable; fugitives from justice. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said parks or either of them. All fugitives from justice taking refuge in said parks, or either of them, shall be subject to the same laws as refugees from justice found in the State of California. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

§ 59. Same; offenses punishable by State laws. If any offense shall be committed in the Yosemite National Park, Sequoia National Park, General Grant National Park, or either of them, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said parks, or either of them. (June 2, 1920, c. 218, § 4, 41 Stat. 731.)

§ 60. Same; hunting or fishing prohibited. All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said parks; nor shall any fish be taken out of any of the waters of the said parks, or any one of them, in any other way than by hook and line, and then only at such seasons and such times and manner as may be directed by the Secretary of the Interior. (June 2, 1920, c. 218, § 5, 41 Stat. 731.)

§ 61. Same; rules and regulations. In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the date of passage of the respective Acts creating and establishing said parks, natural curiosities or wonderful objects within said parks, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said parks; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said parks or either of them. He shall cause all persons trespassing upon the same to be removed therefrom. (Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651; June 2, 1920, c. 218, § 5, 41 Stat. 732.)

§ 62. Same; possession of dead bodies of birds or animals. Possession within said parks, or either of them, of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that person or persons having same are guilty of violating sections 60 to 63, inclusive, of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

§ 63. Same; transportation of birds, animals, or fish; violations of statute or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 57 to 77, inclusive, of this title, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of said sections, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful

objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior authorized by section 3 of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

§ 64. Same; sale or disposal of timber; destruction of detrimental animal or plant life. Nothing in sections 57 to 77, inclusive, of this title shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of this title to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such animals and such plant life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by sections 51 to 54 of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

§ 65. Same; seizure and forfeiture of guns, traps, teams, horses, and so forth. All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 57 to 77, inclusive, of this title, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (June 2, 1920, c. 218, § 6, 41 Stat. 733.)

§ 66. Same; commissioners; appointment; jurisdiction. The United States District Court for the Northern District of California shall appoint a commissioner for the Yosemite National Park, and the United States District Court for the Southern District of California shall appoint a commissioner for the Sequoia National Park and the General Grant National Park. Such commissioners shall have jurisdiction within their respective parks to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior, for the government of said parks and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 57 to 77, inclusive, of this title. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

§ 67. Same; commissioners; arrests for certain offenses. Such commissioners within their respective parks shall have power upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 57 to 77, inclusive, of this title prescribed for the government of said parks and for the protection of the animals, birds, and fish in said parks, and try persons so charged, and, if found guilty, impose punishment and to adjudge forfeiture prescribed. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

§ 68. Same; appeals from conviction by commissioners. In all cases of conviction an appeal shall lie from the judgment of said commissioners to the United States Court for the Northern District of California, and the United States District Court for the

Southern District of California, respectively, and the United States district court in such district shall prescribe rules and procedure and practice for said commissioners appointed by them in the trial of cases and for appeals to said United States district court. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

§ 69. **Same; residence of Commissioners.** The commissioner for the Yosemite National Park shall reside within the exterior boundaries of Yosemite National Park, and the commissioner for the Sequoia National Park and the General Grant National Park shall reside within the exterior boundaries of one of the said last-named national parks and at a place to be designated by the court making such appointment. (June 2, 1920, c. 218, § 11, 41 Stat. 734.)

§ 70. **Same; arrests by commissioners for certain offenses; holding persons arrested for trial; bail.** Any such commissioner within his jurisdiction shall also have the power to issue process as hereinbefore provided for the arrest of any person charged with commission within said boundaries of said parks, or either of them, of any criminal offense not covered by the provisions of sections 60 to 64 of this title, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, he shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court in and for the judicial district to which he belongs, and certify a transcript of the record of his proceedings and testimony in the case to the court, to which the park is attached as specified in sections 76 and 77, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (June 2, 1920, c. 218, § 9, 41 Stat. 734.)

§ 71. **Same; service of process issued by commissioners; arrests without process.** All process issued by the commissioner of the Yosemite National Park shall be directed to the marshal of the United States for the northern district of California, and all process issued by the commissioner of the Sequoia National Park and the General Grant National Park shall be directed to the marshal of the United States for the southern district of California, but nothing herein contained shall be so construed to prevent the arrest by any officer or employee of the Government or any person employed by the United States, in the policing of such reservation within the boundaries of said parks, or either of them, without process of any person taken in the act of violating the law or the provisions of sections 57 to 77 of this title or the regulation prescribed by said Secretary as aforesaid. (June 2, 1920, c. 218, § 10, 41 Stat. 734.)

§ 72. **Same; salaries of commissioners.** The commissioner provided for the Yosemite National Park and the commissioner provided for the Sequoia National Park and the General Grant National Park by section 66 of this title each shall be paid an annual salary as appropriated for by Congress, payable monthly. (June 2, 1920, c. 218, § 11, 41 Stat. 734.)

§ 73. **Same; fees, costs, and expenses collected by commissioner.** All fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 74 of this title. (June 2, 1920, c. 218, § 11, 41 Stat. 734.)

§ 74. **Same; disposition of fines and costs.** All fines and costs imposed and collected shall be deposited by said commissioners of the United States, or the marshal of the United States collecting the same, with the clerk of the United States district court to which said parks are attached, as provided in sections 76 and 77 of this title. (June 2, 1920, c. 218, § 13, 41 Stat. 734.)

§ 75. **Same; payment of fees, costs, and expenses chargeable to United States.** All fees, costs, and expenses arising in cases under sections 57 to 77, inclusive, of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the

United States. (June 2, 1920, c. 218, § 12, 41 Stat. 734.)

§ 76. **Yosemite National Park; included within certain judicial district; jurisdiction of district court.** Yosemite National Park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within said boundaries of the Yosemite National Park. (June 2, 1920, c. 218, § 2, 41 Stat. 731.)

See section 145 of Title 28.

§ 77. **Sequoia and General Grant National Parks included in certain judicial district; jurisdiction of district court.** Sequoia National Park and General Grant National Park shall constitute part of the United States judicial district for the southern district of California, and the district court of the United States in and for said southern district shall have jurisdiction of all offenses committed within the boundaries of said Sequoia National Park and General Grant National Park. (June 2, 1920, c. 218, § 3, 41 Stat. 731.)

See section 145 of Title 28.

§ 78. **Detail of troops to Sequoia, Yosemite, and General Grant Parks.** The Secretary of War, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein. (June 6, 1900, c. 791, § 1, 31 Stat. 618.)

§ 79. **Rights-of-way for electrical plants.** The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the public lands, forest, and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder for any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of sections 1 to 6, and 8, of Title 47, regulating rights-of-way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park. (Feb. 15, 1901, c. 372, 31 Stat. 790.)

See chapter 12 and the second proviso of subsection (d) of section 797 of this title.

MOUNT RAINIER NATIONAL PARK

§ 91. Mount Rainier National Park; establishment; trespassers. All those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point three miles east of the northeast corner of township numbered 17 north, of range 6 east of the Willamette meridian; thence south through the central parts of townships numbered 17, 16, and 15 north, of range 7 east of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered 14 north, of range 6 east of the Willamette meridian; thence east on the township line between townships numbered 14 and 15 north, 18 miles more or less to a point 3 miles west of the northeast corner of township 14 north, of range 10 east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township numbered 17 north, of range 10 east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered 17 and 18 to the place of beginning, are dedicated and set apart as a public park to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom. (Mar. 2, 1899, c. 377, § 1, 30 Stat. 993.)

See sections 107, 108, and 109 of this title.

§ 92. Same; control; regulations; grants for buildings; rights-of-way to park; fish and game; removal of trespassers. Mount Rainier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, he shall make regulations providing for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors. And through the lands of the Pacific National Forest adjoining said park rights-of-way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific National Forest, and also into said park created by section 91 of this title, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of sections 91 to 93 of this title. (Mar. 2, 1899, c. 377, § 2, 30 Stat. 994; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

See section 92a of this title.

§ 92a. Same; rights-of-way for railways, tramways, and cable lines. The provisions of section 92 of this title, granting rights-of-way, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, so far as the same relate to lands within the Mount

Rainier National Park, Washington, are repealed: *Provided, however,* That nothing herein shall be construed so as to prohibit the Secretary of the Interior from authorizing the use of land in said park under contract, permit, lease, or otherwise for the establishment and operation thereon of a tramway or cable line, or lines, for the accommodation or convenience of visitors and others. (Jan. 26, 1931, c. 47, § 6, 46 Stat. 1044.)

§ 93. Same; grant of prior lands to Northern Pacific Railroad; lieu lands to settlers. Upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in Mount Rainier National Park, also the lands in the Pacific National Forest which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is authorized to select an equal quantity of non-mineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States. Any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for national forests and national parks. (Mar. 2, 1899, c. 377, § 3, 30 Stat. 994.)

§ 94. Same; location of mining claims. The location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington. This provision shall not affect rights acquired in good faith before May 27, 1908, under the mineral land laws of the United States to any mining location or locations in said Mount Rainier National Park. (May 27, 1908, c. 200, § 1, 35 Stat. 365.)

§ 95. Same; jurisdiction by the United States; fugitives from justice. Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Mount Rainier National Park, saving, however, to the State of Washington the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Washington. (June 30, 1916, c. 197, § 1, 39 Stat. 243.)

§ 96. Same; part of judicial district for western district of Washington; jurisdiction of district court. Mount Rainier National Park shall constitute a part of the United States judicial district for the western district of Washington, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (June 30, 1916, c. 197, § 2, 39 Stat. 244.)

§ 97. Same; offenses in; punishment. If any offense shall be committed in the Mount Rainier National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Washington in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Washington shall affect

any prosecution for said offense committed within said park. (June 30, 1916, c. 197, § 3, 39 Stat. 244.)

§ 98. Same; protection of game and fish; forfeitures and punishments. All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of sections 95 to 105, inclusive, of this title, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (June 30, 1916, c. 197, § 4, 39 Stat. 244.)

See section 94 of this title.

§ 99. Same; protection of game and fish; forfeitures and seizures of guns, traps, teams, and so forth. All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 95 to 105, inclusive, of this title, and upon conviction thereunder of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (June 30, 1916, c. 197, § 5, 39 Stat. 245.)

§ 100. Same; commissioner; appointment; jurisdiction and powers. The United States District Court for the Western District of Washington shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon

all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 95 to 105, inclusive, of this title.

He shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of such sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of Washington, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (June 30, 1916, c. 197, § 6, 39 Stat. 245.)

§ 101. Same; commissioner; arrest; bail. Any such commissioner shall also have power to issue process for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 98 of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Washington, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (June 30, 1916, c. 197, § 7, 39 Stat. 245.)

§ 102. Same; commissioner; direction of process or arrests by other officers. All process issued by the commissioner shall be directed to the marshal of the United States for the western district of Washington, but nothing contained in sections 95 to 105 of this title shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or sections 95 to 105, inclusive, of this title or the regulations prescribed by the Secretary of the Interior as aforesaid. (June 30, 1916, c. 197, § 8, 39 Stat. 245.)

§ 103. Same; commissioner; salary; residence; fees. The commissioner provided for in section 100 of this title shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Mount Rainier National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 104 of this title. (June 30, 1916, c. 197, § 9, 39 Stat. 246.)

§ 104. Same; fines and costs; disposition of. All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Washington. (June 30, 1916, c. 197, § 11, 39 Stat. 246.)

§ 105. Same; fees, costs, and expenses chargeable to United States. All fees, costs, and expenses arising in cases under sections 95 to 104 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (June 30, 1916, c. 197, § 10, 39 Stat. 246.)

§ 106. Same; donations of patented lands or rights-of-way. [Repealed.]

This section (Act June 12, 1917, c. 27, § 1, 40 Stat. 152) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 6 of this title.

§ 107. Boundary changed. The boundary of the Mount Rainier National Park is hereby changed so as to read as follows: Beginning at park boundary monument numbered 1, established on the east line of section 4, township 17 north, range 7 east, Willamette meridian, by a survey of the boundaries of Mount Rainier National Park, Washington, by the General Land Office, plat dated April 17, 1909; thence southerly along the present west park boundary line as established by said survey, being the midtownship line of range 7 east, to its intersection with the south bank of Nisqually River; thence easterly along said bank to its intersection with the present south park boundary line at a point east of park boundary monument numbered 28, as established by said survey, being the township line between townships 14 and 15 north; thence easterly along said south park boundary line to the southeast corner of the present park boundary; thence northerly along the present east park boundary line to park boundary monument numbered 59, as established by said survey, being the midtownship line of range 10 east; thence due north to the south bank of White River; thence northeasterly along said bank to a point due east of park boundary monument numbered 67, thence due west to said monument numbered 67; thence westerly along the present north park boundary line, as established by said survey, being the township line between townships 17 and 18 north, to its intersection with the north bank of Carbon River; thence westerly along said bank to a point due north of park boundary monument numbered 1; thence due south to place of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Mount Rainier National Park; and all of those lands of the present Mount Rainier National Park excluded from the park are hereby included in and made a part of the Rainier National Forest, subject to all national forest laws and regulations. (May 28, 1926, c. 410, § 1, 44 Stat. 668.)

§ 108. Other laws extended to added lands. The provisions of sections 91 to 93 of this title, sections 95 to 105 of this title, and sections 1 to 4 of this title, are made applicable to and extended over the lands added to the park by section 107 of this title: *Provided*, That the provisions of sections 791 to 823 of this title, shall not apply to or extend over such lands. (May 28, 1926, c. 410, § 2, 44 Stat. 669.)

§ 109. Additions to Park. The tract of land within the following-described boundaries is excluded from the Rainier National Forest and is added to and made a part of the Mount Rainier National Park, in the State of Washington:

Beginning at a point on the present east boundary of Mount Rainier National Park one and one-quarter miles southerly from the northeast corner of the said park as fixed by section 107 of this title, thence extending east to the summit of the hydrographic divide between Silver Creek and White River; thence along the summit of Crystal Mountain to the summit of the Cascade Mountains; thence southerly along the summit of the Cascade Mountains to a point in section 20, township 15 north, range 11 east, Willamette meridian, whence flow the waters of Bumping River to the east and Carlton and Cougar Creeks to the south and west; thence southwesterly along the summit of the divide between Carlton Creek and the waters flowing into the main fork of Ohanapecosh River to the quarter section line of section 9, township 14 north, range 10 east, Willamette meridian; thence westerly along the quarter section line of sections 9, 8, and 7 to the west boundary of said township; thence due west to the right or west bank of Muddy Fork of the Cowlitz River; thence northerly along the right bank of said Muddy Fork to a point exactly due east of post numbered 34 on the south boundary of Mount Rainier National Park as surveyed in 1908; thence due west to said post numbered 34;

thence along the boundary of said park as surveyed in 1908 to post numbered 35; thence easterly along the south boundary of said national park as surveyed in 1908 to the southeast corner thereof; thence northerly along the east boundary of said national park as surveyed in 1908 to post numbered 59; thence along the east boundary of said park as revised by section 107 of this title, northerly to the point of beginning. (Jan. 31, 1931, c. 71, § 1, 46 Stat. 1047.)

§ 110. Same; laws and regulations applicable to added lands; free use of roads maintained by state. All laws applicable to and in force within the Mount Rainier National Park as of January 31, 1931, and all regulations issued pursuant thereto, are hereby made applicable to and extended over the land added to the said park by section 109 of this title: *Provided*, That no fee or charge shall be made by the United States for the use of any roads in said park built or maintained exclusively by the State of Washington. (Jan. 31, 1931, c. 71, § 2, 46 Stat. 1048.)

MESA VERDE NATIONAL PARK

§ 111. Mesa Verde National Park; boundaries. There is reserved from settlement, entry, sale, or other disposal and set apart as a public reservation, all those certain tracts, pieces and parcels of land lying and being situated in the State of Colorado, within the boundaries described as follows:

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, "south of the Ute boundary", intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township and range; thence west to the southeast corner of fractional section 12, township 34 north, range 16 west, "north of the Ute boundary"; thence north to the northwest corner of section 19, township 35 north, range 15 west; thence east to the southwest corner of the southeast quarter of section 16, said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section 13, said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section 7, township 35 north, range 14 west; thence north to the northwest corner of said section; thence east to the southwest corner of section 5, said township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section 4, said township; thence south to the northwest corner of the southeast quarter of section 16, said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section 22, said township; thence east to the northeast corner of said section; thence south to the northwest corner of section 26, said township; thence east along the north section line of section 26 to the east bank of the Rio Mancos; thence in a southeasterly direction along the east bank of the Rio Mancos to its intersection with the northern boundary line of the Southern Ute Indian Reservation, thence west along said Indian reservation boundary to its intersection with the range line between ranges 14 and 15 west, the place of beginning.

Said park shall be known as Mesa Verde National Park. (June 29, 1906, c. 3607, §§ 1, 2, 34 Stat. 616, 617; June 30, 1913, c. 4, § 1, 38 Stat. 83.)

§ 111a. Same; authorization for acquisition of additional lands. For the purpose of protecting the scenery along the Point Lookout Road between the north boundary of the Mesa Verde National Park and this road's juncture with the Cortez-Mancos Road, the President of the United States is hereby authorized, upon the recommendation of the Secretary of the

Interior, to add to the said Mesa Verde National Park, Colorado, by executive proclamation, a strip of land two hundred and sixty feet wide along and including said Point Lookout Road, and the triangle formed by the fork in said road and such other public land along or adjacent to said road and right-of-way and lands as may be acquired by gift or by exchanges as herein-after provided, which lands shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto. (Feb. 26, 1931, c. 308, § 1, 46 Stat. 1422.)

§ 111b. Same; donations or exchange of lands. For the purpose of carrying out the provisions of section 111a of this title the Secretary of the Interior is hereby authorized to accept donations of land or right-of-way, or to acquire title to any land along or adjacent to the said Point Lookout Road as may be deemed desirable by him for the protection of said road, by exchange for any unappropriated public lands within sections 29 and 32, township 36 north, range 14 west, New Mexico principal meridian, of equal value; the value of the lands offered for exchange hereunder and the value of the lands of the United States to be selected therefor shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of lands offered to the United States pursuant hereto shall, before the exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the lands offered in exchange. (Feb. 26, 1931, c. 308, § 2, 46 Stat. 1423.)

§ 112. Same; control of; regulations; prehistoric ruins. Mesa Verde National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the duties and powers enumerated in section 3 of this title not inconsistent with this section, he shall establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park. (June 29, 1906, c. 3607, § 2, 34 Stat. 617; June 30, 1913, c. 4, § 1, 38 Stat. 84.)

§ 113. Same; examinations, excavations, and gathering objects of interest. The Secretary of the Interior is authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided always*, That the examinations, excavations, and gatherings shall be undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archaeological science. (June 29, 1906, c. 3607, § 3, 34 Stat. 617.)

§ 114. Same; removal, disturbance, destruction, or molestation of ruins. Any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than \$1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible. (June 29, 1906, c. 3607, § 4, 34 Stat. 617.)

§ 115. Same; leases and permits; prehistoric ruins not included. The Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the land or development of the resources thereof, in the Mesa Verde National Park, and the funds derived therefrom shall be covered into the Treasury of the United States. Such leases or grants shall not include any of the prehistoric ruins in said park or exclude the public from

free or convenient access thereto. (June 25, 1910, c. 385, 36 Stat. 796.)

See section 115a of this title.

§ 115a. Same; mineral resources; exploitation. After January 26, 1931, no permit, license, lease, or other authorization for the prospecting, development, or utilization of the mineral resources within the Mesa Verde National Park, Colorado, shall be granted or made. (Jan. 26, 1931, c. 47, § 1, 46 Stat. 1043.)

§ 116. Same; donations of lands or rights-of-way. [Repealed.]

This section (Act June 12, 1917, c. 27, § 1, 40 Stat. 152) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 6 of this title.

§ 117. Same; exclusive jurisdiction ceded to United States by Colorado; saving provisions; fugitives from justice. The provisions of the act of the Legislature of the State of Colorado, approved May 2, 1927, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Mesa Verde National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tracts; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado. (Apr. 25, 1928, c. 434, § 1, 45 Stat. 458.)

§ 117a. Same; judicial district; court having jurisdiction of offenses. Said park shall constitute a part of the United States judicial district of the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Apr. 25, 1928, c. 434, § 2, 45 Stat. 459.)

§ 117b. Same; application of Colorado laws to offenses. If any offense shall be committed in the Mesa Verde National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park. (Apr. 25, 1928, c. 434, § 3, 45 Stat. 459.)

§ 117c. Same; hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties. All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or

driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this section or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings: *Provided, however,* That any person or persons who may, without permission from the Secretary of the Interior, in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than \$1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible. (Apr. 25, 1928, c. 434, § 4, 45 Stat. 459.)

§ 117d. **Same; forfeiture of property used for unlawful purpose.** All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of section 117c of this title, and upon conviction under said section of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in said section. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Apr. 25, 1928, c. 434, § 5, 45 Stat. 460.)

§ 117e. **Same; United States Commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure.** The United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by section 117c of this title.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of section 117c of this title prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if

found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (Apr. 25, 1928, c. 434, § 6, 45 Stat. 460.)

§ 117f. **Same; criminal offenses not covered by section 117c; jurisdiction of Commissioner.** Such commissioner shall also have power to issue process as provided in section 117e of this title for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 117c of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Apr. 25, 1928, c. 434, § 7, 45 Stat. 460.)

§ 117g. **Same; process to whom issued; arrests without process.** All process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing contained in sections 117 to 117j of this title shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or section 117b or 117c of this title or the regulations prescribed by said Secretary as aforesaid. (Apr. 25, 1928, c. 434, § 8, 45 Stat. 460.)

§ 117h. **Same; salary of Commissioner; residence; fees, costs, and expenses.** The commissioner provided for in section 117e of this title, shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided,* That the said commissioner shall reside within the exterior boundaries of said Mesa Verde National Park, at a place to be designated by the court making such appointment: *And provided further,* That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 117j of this title. (Apr. 25, 1928, c. 434, § 9, 45 Stat. 461.)

§ 117i. **Same; fees, costs, and expenses against United States.** All fees, costs, and expenses arising in cases under sections 117c to 117g of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 25, 1928, c. 434, § 10, 45 Stat. 461.)

§ 117j. **Same; disposition of fines and costs.** All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado. (Apr. 25, 1928, c. 434, § 11, 45 Stat. 461.)

§ 118. **Same; appropriations; availability for operation of Aileen Nusbaum Hospital.** Appropriations made for Mesa Verde National Park shall be available for the operation of the Aileen Nusbaum Hospital and the furnishing of the necessary service in connection therewith at rates to be fixed by the Secretary of the Interior. (May 14, 1930, c. 273, § 1, 46 Stat. 315.)

CRATER LAKE NATIONAL PARK

§ 121. **Crater Lake National Park; establishment.** The tract of land bounded north by the parallel forty-three degrees four minutes north latitude, south by

forty-two degrees forty-eight minutes north latitude, east by the meridian one hundred and twenty-two degrees west longitude, and west by the meridian one hundred and twenty-two degrees sixteen minutes west longitude, having an area of two hundred and forty-nine square miles, in the State of Oregon, and including Crater Lake, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as "Crater Lake National Park." (May 22, 1902, c. 820, § 1, 32 Stat. 202.)

§ 121a. **Same; additions to Park.** All of that certain tract described as follows: Beginning on the south boundary line of Crater Lake National Park at four mile post numbered 112; thence west along the south boundary line of said park four and twenty-six one-hundredths chains which is the northwest corner of this tract; thence south one hundred and fourteen and forty-two one-hundredths chains; thence south forty degrees fifty-nine minutes east, eighty-four and thirty-nine one-hundredths chains; thence east fifteen and thirteen one-hundredths chains to highway stake numbered 130; thence north eighty-nine degrees thirty minutes east, eighteen and six one-hundredths chains; thence north twenty and eighty-three one-hundredths chains; thence north nineteen degrees and forty minutes west, one hundred and twenty-six and four one-hundredths chains; thence north twenty-seven degrees fifty-two minutes west forty-three and fifty one-hundredths chains to the south boundary of Crater Lake National Park; thence west twenty-four chains following the south boundary of said park to the place of beginning, in the State of Oregon be, and the same is hereby, excluded from the Crater National Forest and made a part of the Crater Lake National Park, subject to all laws and regulations applicable to and governing said park. (May 14, 1932, c. 184, 47 Stat. 155.)

§ 122. **Same; control; regulations.** Crater Lake National Park shall be under the control and custody of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires. (May 22, 1902, c. 820, § 2, 32 Stat. 202.)

§ 123. **Same; settlement, residence, lumbering, or business within, punishable; admission of visitors; mining claims.** It shall be unlawful for any person to establish any settlement or residence within Crater Lake National Park, or to engage in any lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this section or sections 121 and 122 of this title, or the rules and regulations established thereunder, shall be punished by a fine of not more than \$500, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act. Crater Lake National Park shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers and to the location of mining claims and the working of the same. Restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise. (May 22, 1902, c. 820, § 3, 32 Stat. 203.)

See section 3 of this title.

§ 124. **Same; jurisdiction by the United States; fugitives from justice.** Sole and exclusive jurisdiction is assumed by the United States over the territory

embraced within the Crater Lake National Park, saving, however, to the State of Oregon the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Oregon. (Aug. 21, 1916, c. 368, § 1, 39 Stat. 521.)

§ 125. **Same; part of judicial district for Oregon; jurisdiction of district court.** Crater Lake National Park shall constitute a part of the United States judicial district for Oregon, and the district court of the United States in and for Oregon shall have jurisdiction of all offenses committed within said boundaries. (Aug. 21, 1916, c. 368, § 2, 39 Stat. 522.)

§ 126. **Same; offense in.** If any offense shall be committed in the Crater Lake National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Oregon in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Oregon shall affect any prosecution for said offense committed within said park. (Aug. 21, 1916, c. 368, § 3, 39 Stat. 522.)

§ 127. **Same; hunting and fishing; rules and regulations; punishment.** All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 124 to 134, inclusive, of this title and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of such sections or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other

than those legally located prior to August 21, 1916, natural curiosities, or other matter or thing growing or being thereon or situate therein, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and the adjudged to pay all costs of the proceedings. (Aug. 21, 1916, c. 368, § 4, 39 Stat. 522.)

§ 128. Same; hunting and fishing; forfeitures or seizures of guns, traps, teams, etc., for violating regulations. All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 124 to 134, inclusive, of this title, and upon conviction under said sections of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Aug. 21, 1916, c. 368, § 5, 39 Stat. 523.)

§ 129. Same; commissioner; appointment; powers and duties. The United States District Court for Oregon shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 124 to 134, inclusive, of this title.

He shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of the above-named sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for Oregon, and the United States court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States District Court. (Aug. 21, 1916, c. 368, § 6, 39 Stat. 523.)

§ 130. Same; commissioner; arrests by; bail. Any such commissioner shall also have power to issue process as provided in section 129 of this title for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 127 of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for Oregon, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Aug. 21, 1916, c. 368, § 7, 39 Stat. 523.)

§ 131. Same; commissioner; direction of process; arrest without process. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Oregon, but nothing contained in sections 124 to 134 of this chapter shall be so construed as to prevent the arrest by any officer

or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or sections 124 to 134, inclusive, of this title, or the regulations prescribed by the Secretary of the Interior as aforesaid. (Aug. 21, 1916, c. 368, § 8, 39 Stat. 523.)

§ 132. Same; commissioner; salary; residence; fees, costs, and expenses. The commissioner in Crater Lake National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly; *Provided*, That the said commissioner shall reside within the exterior boundaries of said Crater Lake National Park, at a place to be designated by the court making such appointment: *Provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 133 of this title. (Aug. 21, 1916, c. 368, § 9, 39 Stat. 523.)

§ 133. Same; deposit of fines and costs collected. All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for Oregon. (Aug. 21, 1916, c. 368, § 11, 39 Stat. 524.)

§ 134. Same; accounting for fees, costs, and expenses. All fees, costs, and expenses arising in cases under sections 124 to 134, inclusive, of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Aug. 21, 1916, c. 368, § 10, 39 Stat. 524.)

§ 135. Same; donations of patented lands or rights of way. [Repealed.]

This section (Act June 12, 1917, c. 27, § 1, 40 Stat. 152) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 6 of this title.

WIND CAVE NATIONAL PARK

§ 141. Wind Cave National Park; establishment. There are reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section 13, township 6 south, range 5 east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of the southeast quarter of section 16, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section 4, said township; thence easterly to the southwest corner of section 34, township 5 south, range 5 east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section 31, township 5 south, range 6 east; thence southerly along the section lines to the southeast corner of section 7, township 6 south, range 6 east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section 13, township 6 south, range 5 east, the place of beginning. Nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park which shall be known as Wind Cave National Park. (Jan. 9, 1903, c. 63, §§ 1, 2, 32 Stat. 765.)

§ 141a. Same; boundaries; extension. The boundaries of Wind Cave National Park in the State of South Dakota are hereby extended to include the lands within the east half of the southwest quarter, southeast quarter section 26, south half of section 25, east half of section 33, township 5 south, range 5 east, and south half section 30, township 5 south, range 6 east, Black Hills meridian, South Dakota, comprising in part a part of the Harney National Forest. Such lands are hereby made a part of Wind Cave National Park, and shall hereafter be subject to all laws and regulations applicable to such park. (Mar. 4, 1931, c. 496, 46 Stat. 1518.)

§ 142. Same; control of; regulations. Wind Cave National Park shall be under the exclusive control of

the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. (Jan. 9, 1903, c. 63, § 2, 32 Stat. 765.)

§ 143. Same; leases of cavern and lands. [Repealed.]

This section (Act Jan. 9, 1903, c. 63, § 3, 32 Stat. 765) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 3 of this title.

§ 144. Same; disposition of funds from rentals or leases. [Repealed.]

This section (Act Jan. 9, 1903, c. 63, § 4, 32 Stat. 765) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 452 of this title.

§ 145. Same; exchange of lands in. In cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in national forests in the State of South Dakota. (Jan. 9, 1903, c. 63, § 5, 32 Stat. 766.)

§ 146. Same; offenses. All persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than \$1,000 or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court. (Jan. 9, 1903, c. 63, § 6, 32 Stat. 766.)

PLATT NATIONAL PARK

§ 151. Platt National Park; acquisition; payment. The Choctaw and Chickasaw Tribes absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made. The ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. There shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, \$20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded. The said lands shall be within the jurisdiction of the District Court of the United States for the Eastern District of Oklahoma.

Nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made. The land so ceded by this section shall be known as Platt National Park. (July 1, 1902, c. 1362, § 64, 32 Stat. 655; June 16, 1906, c. 3335, §§ 13, 14, 34 Stat. 275; June 29, 1906, No. 42, 34 Stat. 837; Nov. 16, 1907, 35 Stat. 2160.)

§ 152. Same; additional land withdrawn for; payment for; management and control; regulations; sale of improvements; penalties; town lots. The Secretary of the Interior is authorized and directed to withhold from sale or other disposition the irregular tract of land containing seventy-eight and sixty-eight one-hundredths acres, more or less, lying in the northwest quarter of section 2 and the northeast quarter of section 3, township 1 south, range 3 east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Indian Territory, and excluded from said town site by order of the Secretary of the Interior, of October 20, 1903, and also to withdraw and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate one hundred and thirty-eight acres, more or less, and mentioned in the report of Gerard H. Matthes, of December 27, 1903, to F. H. Newell, chief engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.

The land reserved shall be paid for by the United States at the rate of \$60 per acre and in the same manner as the land acquired in accordance with the provisions of section 151 of this title and shall be a part of Platt National Park, subject to all the provisions of section 151 of this title, respecting the care, control, direction, use, and occupancy thereof as if they had been included in the original segregation. The Secretary of the Interior is authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his department to take charge of the land, acquired under this section and section 151 of this title, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation. The Secretary of the Interior is authorized, in his discretion, to sell or dispose of any buildings upon the land reserved, and all money received from such sales, or that may be realized for the use of said waters or for the use and occupancy of the land or the buildings thereon, through leases, permits, or otherwise, shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. If any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 and not more than \$100, and may be imprisoned for a term of not more than six months for each offense. (Apr. 21, 1904, c. 1402, § 18, 33 Stat. 220; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

§ 153. Same; Acts relating to not affected by admission of Oklahoma; rights and jurisdiction of United States; indemnity school lands. Nothing in the Act of June 16, 1906, chapter 3335, Thirty-fourth Statutes, page 267, entitled, "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States * * *," shall repeal or affect any Act of Congress relating to Platt National Park as defined on June 16, 1906, or as may be defined or extended, or the power of the United States over it or

any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archaeological or ethnological interest; and nothing contained in said Act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Platt National Park, as it was on June 6, 1906, or may be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this section contained shall be construed to prevent the service within said Platt National Park or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Platt National Park, as now defined or may be hereafter defined. (June 16, 1906, c. 3335, § 7, 34 Stat. 272; June 29, 1906, No. 42, 34 Stat. 837.)

GLACIER NATIONAL PARK

§ 161. **Glacier National Park; establishment; trespassers; claims and rights under land laws not affected; reclamation projects; indemnity selections of lands.** The tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right-of-way of the Great Northern Railroad; thence following the said right-of-way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park." All persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before May 11, 1910, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of Glacier National Park. (May 11, 1910, c. 226, § 1, 36 Stat. 354; Jan. 26, 1931, c. 47, § 5, 46 Stat. 1043.)

§ 161a. **Same; park as part of Waterton-Glacier International Peace Park.** For the purpose of permanently commemorating the long-existing relationship of peace and good will existing between the people and Governments of Canada and the United States and upon the enactment by the proper authority of the Canadian Government of a similar provision respecting the Waterton Lakes National Park in the Province of Alberta, and upon the proclamation of the

President of the United States, who is hereby authorized to issue such a proclamation, the Glacier National Park in the State of Montana shall become a part of an international park to be known as the Waterton-Glacier International Peace Park. (May 2, 1932, c. 157, § 1, 47 Stat. 145.)

§ 161b. **Same; designation of park for purposes of administration, promotion, development, and support.** For purposes of administration, promotion, development, and support by appropriations that part of the said Waterton-Glacier International Peace Park within the territory of the United States shall be designated as the Glacier National Park. (May 2, 1932, c. 157, § 2, 47 Stat. 145.)

§ 162. **Same; control of; regulations; leases; sale and removal of timber.** Glacier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall 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 of nature so far as is consistent with the purposes of section 161 of this title, and for the care and protection of the fish and game within the boundaries thereof. He may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park. (May 11, 1910, c. 226, § 2, 36 Stat. 354.)

See section 162a of this title.

§ 162a. **Same; summer homes and cottages.** After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Montana, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931. (Jan. 26, 1931, c. 47, § 3, 46 Stat. 1043.)

§ 163. **Same; jurisdiction by the United States; fugitives from justice.** Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Glacier National Park, saving, however, to the State of Montana the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving, further, to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana. (Aug. 22, 1914, c. 264, § 1, 38 Stat. 699.)

§ 164. **Same; eliminating private holdings of lands in; timber or public lands of equal value in exchange.** The Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is empowered, in his discretion: (1) To obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of

said park within townships 32 and 33 north, ranges 18 and 19 west of Montana principal meridian, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or, upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana, or, (2) to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located. (Mar. 3, 1917, c. 164, § 1, 39 Stat. 1122; Feb. 28, 1923, c. 144, § 1, 42 Stat. 1324.)

§ 165. Same; value of lands sought to be exchanged. For purposes of subdivision 2 of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this section and subdivision (2) of section 164 shall be and remain a part of the Glacier National Park. (Feb. 28, 1923, c. 144, § 2, 42 Stat. 1324.)

§ 166. Same; exchange of timber for private holdings in; valuations. For purposes of subdivision (1) of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands. Such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts. The lands conveyed to the Government under this section and subdivision (1) of section 164 shall become a part of the Glacier National Park. (Mar. 3, 1917, c. 164, § 2, 39 Stat. 1122.)

§ 167. Same; exchange of timber for private holdings in; removal of timber. All timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the

national forests. The Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made. (Mar. 3, 1917, c. 164, § 3, 39 Stat. 1122.)

§ 168. Same; part of judicial district of Montana; jurisdiction of district court. Glacier National Park shall constitute a part of the United States judicial district of Montana, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Aug. 22, 1914, c. 264, § 2, 38 Stat. 699.)

§ 169. Same; criminal laws applicable. If any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park. (Aug. 22, 1914, c. 264, § 3, 38 Stat. 699.)

§ 170. Same; hunting and fishing; regulations; punishment. All hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park. He shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of sections 163 and 168 to 177, inclusive, of this title, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500, or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Aug. 22, 1914, c. 264, § 4, 38 Stat. 700.)

§ 171. Same; hunting and fishing; forfeitures and seizures of guns, traps, teams, and so forth. All guns, traps, teams, horses, or means of transportation of every nature or description, used by any person or persons within said park limits when engaged in kill-

ing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 163 and 168 to 177, inclusive, of this title, and upon conviction under said sections of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided under said sections. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Aug. 22, 1914, c. 264, § 5, 38 Stat. 700.)

§ 172. Same; commissioner; jurisdiction; powers and duties. The United States district court for the district of Montana shall appoint a commissioner, who shall reside in the park, and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 163 and 168 to 177, inclusive, of this title.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of said sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Montana, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (Aug. 22, 1914, c. 264, § 6, 38 Stat. 700.)

§ 173. Same; commissioner; arrest of offenders, confinement, and bail. Any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section 170 of this title, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Aug. 22, 1914, c. 264, § 7, 38 Stat. 701.)

§ 174. Same; commissioner; process directed to marshal; arrest without process. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing in sections 163 and 168 to 177 of this title shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or sections 163, and 168 to 177, inclusive, of this title, or the regulations prescribed by said Secretary as aforesaid. (Aug. 22, 1914, c. 264, § 8, 38 Stat. 701.)

§ 175. Same; commissioner; salary; residence; fees. The commissioner in Glacier National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Glacier National Park, at a place to be designated by the court making such appointment: *And*

provided further, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 176 of this title. (Aug. 22, 1914, c. 264, § 9, 38 Stat. 701.)

§ 176. Same; fines and costs imposed and collected deposited with clerk. All fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the district of Montana. (Aug. 22, 1914, c. 264, § 11, 38 Stat. 701.)

§ 177. Same; fees, costs, and expenses; how certified and paid. All fees, costs, and expenses arising in cases under this section and sections 163 and 168 to 176 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Aug. 22, 1914, c. 264, § 10, 38 Stat. 701.)

§ 178. Same; hotel operated under regulation prescribed. Any hotel erected on the land sold and conveyed to the Glacier Park Hotel Company under authority of the Act of March 2, 1917, chapter 147, Thirty-ninth Statutes, page 994, shall be operated by the said Glacier Park Hotel Company, its successors and assigns under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Glacier National Park. (Mar. 2, 1917, c. 147, 39 Stat. 994.)

§ 179. Same; donations of buildings and other property. The Secretary of the Interior is authorized, in his discretion, to accept buildings, moneys, or other property which may be useful in the betterment of the administration and affairs of the Glacier National Park under his supervision, and which may be donated for park purposes. He may accept patented lands or rights-of-way over patented lands in the Glacier National Park that may be donated for park purposes. (June 12, 1917, c. 27, § 1, 40 Stat. 151; July 1, 1916, c. 209, § 1, 39 Stat. 308.)

See section 6 of this title.

§ 180. Same; proceeds of leases and other revenues covered into the Treasury. [Repealed.]

This section (Act Mar. 4, 1911, c. 285, § 1, 36 Stat. 1421) was repealed by Act Dec. 16, 1930, c. 14, § 1, 46 Stat. 1028. See section 452 of this title.

§ 181. Same; Blackfeet Highway and connections; concurrent police jurisdiction. The provisions of the act of the Legislature of the State of Montana, approved February 27, 1929, granting to the United States concurrent police jurisdiction over and within all the territory which is now or may hereafter be included in the rights-of-way of the Blackfeet Highway, including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights-of-way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier National Park road system, including the highways themselves, are hereby accepted, and the laws and regulations of the United States relating to and while in force within the Glacier National Park, so far as applicable, are hereby extended over and within the territory of said rights-of-way and highways. (May 2, 1932, c. 155, § 1, 47 Stat. 144.)

§ 181a. Same; Blackfeet Highway and connections; administrative control and jurisdiction of Secretary of Interior. The Secretary of the Interior shall notify, in writing, the Governor of the State of Montana of the passage and approval of sections 181, 181a, and 181b of this title, and so far as the interests of the United States shall require, the said Secretary shall exercise administrative control and jurisdiction over said rights of way and highways through the National Park Service. (May 2, 1932, c. 155, § 2, 47 Stat. 144.)

§ 181b. Same; Blackfeet Highway and connections; jurisdiction of United States Commissioner. The United States commissioner for the Glacier National Park shall have jurisdiction under the provisions of

sections 163 and 168 to 177 of this title, of violations of law or the rules and regulations of the Secretary of the Interior in force within said rights of way and highways. (May 2, 1932, c. 155, § 3, 47 Stat. 145.)

ROCKY MOUNTAIN NATIONAL PARK

§ 191. **Rocky Mountain National Park; establishment; reclamation project.** The tract of land in the State of Colorado particularly described by and included within metes and bounds as follows, to wit: Beginning at the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, thence north along the section lines to the northeast corner of section 3, said township; thence west to the northwest corner of said section; thence north along the section lines to the northeast corner of section 16, township 4 north, range 73 west; thence west to the northwest corner of said section; thence north to the northeast corner of section 8, said township; thence west along the section lines to the northwest corner of section 7, said township; thence north to the northeast corner of township 4 north, range 74 west; thence west along the first correction line north, to the southeast corner of section 36, township 5 north, range 74 west; thence north along the range line to the northeast corner of the southeast quarter of the southeast quarter of section 13, said township; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 14, said township; thence north to the northwest corner of the northeast quarter of the southeast quarter of section 11, said township; thence east to the northeast corner of the northeast quarter of the southeast quarter of section 12, said township; thence south along the range line to the southeast corner of said section; thence east along the section lines to the southeast corner of the southwest quarter of section 10, township 5 north, range 73 west; thence north to the northeast corner of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of said section; thence north to the northeast corner of said section; thence east to the southeast corner of the southwest quarter of the southwest quarter of section 2, said township; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of the southwest quarter, said section; thence north to the northeast corner of the northeast quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of section 1, said township; thence north along the range line to the northeast corner of section 36, township 7 north, range 73 west; thence west along the section lines to the intersection with the west bank of the Big South Cache la Poudre River in township 7 north, range 75 west; thence southeasterly along the west bank of said river to the mouth of a tributary of said river, probably in section 1, township 6 north, range 75 west; said tributary heading at La Poudre Pass in section 20, township 6 north, range 75 west; thence southwesterly along the west bank of said tributary to its head; thence across the Continental Divide to the headwaters of the North Fork of the Grand River, which also heads at La Poudre Pass; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 29 and 30, township 6 north, range 75 west; thence south along the section lines to the southeast corner of section 18, township 5 north, range 75 west; thence west along the section line to its intersection with the west bank of the North Fork of the Grand River; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 25 and 36, township 4 north, range 76 west; thence east to the northeast corner of section 36, said township; thence south along the range line to the southeast corner of said township; thence east along the township line to the northeast corner of the northwest quarter of section 4, township 3 north, range 75 west; thence south to the southwest corner of the northeast quarter of section 9, said

township; thence west along the quarter section line to its intersection with a creek in section 7, said township, this creek being an outlet of Grand Lake, and flowing into the North Fork of the Grand River; thence southerly along the said creek to its junction with the North Fork of the Grand River; thence southerly along the west bank of the North Fork of the Grand River to its intersection with the township line between townships 2 and 3 north; thence east along the township line to the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and is dedicated and set apart as a public park for the benefit and enjoyment of the people of the United States, under the name of the Rocky Mountain National Park. The United States Reclamation service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. (Jan. 26, 1915, c. 19, § 1, 38 Stat. 798.)

See sections 192 and 192a of this title.

§ 192. **Same; boundaries enlarged.** The eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is hereby changed so as to read as follows:

Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colorado, which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 72 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, the Craggs, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Giant-track Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections 14 and 13, township 5 north, range 73 west and along the continuation of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west, to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colorado.

And the lands lying between the eastern boundary existing on February 14, 1917, and the eastern boundary as changed by this section between said section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and said township corner common to townships 5 and 6 north, ranges 72 and 73 west, are reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and are made a part of and included in the Rocky Mountain National Park, and all the provisions of section 191 of this title are made applicable to and extended over the lands hereby added to the park. (Feb. 14, 1917, c. 61, 39 Stat. 916.)

§ 192a. **Same; boundaries revised; excluded lands transferred.** Portions of the north and east boundary of the Rocky Mountain National Park are hereby revised as follows:

North boundary, beginning at the northwest corner of the northeast quarter of the northeast quarter of section 33, township 7 north, range 74 west, being a point on the present north boundary line of the Rocky Mountain National Park; thence southerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence westerly to the southeast corner of the northwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section, being a point on the present north boundary line of the Rocky Mountain National Park and the end of the above-described change of said boundary; and

East boundary, beginning at the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, being a point on the present east boundary line of Rocky Mountain National Park; thence westerly along the township line to the northwest corner of said section; thence northerly along section line to the southwest corner of the northwest quarter of section 34, township 4 north, range 73 west; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 22, said township; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 15, said township; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence northerly passing through the northeast corner of the northwest quarter of said section, to the northeast corner of the southeast quarter of the southwest quarter of section 10, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the southwest quarter of said section; thence westerly, passing through the northwest corner of the southwest quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 9, said township; thence southerly to the northeast corner of the southwest quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 5, said township; thence westerly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of the southeast quarter of said section; thence westerly along section line to the southeast corner of the southwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly along section line to the northeast corner of section 6, said township; thence easterly along the first correction line north to the southeast corner of the southwest quarter of section 32, township 5 north, range 73 west; thence northerly to the northeast corner of the northwest quarter of said section; thence westerly along section line to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 20, said township; thence easterly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly, passing through the southwest corner of the southeast quarter of the southeast quarter of said section, to the

southwest corner of the northeast quarter of the northeast quarter of section 29, said township; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northwest quarter of section 28, said township; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of the northwest quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of the northeast quarter of said section, to the southeast corner of the northeast quarter of the northeast quarter of section 27, said township; thence northerly along section line to the northeast corner of said section; thence westerly along section line to the southeast corner of the southwest quarter of the southwest quarter of section 22, said township; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly along section lines to the southeast corner of the southwest quarter of section 16, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section line to the center line of the north branch of Fall River; thence northwesterly along the center line of the north branch of Fall River to the west line of the east half of the east half of section 17, said township; thence southerly to the northeast corner of the southwest quarter of the southeast quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence westerly along section line to the southeast corner of section 18, said township; thence northerly along section line to the northeast corner of said section; thence easterly along section line to the northwest corner of section 16, said township; thence southerly along section line to the southwest corner of the northwest quarter of the northwest quarter of said section; thence easterly to the northwest corner of the southwest quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northeast quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 15, said township; thence southerly to the southwest corner of the northeast quarter of the southwest quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northeast quarter of said section; thence easterly on mid-section lines to the southeast corner of the northwest quarter of section 18, township 5 north, range 72 west; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of section 7, said township; thence westerly along section line to the southeast corner of the southwest quarter of section 6, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly to the northwest corner of said section, being a point on the present east boundary line of Rocky Mountain National Park and the end of the change of said boundary: *Provided, however,* That the following lands shall remain and be a part of the Rocky Mountain National Park: The northwest quarter of the northeast quarter and the east half of the northeast quarter of the northwest quarter of section 34, township 5 north, range 73 west; all of that portion of the following described lands located in township 4 north, range 73 west, lying west of the hydrographic divide that forms the eastern boundary of the water-

shed of Cow Creek and of Aspen Brook; the east half of the northeast quarter of section 35; the east half of the southeast quarter and the southeast quarter of the northeast quarter of section 26; section 24; section 25; the east half of section 23: *Provided further*, That those portions of the following-described lands that are hereby excluded from the Rocky Mountain National Park, are hereby transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to National Forests; the northwest quarter of the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34, township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west. (June 9, 1926, c. 515, § 1, 44 Stat. 712.)

§ 192b. *Same; addition of lands.* The President of the United States is authorized, upon the recommendation of the Secretary of the Interior, and with respect to lands located in a national forest upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation any or all of the following-described lands, to wit:

Sections 5 and 6, township 3 north, range 75 west.

All of section 3 except the northeast quarter northeast quarter; all of section 4; north half, north half southeast quarter, southwest quarter southeast quarter section 5; north half, northwest quarter southwest quarter section 9; north half, northeast quarter southwest quarter, southeast quarter section 10; northeast quarter, north half southeast quarter section 15, in township 4 north, range 73 west.

North half, southwest quarter, northwest quarter southeast quarter section 17; south half southwest quarter, southwest quarter southeast quarter section 20; south half northeast quarter, southeast quarter northwest quarter, south half section 28; all of section 29 except northeast quarter northeast quarter; east half section 32; all of section 33; southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 34, in township 5 north, range 73 west.

All of sections 6, 7, and 18; that portion of section 19 lying outside of park boundary, in township 5 north, range 75 west.

All of sections 1, 2, 11, 12, 13, 14, 23, and 24; those portions of sections 3 and 10 lying east of the Continental Divide; that portion of section 15 lying east of the Continental Divide and on the eastern slope of Mount Nimbus; and that portion of section 22 lying on the eastern slope of Baker Mountain, in township 5 north, range 76 west.

All of sections 19, 30, and 31; that portion of section 20 lying outside of the park boundary and south of the boundary line between Larimer and Grand Counties; that part of sections 17 and 18 lying south of the boundary line between Larimer and Grand Counties and the Continental Divide and that part of section 29 lying outside the park boundary, in township 6 north, range 75 west.

All of sections 25, 26, 35, and 36; those portions of sections 13, 22, 23, 24, 27, and 34 lying east of the Continental Divide, in township 6 north, range 76 west; and all the lands added to said park pursuant hereto are hereby made subject to all laws, rules, and regulations applicable to and in force in the Rocky Mountain National Park. (June 21, 1930, c. 561, § 1, 46 Stat. 791.)

§ 192c. *Same; vested rights.* Nothing contained in section 192b of this title shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States on June 21, 1930, whether for homestead, mineral, rights-of-way, or any other purposes whatsoever, or any water rights and/or rights of way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by

local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land. (June 21, 1930, c. 561, § 2, 46 Stat. 792.)

§ 193. *Same; claims and rights under land laws not affected; rights-of-way for irrigation and other purposes.* Nothing contained in this section and sections 191, 194, and 195 of this title shall affect any valid claim, location, or entry under the land laws of the United States, existing on January 26, 1915, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79, 419, and 522 of this title shall be applicable to the lands included within the park. (Jan. 26, 1915, c. 19, § 2, 38 Stat. 800; Jan. 26, 1931, c. 47, § 7, 46 Stat. 1044.)

§ 194. *Same; lands held in private, municipal, or State ownership not affected.* No lands located within the park boundaries held in private, municipal, or State ownership on January 26, 1915, shall be affected by or subject to the provisions of sections 191, 193, and 195 of this title. (Jan. 26, 1915, c. 19, § 3, 38 Stat. 800.)

§ 195. *Same; control of; regulations; leases; sale and removal of timber.* Rocky Mountain National Park shall be under the executive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title and not inconsistent with this section, he shall make and publish such reasonable 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, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof. The said Secretary may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent in any one place to any person or company for not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors, may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors, and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. The regulations governing the park shall include provisions for the use of automobiles therein. The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park, that may be donated for park purposes. (Jan. 26, 1915, c. 19, § 4, 38 Stat. 800; June 12, 1917, c. 27, § 1, 40 Stat. 152; Mar. 1, 1919, c. 83, 40 Stat. 1270.)

§ 196. *Use of park land for Arbuckle Reservoir.* The Secretary of the Interior is hereby authorized in his discretion to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity, of the Arbuckle Number 2 Reservoir. (June 9, 1926, c. 515, § 2, 44 Stat. 714.)

§ 197. *Applicability of other laws.* The provisions of sections 191, 193 to 195 of this title and sections 1 to 4 of this title are made applicable to and extended over the lands added to the park by section 192a of this title: *Provided*, That the provisions of sections 791 to 823 of this title shall not apply to or extend over such lands. (June 9, 1926, c. 515, § 3, 44 Stat. 714.)

§ 198. *Same; exclusive jurisdiction; assumption by United States; saving provisions.* The provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are hereby accepted, and sole and ex-

clusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights-of-way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado. (Mar. 2, 1929, c. 583, § 1, 45 Stat. 1536.)

§ 198a. **Same; judicial district.** Said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Mar. 2, 1929, c. 583, § 2, 45 Stat. 1537.)

§ 198b. **Same; punishment of offenses; Colorado laws when followed.** If any offense shall be committed in the Rocky Mountain National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park. (Mar. 2, 1929, c. 583, § 3, 45 Stat. 1537.)

§ 198c. **Same; prohibited acts; rules and regulations; penalties for offenses.** All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this section or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber,

natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Mar. 2, 1929, c. 583, § 4, 45 Stat. 1537.)

§ 198d. **Same; forfeiture of property used in commission of offenses.** All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 198 to 198g of this title, and upon conviction under sections 198 to 198g of this title of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in sections 198 to 198g of this title. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Mar. 2, 1929, c. 583, § 5, 45 Stat. 1538.)

§ 198e. **Same; United States Commissioner; appointment; jurisdiction; issuing process; appeals; rules of procedure.** The United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by sections 198 to 198g of this title.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 198b and 198c of this title prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (Mar. 2, 1929, c. 583, § 6, 45 Stat. 1538.)

§ 198f. **Same; United States Commissioner; arrest of persons for offenses not covered by section 198c; bail.** Such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 198c of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Mar. 2, 1929, c. 583, § 7, 45 Stat. 1538.)

§ 198g. Same; United States Commissioner; process to whom directed; arrest without process. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing contained in sections 198 to 198j of this title shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or section 198b or 198c of this title or the regulations prescribed by the said Secretary as aforesaid. (Mar. 2, 1929, c. 583, § 8, 45 Stat. 1538.)

§ 198h. Same; United States Commissioner; salary; residence; fees, costs, and expenses in court proceedings. The commissioner provided for in section 198e of this title shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Rocky Mountain National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 198j of this title. (Mar. 2, 1929, c. 583, § 9, 45 Stat. 1539.)

§ 198i. Same; court proceedings; fees, costs, and expenses; approval and payment. All fees, costs, and expenses arising in cases under sections 198 to 198g of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Mar. 2, 1929, c. 583, § 10, 45 Stat. 1539.)

§ 198j. Same; court proceedings; fines and costs; disposition. All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado. (Mar. 2, 1929, c. 583, § 11, 45 Stat. 1539.)

LASSEN VOLCANIC NATIONAL PARK

§ 201. Lassen Volcanic National Park; establishment; boundaries; entries under land laws; reclamation projects; indemnity lands. All those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence easterly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section 34, said township; thence westerly along the sixth standard parallel north, allowing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence westerly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the range line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north

to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the northeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the southwest corner of section 33, township 31 north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and said tracts are dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people of the United States under the name and to be known and designated as the Lassen Volcanic National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom. Nothing herein contained shall affect any valid existing claim, location, or entry existing under the land laws of the United States before August 9, 1916, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands located within the park boundaries held prior to August 9, 1916, in private, municipal, or State ownership shall be affected by or subject to the provisions of this section and sections 202, and 203 of this title. No lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation having or claiming on August 9, 1916, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park. (Aug. 9, 1916, c. 302, § 1, 39 Stat. 442; Jan. 26, 1931, c. 47, § 4, 46 Stat. 1043.)

§ 201a. Same; revision of boundaries. The boundaries of the Lassen Volcanic National Park are hereby changed to read as follows:

Beginning at the southwest corner of the southeast quarter of section 29, township 30 north, range 5 east, Mount Diablo meridian, on the present south boundary line; thence west on the section line between sections 29 and 32 and 30 and 31, township 30 north, range 5 east, and between sections 25 and 36 and 26 and 35 and 27 and 34 and 28 and 33 and 29 and 32 to the southwest corner of section 29, township 30 north, range 4 east; thence north on the section line between sections 29 and 30 and 19 and 20 and 18 and 17 and 7 and 8 and 6 and 5 to the northwest corner of fractional section 5, township 30 north, range 4 east; thence east on the township line to the southwest corner of section 32, township 31 north, range 4 east; thence north on the section line between sections 31 and 32, 29 and 30, and 19 and 20, to the northwest corner of section 20, same township and range; thence west to the southwest corner of section 18, same township and range; thence north on town-

ship line to the northwest corner of the southwest quarter of section 7, same township and range; thence east on the quarter section line to the northwest corner of the southwest quarter of section 8, same township and range; thence north to the northwest corner of said section 8; thence east to the northeast corner of said section 8; thence north to the northwest corner of the southwest quarter of section 4, same township and range; thence east on the quarter section line to the point where it intersects Lost Creek; thence following Lost Creek in a southerly direction to a point where it intersects the north line of section 14, township 31 north, range 4 east; thence east on said section line and along the section line between sections 12 and 13, said township and range, to intersection with the present park boundary; and

Beginning at a point on the present north boundary which is the southwest corner of the southeast quarter section 8, township 31 north, range 5 east; thence north to the northwest corner of the southeast quarter, same section, township, and range; thence east on quarter section line to a point on the present park boundary which is the northwest corner of the southwest quarter of section 12, same township and range; and

Beginning at the northeast corner of the northwest quarter of section 24, township 31 north, range 6 east, a point on the present east boundary line; thence east between sections 13 and 24 to the northeast corner of section 24, said township; thence south on the range line three miles to the southeast corner of section 36, said township; thence west on the township line to the northeast corner of section 1, township 30 north, range 6 east; thence south on the range line to the southeast corner of section 25, said township; thence west along the section line to the southwest corner of section 26 on the present south boundary line; thence along the present boundary line and continuing on the section line to the southwest corner of section 28; thence north on the section line to the northwest corner of the southwest quarter of the southwest quarter of said section 28; thence west to the southwest corner of the northeast quarter of the southwest quarter of section 29; thence north to the northwest corner of the southeast quarter of the northwest quarter of said section 29; thence west to the southwest corner of the northeast quarter of the northeast quarter of section 30; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section 30; thence west to the northeast corner of the northeast quarter of the northwest quarter of said section 30; thence south to the southeast corner of the northeast quarter of the northwest quarter of said section 30; thence west to the southeast corner of the northwest quarter of the northwest quarter of said section 30; thence south to the southeast corner of the northwest quarter of the southwest quarter of said section 30; thence west to the southwest corner of the northwest quarter of the southwest quarter of said section 30, township 30 north, range 6 east, which is a point on the present boundary line.

All of those lands lying within the boundary lines above described and the present boundary lines are hereby included in and made a part of the Lassen Volcanic National Park. (Jan. 19, 1929, c. 75, § 1, 45 Stat. 1081.)

§ 201b. Same; sections applicable to lands within revised boundaries. The provisions of sections 201 to 203 and 1 to 4 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park by section 201a of this title: *Provided*, That the provisions of chapter 12 of this title shall not apply to or extend over such lands. (Jan. 19, 1929, c. 75, § 2, 45 Stat. 1082.)

§ 202. Same; control; rules and regulations; fish and game; leases; automobiles; stock grazing. Lassen Volcanic National Park shall be under the exclusive control of the Secretary of the Interior. He shall make such rules and regulations and exercise such powers as are enumerated in section 3 of this title insofar as not inconsistent with this section. Such regulations shall be aimed primarily at the

freest use of the said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition as far as practicable and for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and sections 201, 203 of this title. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of said sections. He may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years when such ground is necessary for the erection of buildings for the accommodation of visitors and to parcels of ground not exceeding one acre in extent and for not to exceed 20 years to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer homes or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased. The regulations governing the park shall include provisions for the use of automobiles therein and the reasonable grazing of stock. (Aug. 9, 1916, c. 302, § 2, 39 Stat. 444.)

See section 202a of this title.

§ 202a. Same; summer homes and cottages. After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Lassen Volcanic National Park, California, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however*, That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931. (Jan. 26, 1931, c. 47, § 3, 46 Stat. 1043.)

§ 203. Same; sale and removal of timber; charges for leases and privileges. The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and may exact such charges as he deems proper for leases and all other privileges granted hereunder. (Aug. 9, 1916, c. 302, §§ 3, 4, 39 Stat. 444.)

§ 204. Same; exclusive jurisdiction ceded to United States by California. The provisions of the Act of the legislature of the State of California (approved April 20, 1927) ceding to the United States exclusive jurisdiction over and within the territory which is now or may hereafter be included within the Lassen Volcanic National Park are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California. (Apr. 26, 1928, c. 438, § 1, 45 Stat. 463.)

§ 204a. Same; judicial district; court having jurisdiction of offenses. Said park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the

United States in and for said northern district shall have jurisdiction of all offenses committed within the boundaries of the said park. (Apr. 26, 1928, c. 438, § 2, 45 Stat. 463.)

§ 204b. Same; application of California laws to offenses. If any offense shall be committed in the said park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said park. (Apr. 26, 1928, c. 438, § 3, 45 Stat. 463.)

§ 204c. Same; hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties. All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of section 201 of this title creating and establishing said park, natural curiosities, or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this section.

Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this section, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of section 201 of this title creating and establishing said park, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of section 201 of this title creating and establishing said park, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings. (Apr. 26, 1928, c. 438, § 4, 45 Stat. 463.)

§ 204d. Same; forfeiture of property used for unlawful purposes. All guns, traps, teams, horses, or means of transportation of every nature or description, used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or ani-

mals, shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of section 204c of this title, and upon conviction under said section of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in said section. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Apr. 26, 1928, c. 438, § 5, 45 Stat. 464.)

§ 204e. Same; United States Commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure. The United States district court for the northern district of California shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior for the government of said park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by section 204c of this title. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of said section prescribed for the government of said park, and for the protection of the animals, birds, and fish in said park, and to try persons so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the northern district of California, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court. (Apr. 26, 1928, c. 438, § 6, 45 Stat. 464.)

§ 204f. Same; criminal offenses not covered by section 204c; jurisdiction of Commissioner. Such commissioner shall also have power to issue process as provided in section 204e of this title for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 204c of this title, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Northern District of California and certify a transcript of the record of his proceedings and the testimony in such case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all casesailable under the laws of the United States or of said State. (Apr. 26, 1928, c. 438, § 7, 45 Stat. 465.)

§ 204g. Same; process to whom issued; arrests without process. All process issued by the commissioner shall be directed to the marshal of the United States for the northern district of California but nothing contained in sections 204 to 204j of this title shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said park without process of any person taken in the act of violating the law or section 204b or 204c of this title or the regulations prescribed by the said Secretary as aforesaid. (Apr. 26, 1928, c. 438, § 8, 45 Stat. 465.)

§ 204h. Same; salary of Commissioner; residence; fees, costs, and expenses. The commissioner provided for in section 204e of this title shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Lassen Volcanic National Park at a place to be desig-

nated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 204j of this title. (Apr. 26, 1928, c. 438, § 9, 45 Stat. 465.)

§ 204i. **Same; fees, costs, and expenses against United States.** All fees, costs, and expenses arising in cases under sections 204c to 204g of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 26, 1928, c. 438, § 10, 45 Stat. 465.)

§ 204j. **Same; disposition of fines and costs.** All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same with the clerk of the United States District Court for the Northern District of California. (Apr. 26, 1928, c. 438, § 11, 45 Stat. 465.)

§ 204k. **Same; addition of lands.** The President of the United States is authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Lassen Volcanic National Park, in the State of California, by Executive proclamation, any or all of the lands within sections 3 and 4, township 29 north, range 6 east; and sections 29, 30, 31, 32, 33, 34, 35, and 36, township 30 north, range 6 east, Mount Diablo meridian, not now included within the boundaries of the park: *Provided*, That no privately owned lands shall be added to the park prior to the vesting in the United States of title thereto. (July 3, 1930, c. 834, § 1, 46 Stat. 853.)

§ 204l. **Same; application of chapter 12.** The provisions of chapter 12 of this title, known as the Federal Water Power Act, shall not apply to any lands added to the Lassen Volcanic National Park under the authority of section 204k of this title. (July 3, 1930, c. 834, § 2, 46 Stat. 853.)

§ 204m. **Same; vested rights.** Nothing contained in section 204k of this title shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States on July 3, 1930, whether for homestead, mineral, rights-of-way, or any other purposes whatsoever, or any water rights and/or rights-of-way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land. (July 3, 1930, c. 834, § 3, 46 Stat. 853.)

§ 205. **Same; additional lands for administrative headquarters site.** The lands hereafter described, to wit: The southwest quarter of the northwest quarter, section 25, and the southeast quarter of the northeast quarter, section 26, township 29 north, range 3 east, Mount Diablo meridian, in the State of California, are hereby added to and made a part of the Lassen Volcanic National Park for use as an administrative headquarters site. (Apr. 26, 1928, c. 439, § 1, 45 Stat. 466.)

§ 205a. **Same; sections made applicable to additional lands.** The provisions of sections 201 to 203, and 1 to 4 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of chapter 12 of this title shall not apply to or extend over such lands. (Apr. 26, 1928, c. 439, § 2, 45 Stat. 466.)

§ 206. **Same; exchange of lands within exterior boundaries; removal of timber.** When the public interests will be benefited thereby, the Secretary of the Interior is authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national-park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the ex-

terior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided*, That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this Act shall, upon acceptance of title, become a part of Lassen Volcanic National Park. (Mar. 1, 1929, c. 445, 45 Stat. 1443.)

§ 207. **Same; exchange of certain lands; adjustment of park boundary.** The Secretary of the Interior is hereby authorized to accept on behalf of the United States, for inclusion in the Lassen Volcanic National Park, fee simple title to the tract of land containing ten acres, now adjoining said park, and described as the west half west half northwest quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian, and in exchange therefor is authorized and empowered to patent to the owner of said land ten acres of land now within said park and described as the southwest quarter northeast quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian: *Provided*, That the land acquired by the United States under this section shall, upon acceptance of title, become and be a part of the Lassen Volcanic National Park and subject to all laws and regulations relating to the lands therein, and the land exchanged therefor shall, upon issuance of patent, be excluded from the park. (Apr. 19, 1930, c. 191, § 1, 46 Stat. 222.)

§ 207a. **Same; application of chapter 12 to lands acquired under section 207.** The provisions of chapter 12 of this title shall not apply to or extend over the land acquired for inclusion in the Lassen Volcanic National Park in accordance with the provisions of section 207 of this title. (Apr. 19, 1930, c. 191, § 2, 46 Stat. 222.)

§ 207b. **Same; exchange of lands with California; adjustment of park boundary.** The Secretary of the Interior is authorized to accept on behalf of the United States title to the northeast quarter northeast quarter section 27, township 30 north, range 5 east, Mount Diablo base and meridian, situate within the exterior boundaries of Lassen Volcanic National Park, from the State of California, and in exchange therefor may patent an area of unreserved, vacant, nonmineral public land of equal value situate in the same State. The land which may be acquired by the United States under this Act shall, upon acceptance of title, become a part of Lassen Volcanic National Park. (May 21, 1928, c. 658, 45 Stat. 644.)

ABRAHAM LINCOLN NATIONAL PARK

§ 211. **Abraham Lincoln National Park or Reservation; deed to; admission fees to.** The United States of America accepts title to the lands mentioned in the deed of gift or conveyance in possession of the Secretary of War on July 17, 1916, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abra-

ham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation. (July 17, 1916, c. 247, § 1, 39 Stat. 385.)

§ 212. **Same; endowment fund; protection and preservation.** The United States of America also accepts title to the endowment fund of \$50,000 mentioned in the assignment and transfer, in the possession of the Secretary of War, on July 17, 1916, which assignment and transfer was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation. (July 17, 1916, c. 247, § 2, 39 Stat. 385.)

See section 725s of Title 31.

§ 213. **Same; execution of instruments necessary to carry out purposes of gift.** The President of the United States of America and the Secretary of War are authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom. (July 17, 1916, c. 247, § 3, 39 Stat. 386.)

§ 214. **Same; rules and regulations.** Abraham Lincoln National Park shall be under the control of the National Park Service and administered under such regulations not inconsistent with law as it may from time to time prescribe. (July 17, 1916, c. 247, § 4, 39 Stat. 386; June 10, 1933, Ex. Or. 6166, § 2; July 28, 1933, Ex. Or. 6228, § 1; Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.)

§ 215. **Same; improvements and preservation of lands and buildings.** For the purpose of protecting from disintegration and of improving, beautifying, and preserving the Abraham Lincoln National Park or Reservation established under sections 211 to 214 of this title, the National Park Service is authorized and directed to provide for (1) the improvement of such existing roadways, walks, and buildings in such park or reservation; and (2) the planting of such trees, plants, and shrubbery; the construction of such additional roadways, walks, and buildings, and of such fences, parking spaces, drainage structures, culverts, and bridges; and the making of such other improvements, as in his judgment may be necessary for the preservation, beautification, and protection from disintegration of such park or reservation, including the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, and which may serve to render such park or reservation convenient for the appropriate use and enjoyment by the public. (Feb. 11, 1929, c. 176, § 1, 45 Stat. 1162; June 10, 1933, Ex. Or. 6166, § 2; July 28, 1933, Ex. Or. 6228, § 1; Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.)

§ 216. **Same; appropriation to carry out provisions of section 215.** There is authorized to be appropri-

ated the sum of \$100,000, or so much thereof as may be necessary, to carry out the provisions of section 215 of this title; and authorization is also hereby given for such appropriations as may, in the future, be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees. (Feb. 11, 1929, c. 176, § 2, 45 Stat. 1162.)

GRAND CANYON NATIONAL PARK

§ 221. **Grand Canyon National Park; establishment; boundaries.** There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park", the tract of land in the State of Arizona particularly described by and included within metes and bounds, as follows, to wit:

Beginning at a point which is the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence west on township line between township 30 and 31 north, range 1 east, to section corner common to sections 1 and 2, township 30 north, range 1 east, and 35 and 36 township 31 north, range 1 east; thence north on section lines to the intersection with Tobocobya Spring-Rowe Well Road; thence northwesterly along the southwest-erly side of said Tobocobya Spring-Rowe Well Road, passing and in relation to United States Geological Survey bench marks stamped "Canyon" and numbered 6340, 6235, 6372, 6412, 6302, 6144, and 6129, through townships 31 and 32 north, ranges 1 east and 1 and 2 west, to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to its intersection with upper westerly rim of Cataract Canyon; thence northwesterly along upper rim of Cataract Canyon, crossing Hualapai Canyon and continuing northwesterly along said upper rim to its intersection with range line, township 33 north, between ranges 4 and 5 west; thence north on said range line, townships 33 and 34 north, ranges 4 and 5 west, to north bank of the Colorado River; thence northeasterly along the north bank of the Colorado River to junction with Tapeats Creek; thence easterly along north bank of Tapeats Creek to junction with Spring Creek; thence easterly along the north bank of Spring Creek to its intersection with Gila and Salt River meridian, township 34 north, between ranges 1 east and 1 west and between section 6, township 34 north, range 1 east, and section 1, township 34 north, range 1 west; thence south on range line between ranges 1 east and 1 west to section corner common to sections 7 and 18, township 34 north, range 1 east, and sections 12 and 13, township 34 north, range 1 west; thence east on section lines to section corner common to sections 7, 8, 17, and 18, township 34 north, range 2 east; thence south on section lines to township line between townships 33 and 34 north, range 2 east, at section corner common to sections 31 and 32, township 34 north, range 2 east, and sections 5 and 6, township 33 north range 2 east; thence east on township line to section corner common to sections 31 and 32, township 34 north, range 3 east, and sections 5 and 6, township 33 north, range 3 east; thence south on section lines to section corner common to sections 17, 18, 19, and 20, township 33 north, range 3 east; thence east on section lines to section corner common to sections 13, 14, 23, and 24 township 33 north, range 3 east; thence north on section lines to section corner common to sections 1, 2, 11, and 12, township 33 north, range 3 east; thence east on section lines to the intersection with upper rim of Grand Canyon; thence northerly along said upper rim of Grand Canyon to main hydrographic divide north of Nankoweap Creek; thence easterly along the said hydrographic divide to its intersection with the Colorado River, approximately at the mouth of Nankoweap Creek; thence easterly across the Colorado River and up the hydrographic divide

nearest the junction of Nankoweap Creek and Colorado River to a point on the upper east rim of the Grand Canyon; thence by shortest route to an intersection with range line, townships 33 and 34 north, between ranges 5 and 6 east; thence south on said range line, between ranges 5 and 6 east, to section corner common to sections 18 and 19, township 33 north, range 6 east, and sections 13 and 24, township 33 north, range 5 east; thence east on section lines to section corner common to sections 16, 17, 20, and 21, township 33 north, range 6 east; thence south on section lines to section corner common to sections 8, 9, 16, and 17, township 31 north, range 6 east; thence west on section line to section corner common to sections 7, 8, 17, and 18, township 31 north, range 6 east; thence south on section lines to township line between townships 30 and 31 north at section corner common to sections 31 and 32, township 31 north, range 6 east, and sections 5 and 6, township 30 north, range 6 east; thence west on township line to section corner common to sections 34 and 35, township 31 north, range 5 east, and sections 2 and 3, township 30 north, range 5 east; thence south on section line to section corner common to sections 2, 3, 10, and 11 township 30 north, range 5 east; thence west on section lines to range line, township 30 north, between ranges 4 and 5 east, at section corner common to sections 6 and 7, township 30 north, range 5 east, and 1 and 12, township 30 north, range 4 east; thence south on range line, township 30 north, between ranges 4 and 5 east, to section corner common to sections 7 and 18, township 30 north, range 5 east, and sections 12 and 13, township 30 north, range 4 east; thence west on section line to section corner common to sections 11, 12, 13, and 14, township 30 north, range 4 east; thence south on section line to section corner common to sections 13, 14, 23, and 24, township 30 north, range 4 east; thence west on section lines to section corner common to sections 15, 16, 21, and 22, township 30 north, range 4 east; thence south on section line to section corner common to sections 21, 22, 27, and 28, township 30 north, range 4 east; thence west on section lines to range line, township 30 north, between ranges 3 and 4 east, at section corner common to sections 19 and 30, township 30 north, range 4 east, and sections 24 and 25, township 30 north, range 3 east; thence north on range line to section corner common to sections 18 and 19, township 30 north, range 4 east, and sections 13 and 24, township 30 north, range 3 east; thence west on section lines to section corner common to sections 14, 15, 22, and 23, township 30 north, range 3 east; thence north on section line to section corner common to sections 10, 11, 14, and 15, township 30 north, range 3 east; thence west on section lines to range line at section corner common to sections 7 and 18, township 30 north, range 3 east, and sections 12 and 13, township 30 north, range 2 east; thence north on range line to section corner common to sections 6 and 7, township 30 north, range 3 east, and sections 1 and 12, township 30 north, range 2 east; thence west on section line to section corner common to sections 1, 2, 11, and 12, township 30 north, range 2 east; thence north on section line to township line at section corner common to sections 35 and 36, township 31 north, range 2 east, and sections 1 and 2, township 30 north, range 2 east; thence west on township line to the northeast corner of township 30 north, range 1 east, the place of beginning. (Feb. 26, 1919, c. 44, § 1, 40 Stat. 1175.)

§ 221a. Same; boundary changed. The boundary of the Grand Canyon National Park is hereby changed so as to read as follows:

Beginning at a point on the present south boundary of Grand Canyon National Park, being the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence westerly along north line of said township to the northwest corner of section 1, said township; thence northerly along west line of section 36, township 31 north, range 1 east, to a point one-half mile south of the center line of the Supai road survey as mapped and staked by the Bureau of Public Roads during the field sea-

son of 1925; thence in a northwesterly direction following a line, which maintains a uniform distance one-half mile south and west of the center line of said road survey, to its intersection with the projected section line between what probably will be when surveyed sections 9 and 16, township 32 north, range 2 west; thence westerly along projected section lines through probable townships 32 north, ranges 2, 3, and 4 west, to its intersection with the upper west rim of Havasu (Cataract) Canyon; thence northwesterly along said upper west rim, crossing Hualapai Canyon to Wescogame Point and continuing northwesterly along said upper rim to Watahomigie Point; thence due north along the top of a ridge a distance of approximately three-fourths of a mile to the point of said ridge, the elevation of which is given as four thousand eight hundred and sixty-five feet; thence northwesterly, crossing Beaver Canyon, to Yumtheska Point and continuing northwesterly, following the lower rim of Yumtheska Point, crossing the projected range line between ranges 4 and 5 west to the divide west of Havasu Creek; thence northerly along said divide to the north bank of the Colorado River; thence northeasterly along said bank to the divide immediately west of Tapeats Creek; thence northeasterly along said divide, including the entire drainage area on the north side of Tapeats Creek, to the point at which this divide touches the ledge of cross-bedded sandstone generally known as the Coconino sandstone; thence southerly along said sandstone ledge to its junction with the Gila and Salt River meridian; thence southerly along the Gila and Salt River meridian to the northwest corner of what will probably be when surveyed section 18, township 34 north, range 1 east; thence easterly along projected section lines to the northeast corner of what will probably be when surveyed section 14, township 34 north, range 2 east; thence southerly along projected section line to the southeast corner of said section 14; thence easterly along projected section lines, a distance of approximately six miles to a point on the divide between South Canyon and Thompson Canyon; thence southeasterly along said divide, including the entire drainage area of Thompson Canyon and Neal Spring Canyon, to the intersection with the upper rim of the Grand Canyon; thence easterly along the main hydrographic divide north of Nankoweap Creek and Little Nankoweap Canyon to its intersection with the Colorado River, approximately at the mouth of Little Nankoweap Canyon; thence due east across the Colorado River to the east bank of the Colorado River; thence southeasterly along said bank, to the north bank of Little Colorado River; thence easterly along said bank of Little Colorado River to its intersection with what probably will be when surveyed the east line of section 32, township 33 north, range 6 east, or the east line of section 5, township 32 north, range 6 east; thence southerly along projected section lines to the northeast corner of what probably will be when surveyed section 8, township 30 north, range 6 east; thence westerly along projected section lines to the southwest corner of what probably will be when surveyed section 6, township 30 north, range 5 east; thence southerly to the northeast corner of section 13, township 30 north, range 4 east; thence westerly to the northwest corner of said section 13; thence southerly to the southwest corner of said section 13; thence westerly along section lines to a point nine hundred and fifty feet west of the northeast corner of section 22, said township; thence due south a distance of one thousand three hundred and twenty feet to a point on the south line of the north tier of forties of said section 22; thence westerly to the west line of said section 22; thence southerly along said west line, to the southwest corner of said section 22; thence westerly along section lines to the southwest corner of section 19, township 30 north, range 4 east; thence northerly to the northwest corner of said section 19; thence westerly to the southwest corner of section 14, township 30 north, range 3 east; thence northerly to the northwest corner of said section 14; thence westerly on section lines to the southwest corner of section 12, township 30 north, range 2 east; thence northerly along section lines to the north line

of said township 30 north, range 2 east; thence westerly along said north township line to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Grand Canyon National Park; and all of those lands excluded from the present Grand Canyon National Park are hereby included in and made a part of the contiguous national forests, subject to all national forest laws and regulations. (Feb. 25, 1927, c. 197, § 1, 44 Stat. 1233.)

§ 221b. Same; various laws made applicable to added lands. The provisions of sections 221 to 228 of this title and sections 1 to 10 of this title are made applicable to and extended over the lands added to the park by section 221a of this title: *Provided*, That the provisions of sections 791 to 823 of this title shall not apply to or extend over such lands. (Feb. 25, 1927, c. 197, § 2, 44 Stat. 1240.)

§ 221c. Same; exchange of lands. The owner of the land described as the northeast quarter of the northwest quarter of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona containing 40 acres, more or less, and that portion of lot numbered 2 of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, lying west of the east line of a right-of-way of a proposed road, described as follows: Beginning at a point on the south line of said section 17, eight hundred feet west of the quarter section corner of said section 17; thence north twenty-four degrees forty-five minutes west, five hundred feet; thence north fourteen degrees forty-five minutes west, five hundred feet; thence north thirteen degrees five minutes west, eight hundred and thirty-one feet to the intersection of the west line of the northeast quarter of the southwest quarter of said section 17; thence south one thousand seven hundred and forty-eight feet on the east line of the west half of the southwest quarter of said section 17 to the south line of said section 17; thence east along said south line, five hundred and twenty-three and five-tenths feet to the point of beginning, containing eight and nine-tenths acres, more or less, all within the Grand Canyon National Park, is hereby permitted and authorized to convey the fee simple title to said land to the United States of America, and select in lieu of said land above described the Government land within the area described as follows: Beginning at a point on the south line of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, approximately eight hundred and seventy feet east of the south quarter section corner of said section 17, which point is south of a point just east of the east bank of a draw on the south rim of the Grand Canyon; thence north approximately five hundred and fifty feet to said point on the south rim of the Grand Canyon; thence northwesterly along the south rim of the Grand Canyon approximately four thousand eight hundred and ten feet to its intersection with the east line of the southeast quarter of the northwest quarter of said section 17; thence south on the north and south center line of said section 17 approximately three thousand seven hundred and seventy-five feet to the south line of said section 17; thence east along said south line of said section 17 approximately eight hundred and seventy feet to the point of beginning, containing twenty-five and eight-tenths acres, more or less, and the Secretary of the Interior is hereby authorized, empowered, and directed to accept a duly executed grant deed from said owner conveying said owner's land above described to the United States of America, and upon acceptance of such grant deed to cause to be issued and delivered to said owner a patent conveying absolutely to said owner the Government land above described: *Provided, however*, That the lands so conveyed by said owner shall become and be a part of the Grand Canyon National Park and be subject to all laws and regulations relating to said park. (May 10, 1926, c. 281, § 1, 44 Stat. 497.)

§ 221d. Same; relinquishment of interest in road in Park. Upon the completion of the exchange authorized by section 221c of this title there shall be,

and is hereby, relinquished and quit-claimed to said owner any right, title, and interest that the United States of America may have in and to the now existing road over other land of said owner in the Grand Canyon National Park, the center line of said road being described as follows: Beginning at a point approximately at the south quarter section corner of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, thence north ten degrees eleven minutes west, five hundred feet; thence north thirty-six degrees six minutes west, one hundred and forty-five feet; thence north forty-two degrees sixteen minutes west, one thousand seven hundred feet to the east line of the west half of the west half of said section 17. (May 10, 1926, c. 281, § 2, 44 Stat. 498.)

§ 221e. Same; further additions to Park. The following described area is hereby added to and made a part of the Grand Canyon National Park: Beginning at the corner common to sections 14, 15, 22, and 23, township 30 north, range 4 east, Gila and Salt River meridian; thence west along the section line between sections 15 and 22 a distance of nine hundred and fifty feet; thence south a distance of one thousand three hundred and twenty feet to a point on the south line of the north tier of forties of said section 22; thence east a distance of one thousand six hundred and ten feet; thence north a distance of one thousand three hundred and twenty feet to a point on the line between sections 14 and 23; thence west along said section line a distance of six hundred and sixty feet to the place of beginning, containing an area of forty-eight and seventy-nine hundredths acres, more or less: *Provided*, That livestock permitted to graze in adjoining national forest areas shall be allowed to drift across the land described herein to private land north thereof within the park. (Mar. 7, 1923, c. 137, § 1, 45 Stat. 234.)

§ 222. Same; administration, concessions, and privileges. The administration, protection, and promotion of Grand Canyon National Park shall be exercised under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of sections 1 to 4 of this title. All concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder. (Feb. 26, 1919, c. 44, § 2, 40 Stat. 1177.)

§ 223. Same; rights of Havasupai Indians. Nothing contained in sections 221 to 228 of this title shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek as described in the Executive order of March 31, 1882, and the Secretary of the Interior is authorized, in his discretion, to permit individual members of said tribe to use and occupy other tracts of land within said park for agricultural purposes. (Feb. 26, 1919, c. 44, § 3, 40 Stat. 1177.)

§ 224. Same; entries under land laws; toll road. Nothing contained in sections 221 to 228, inclusive, of this title shall affect any valid claim, location, or entry existing under the land laws of the United States, prior to February 26, 1919, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land and nothing contained in this chapter shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of livestock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein. (Feb. 26, 1919, c. 44, § 4, 40 Stat. 1177.)

§ 225. Same; laws applicable to park; easements and rights of ways. Whenever consistent with the

primary purposes of Grand Canyon National Park sections 79, 419, and 522 of this title, and subsequent Acts shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem proper, grant easements or rights of way for railroads upon or across the park. (Feb. 26, 1919, c. 44, § 5, 40 Stat. 1178.)

See section 797 (d) of this title.

§ 226. Same; development of mineral resources. [Repealed.]

This section (Act Feb. 26, 1919, c. 44, § 6, 40 Stat. 1178) was repealed by Act Jan. 26, 1931, c. 47, § 1, 46 Stat. 1043.

§ 227. Same; reclamation projects. Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project. (Feb. 26, 1919, c. 44, § 7, 40 Stat. 1178.)

§ 228. Same; buildings on privately owned lands. Where privately owned lands within the said park lie within three hundred feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim. (Feb. 26, 1919, c. 44, § 8, 40 Stat. 1178.)

ACADIA NATIONAL PARK

§ 341. Acadia National Park; establishment; lands included. The tracts of land, easements, and other real estate known before February 26, 1919, as the Sieur de Monts National Monument, situated on Mount Desert Island, in the county of Hancock and State of Maine, are declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for Sieur de Monts National Monument. (Feb. 26, 1919, c. 45, § 1, 40 Stat. 1178; Jan. 19, 1929, c. 77, § 2, 45 Stat. 1083.)

§ 342. Same; administration. The administration, protection, and promotion of Acadia National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title and sections additional thereto or amendatory thereof. (Feb. 26, 1919, c. 45, § 2, 40 Stat. 1179; Jan. 19, 1929, c. 77, § 2, 45 Stat. 1083.)

§ 342a. Same; extension of boundary limits. The Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of the Acadia National Park, lying within the bounds of Hancock County within which the park is situated, together with such islands in Knox County adjoining as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest unit. (Jan. 19, 1929, c. 77, § 1, 2, 45 Stat. 1083.)

§ 342b. Same; Lafayette National Park name changed to Acadia National Park; land unaffected by chapter 12. The area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Lafayette National Park: *Provided*, That the provisions of chapter 12 of this title shall not apply to or extend to any lands now or hereafter included in said park. (Jan. 19, 1929, c. 77, § 2, 45 Stat. 1083.)

§ 343. Same; acceptance of property on Mount Desert Island. The Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States such other property on said Mount

Desert Island, including lands, easements, buildings, and moneys, as may be donated for the extension or improvement of said park. (Feb. 26, 1919, c. 45, § 3, 40 Stat. 1179.)

§ 343a. Same; naval radio station, Seawall, Maine, as addition to park. The Secretary of the Navy is authorized to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park all that tract of land containing two hundred and twenty-three acres, more or less, with improvements thereon, comprising the former naval radio station at Seawall, town of Southwest Harbor, Hancock County, Maine, said tract being no longer needed for naval purposes. (May 23, 1930, c. 315, 46 Stat. 377.)

ZION NATIONAL PARK

§ 344. Zion National Park; creation; maintenance. The Zion National Monument, in the county of Washington, State of Utah, is declared to be a national park and dedicated as such for the benefit and enjoyment of the people, under the name of the Zion National Park, under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress. (Nov. 19, 1919, c. 110, § 1, 41 Stat. 356.)

§ 345. Same; administration. The administration, protection, and promotion of said Zion National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title, and laws additional thereto or amendatory thereof. (Nov. 19, 1919, c. 110, § 2, 41 Stat. 356.)

§ 346. Same; exchange of lands. The Secretary of the Interior is authorized to exchange, in his discretion, alienated lands in Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks. (June 7, 1924, c. 305, § 3, 43 Stat. 594.)

§ 346a. Same; extension of boundaries. Sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 south, range 9 west; unsurveyed sections 5, 6, 7, 8, 17, and 18, township 42 south, range 9 west; unsurveyed sections 5, 6, 7, and 8, township 42 south, range 9½ west; unsurveyed sections 1, 2, and the north half and southeast quarter section 3; northeast quarter section 4, east half section 10, sections 11 and 12, township 42 south, range 10 west; all of section 21, southwest quarter section 22, northwest quarter section 27, southeast quarter unsurveyed section 28; east half unsurveyed section 33, township 41 south, range 10 west; and all of sections 34, 35, and 36, township 41 south, range 11 west, all with reference to the Salt Lake meridian, are added to and made a part of the Zion National Park in the State of Utah, subject to all laws and regulations applicable to and governing said park. (June 13, 1930, c. 479, 46 Stat. 582.)

MOUNT MCKINLEY NATIONAL PARK

§ 347. Mount McKinley National Park; establishment; boundaries. The tract of land in the Territory of Alaska particularly described by and included within the metes and bounds, to wit: Beginning at a point as shown on Plate III, reconnaissance map of the Mount McKinley region, Alaska, prepared in the Geological Survey, edition of 1911, said point being at the summit of a hill between two forks of the headwaters of the Toklat River, approximate latitude sixty-three degrees forty-seven minutes, longitude one hundred and fifty degrees twenty minutes; thence south six degrees twenty minutes west nineteen miles; thence south sixty-eight degrees west sixty miles; thence in a southeasterly direction approximately twenty-eight miles to the summit of Mount Russell; thence in a northeasterly direction approximately eighty-nine miles to a point twenty-five miles due south of a point due east of the point of beginning; thence

due north twenty-five miles to said point; thence due west twenty-eight and one-half miles to the point of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tract is dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Mount McKinley National Park. In addition to the above-described tract, all those lands lying between the south, east, and north boundaries above described and the following described boundary are made a part of and included in the Mount McKinley National Park for all purposes, to wit: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian, which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty miles, more or less, to the upper northwest corner of Mount McKinley National Park as existing prior to January 30, 1922. (Feb. 26, 1917, c. 121, § 1, 39 Stat. 938; Jan. 30, 1922, c. 39, 42 Stat. 359.)

See section 355 of this title.

§ 348. **Same; entries under land laws not affected.** Nothing contained in sections 347 to 354, inclusive, of this title shall affect any valid existing claim, location, or entry under the land laws of the United States, prior to February 26, 1917, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. (Feb. 26, 1917, c. 121, § 2, 39 Stat. 938.)

§ 349. **Same; rights of way in.** Whenever consistent with the primary purposes of Mount McKinley National Park, sections 79 and 522 of this title shall be applicable to the lands included within the park. (Feb. 26, 1917, c. 121, § 3, 39 Stat. 938.)

§ 350. **Same; mineral land laws applicable.** Nothing in sections 347 to 349 and 351 to 354 of this title shall in any way modify or affect the mineral land laws applicable to the lands in the said park prior to February 26, 1917. (Feb. 26, 1917, c. 121, § 4, 39 Stat. 938.)

§ 350a. **Same; surface use of mineral land locations; regulations; registration of prospectors and miners.** The Secretary of the Interior shall have authority to prescribe regulations for the surface use of any mineral land locations already made or that may hereafter be made within the boundaries of Mount McKinley National Park, in the Territory of Alaska, and he may require registration of all prospectors and miners who enter the park: *Provided*, That no resident of the United States who is qualified under the mining laws of the United States applicable to Alaska shall be denied entrance to the park for the purpose of prospecting or mining. (Jan. 26, 1931, c. 47, § 2, 46 Stat. 1043.)

§ 351. **Same; control of; rules and regulations.** Mount McKinley National Park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as the said authority may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of animals, birds, and fish and for the preservation of the natural curiosities and scenic beauties thereof. (Feb. 26, 1917, c. 121, § 5, 39 Stat. 938.)

§ 352. **Same; game refuge; killing game in.** The said park is established as a game refuge, and no person shall kill any game in said park except under an order from the Secretary of the Interior for the protection of persons or to protect or prevent the extermination of other animals or birds. (Feb. 26,

1917, c. 121, § 6, 39 Stat. 939; May 21, 1928, c. 654, § 2, 45 Stat. 622.)

§ 353. **Same; leases; appropriations.** The Secretary of the Interior may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent for periods not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors; may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors; and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. (Feb. 26, 1917, c. 121, § 7, 39 Stat. 939; May 21, 1928, c. 654, § 1, 45 Stat. 622.)

§ 354. **Same; offenses; punishment.** Any person found guilty of violating any of the provisions of sections 347 to 353 of this title shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Feb. 26, 1917, c. 121, § 8, 39 Stat. 939.)

§ 355. **Same; change of boundaries.** The boundary of the Mount McKinley National Park is hereby changed so as to read as follows:

Beginning at the summit of a hill between the Toklat River and the Clearwater Fork of that river at an approximate latitude of sixty-three degrees forty-seven minutes forty-five seconds, longitude one hundred and fifty degrees seventeen minutes forty seconds, which is intended to be same point of beginning of the boundary description as contained in section 347 of this title; thence southerly along the summit of the ridge between Toklat River and the Clearwater Fork of said river and across Stony Creek at its confluence with the said Clearwater Fork to the summit of the ridge between Stony Creek and the Clearwater Fork of the Toklat River, thence following the summit of said ridge and the summit of the ridge between the tributaries of said Clearwater Fork, the headwaters of the North Fork of Moose Creek and Boundary Creek to the intersection with the present boundary of Mount McKinley National Park at approximate latitude of sixty-three degrees thirty-two minutes forty-five seconds, longitude one hundred and fifty degrees twenty-four minutes forty-five seconds; thence southwesterly fourteen and three-tenths miles, more or less, to a point one-half mile north of Wonder Lake on the stream flowing out of Wonder Lake into Moose Creek; thence south sixty-eight degrees west forty-three and five-tenths miles, more or less, to the point of intersection with the southwest boundary extended; thence southeasterly thirty-three miles, more or less, to the summit of Mount Russell; thence in a northeasterly direction following the present south boundary approximately eighty-eight miles to Windy Creek at approximate latitude sixty-three degrees twenty-five minutes forty-five seconds, longitude one hundred and forty-nine degrees one minute thirty-five seconds; thence easterly following the north bank of Windy Creek to the western boundary of The Alaska Railroad right-of-way; thence northerly following the west boundary of The Alaska Railroad right-of-way to a point due east of the present north boundary of the park as extended due east; thence due west following the present north boundary of the park to the summit of the ridge between Toklat River and the Clearwater Fork of said river; thence southerly following the summit of said ridge to the place of beginning: *Provided, however*, That such isolated tracts of land lying east of The Alaska Railroad right-of-way and the west bank of the Nenana River between the north bank of Windy Creek and the north park boundary as extended eastward are also included in said park: *Provided further*, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. (Mar. 19, 1932, c. 88, § 1, 47 Stat. 68.)

§ 355a. Same; laws applicable to lands added to Park by section 355. The provisions of sections 1 to 4 and 347 to 354 of this title, together with all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park by section 355 of this title. (Mar. 19, 1932, c. 88, § 2, 47 Stat. 69.)

HOT SPRINGS NATIONAL PARK

§ 361. Hot Springs National Park; establishment; supply of water; free baths for indigent; dedication to United States. The Secretary of the Interior is authorized to grant to hotels having bathhouses attached, and to bathhouses situated in the Hot Springs National Park, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bathhouses or in connection with the rooms of said hotels or the bathhouses attached to said hotels, as many bathtubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. The superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent. All titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the National Park and mountain are dedicated to the United States, and shall remain forever free from sale or alienation. (Dec. 16, 1878, c. 5, 20 Stat. 258; June 16, 1880, c. 246, § 3, 21 Stat. 289; Apr. 12, 1904, c. 1249, 33 Stat. 173; May 23, 1906, c. 2552, 34 Stat. 198, 199; Apr. 30, 1908, c. 154, 35 Stat. 98; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407; June 25, 1930, c. 607, 46 Stat. 1915.)

§ 361a. Same; additions to Park. The Secretary of the Interior is hereby authorized, in his discretion, to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being the west half of the southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, fifth principal meridian, containing sixteen acres, more or less, situated in Garland County, State of Arkansas, donated to the United States of America for use in connection with Hot Springs National Park: *Provided*, That such land when accepted by the Secretary of the Interior shall be and remain a part of Hot Springs National Park. (June 5, 1924, c. 264, 43 Stat. 423.)

§ 361b. Same; additions to Park. The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States of America that certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being a part of the north half southwest quarter section 27, township 2 south, range 19 west, west of the ninety-third meridian, in Garland County, Arkansas, and which has been tendered to the United States of America as a donation and as an addition to the said Hot Springs National Park: *Provided*, That such land when accepted by the Secretary of the Interior shall be and remain a part of the Hot Springs National Park. (Feb. 14, 1931, c. 172, 46 Stat. 1106.)

§ 362. Same; leases of bathhouses and sites; supply of water. The Secretary of the Interior is authorized and empowered to execute leases to the bathhouses and bathhouse sites in the Hot Springs National Park, for periods not exceeding twenty years, and at an annual rental of not less than \$30 per tub for each tub used in any bathhouse. Said annual rental shall be payable quarterly in advance, at the office of the Government superintendent of said property, in Hot Springs, Arkansas. The same rate for water rent shall be charged for the water to all parties receiving the same, whether in or outside said park. After the Army and Navy hospital bathhouse, the public bathhouse, the bathhouses which are authorized in the said park, the Arlington Hotel, and the bathhouses outside said park authorized on or before March 3, 1891, to be supplied with hot water, in the

order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bathhouses, hotels, and families outside the said park. Such bathhouses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense. All water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior. The Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided. (Mar. 3, 1891, c. 533, § 1, 26 Stat. 842; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407.)

§ 363. Same; rules and regulations. Full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bathhouse; as well as to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of said park to make examination and inspection at any time of the manner of using the hot water at any bathtub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bathhouse furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bathhouses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by Act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations in force on March 3, 1891, or which may be adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bathhouse for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bathhouse on or near the Hot Springs National Park; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bathhouse, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bathhouse be transferred to any person, company, or corporation owning or interested in any other bathhouse on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bathhouse provided for of the hot water and cancel the lease or agreement. All buildings to be erected in the Hot Springs National Park shall be on plans first approved by the Secretary of the Interior, and shall be required to be fireproof, as nearly as practicable. (Mar. 3, 1891, c. 533, § 3, 26 Stat. 843.)

§ 364. Same; investigation of applicant for lease, or contract. The Secretary of the Interior, before executing any lease to bathhouses or bathhouse sites in the park or contracts for the use of hot water for bathhouses outside said park, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bathhouse, lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or

association interested in any other bathhouse, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bathhouse, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bathhouses or he deems it for the best interests of the management of the Hot Springs National Park and waters, or for the public interest, he may refuse such lease, license, permit, or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid. (Mar. 3, 1891, c. 533, § 4, 26 Stat. 843.)

§ 365. **Same; taxation, under State laws.** The consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs National Park. (Mar. 3, 1891, c. 533, § 5, 26 Stat. 844.)

§ 366. **Same; collection of water on reservation.** The authority conferred upon the Secretary of the Interior to collect the hot water upon said Hot Springs National Park shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized. (Mar. 3, 1891, c. 533, § 6, 26 Stat. 844.)

§ 367. **Same; sale of lots.** The Secretary of the Interior may direct the public sale of all unsold Government lots in Hot Springs National Park, and not permanently reserved on March 3, 1891, at the city of Hot Springs, after having had the same reappraised, and also advertised as required by law, and no lot shall be sold at less than the appraised price. (Mar. 3, 1891, c. 533, § 7, 26 Stat. 844.)

§ 368. **Same; operation of bathhouse in connection with hotel.** Nothing in sections 362 to 367 of this title shall be so construed as to prevent the stockholders of any hotel from operating a bathhouse in connection with such hotel as a part thereof. (Mar. 3, 1891, c. 533, § 8, 26 Stat. 844.)

§ 369. **Same; charges assessable against bath attendants and masseurs and physicians prescribing use of hot waters.** The Secretary of the Interior is authorized to assess and collect from physicians who desire to prescribe the hot waters from the Hot Springs National Park reasonable fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in bathhouses receiving hot water from the park reasonable annual charges to cover the cost of physical examinations. (June 5, 1920, c. 235, § 1, 41 Stat. 918; Mar. 2, 1931, c. 365, 46 Stat. 1462.)

See section 452 of this title.

§ 370. **Same; lease of Arlington Hotel site; valuation of improvements.** [Superseded.]

This section (Act Aug. 24, 1912, c. 355, § 1, 37 Stat. 459) has been superseded by Act Feb. 14, 1931, c. 180, 46 Stat. 1109. See section 370a of this title.

§ 370a. **Same; retention of Arlington Hotel site for park and landscape purposes.** The site within the Hot Springs National Park fronting on Central Avenue and on Fountain Street, leased by the Secretary of the Interior pursuant to the authority of Act of August 24, 1912 (chapter 355, 37 Statutes 459) to the Arlington Hotel Company, and occupied by the hotel and bathhouse building of said company until it burned on April 5, 1923, shall upon the expiration on March 6, 1932, of the existing lease therefor with the said Arlington Hotel Company, be kept, retained, and maintained by the United States for park and

landscaping purposes; and no new lease shall be granted by the Secretary of the Interior for the erection of another hotel, bathhouse, or other structure thereon. (Feb. 14, 1931, c. 180, 46 Stat. 1109.)

§ 371. **Same; use of free bathhouses limited.** Only persons who are without and unable to obtain the means to pay for baths and are suffering from ailments for which bathing in the water of the Hot Springs National Park will afford relief or effect a cure shall be permitted to bathe at the free bathhouse in said park at Hot Springs, Arkansas, and before any person shall be permitted to bathe at said free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized to administer oaths for general purposes as the superintendent of the Hot Springs National Park shall designate, that he is without and unable to obtain the means to pay for baths, and any person desiring to bathe at the free bathhouse on the Hot Springs National Park making a false oath as to his financial condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not to exceed \$25, or thirty days' imprisonment, or both. (Mar. 2, 1911, c. 200, 36 Stat. 1015.)

§ 372. **Same; laws operative within judicial district of Arkansas.** The portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered 7, set upon the west line of Reserve Avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain Street to a stone monument numbered 42 and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain Street to its intersection with Central Avenue or to stone monument numbered 33; thence south along the east line of Central Avenue to where the same is intersected by Reserve Avenue at stone monument numbered 30; thence along the north boundary line of Reserve Avenue to stone monument numbered 7, the point of commencement; all in township 2 south, range 19 west, in the county of Garland and State of Arkansas, and also block 82, being a part of the permanent United States Hot Springs National Park", or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein. Nothing in this section and sections 373 to 383 of this title shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas. All fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas. Said section shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, according to the State of Arkansas by section 365 of this title and the above-described portion of said park shall constitute a part of the eastern United States judicial district of Arkansas, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Apr. 20, 1904, c. 1400, §§ 1, 2, 33 Stat. 187; Sept. 18, 1922, c. 321, 42 Stat. 847; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

§ 372a. **Same; acceptance of jurisdiction over part of Park; application of laws.** The conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground and described as follows: Commencing at the stone marking at the northeast corner of the northeast quarter of section 33, township 2 south, range 19 west, thence east for five hundred and twenty-eight feet along the south line of the southwest quarter of section 27, township 2 south, range 19 west, thence north parallel with the

reservation line for one thousand three hundred and twenty feet to the north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, thence west for five hundred and twenty-eight feet along north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west to the east line of Hot Springs National Park, thence south along the line of Hot Springs National Park to the place of beginning, in the county of Garland, State of Arkansas, being a part of the Hot Springs National Park, made by act of the Legislature of the State of Arkansas, approved March 27, 1925, are hereby accepted, and the provisions of section 376 of this title, relating to the Hot Springs Mountain Reservation, Arkansas, are hereby extended to said land. (Mar. 3, 1927, c. 317, 44 Stat. 1359.)

§ 373. Same; injuries to property. Any person who shall, within the tract mentioned in section 372 of this title, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops; vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than \$100 and be adjudged to pay all costs of the proceedings. (Apr. 20, 1904, c. 1400, § 3, 33 Stat. 137.)

§ 374. Same; taking or use of or bathing in water in violation of rules and regulations. Any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, enter or attempt to enter upon said tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs National Park as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than \$100, and be adjudged to pay all costs of the proceedings. No physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered. If any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such persons shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered. (Apr. 20, 1904, c. 1400, § 4, 33 Stat. 188.)

§ 375. Same; offenses under ordinances of Hot Springs or laws of State. If any act shall be committed within said boundaries described in section 372 of this title which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by sections 372 to 383 of this title, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries. (Apr. 20, 1904, c. 1400, § 5, 33 Stat. 188.)

§ 376. Same; prosecutions for violations of law or rules and regulations. Any United States commissioner duly appointed by the United States District Court for the Eastern District of Arkansas, and residing in said district, shall have power and jurisdic-

tion to hear and act upon all complaints made of any and all violations of sections 372 to 383 of this title. Any of said commissioners shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section 374 is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of sections 372 to 383, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of \$100 to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of any of said commissioners to the United States District Court for the Eastern District of Arkansas. The said United States district court shall prescribe rules of procedure and practice for any of said commissioners in the trial of cases and with reference to said appeals. (Apr. 20, 1904, c. 1400, § 6, 33 Stat. 188; Mar. 2, 1907, c. 2516, 34 Stat. 1218; Mar. 3, 1911, c. 230, 36 Stat. 1086.)

§ 377. Same; prosecutions for other offenses. Any of said commissioners shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section 376 of this title, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States District Court for the Eastern District of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. Any of said commissioners shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs. (Apr. 20, 1904, c. 1400, § 7, 33 Stat. 188; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

§ 378. Same; process directed to marshal; arrests by others. All process issued by any of said commissioners shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing contained in sections 372 to 383 of this title shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or sections 372 to 383 of this title, or doing anything with reference to the matters which in section 374 the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations. (Apr. 20, 1904, c. 1400, § 8, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

§ 379. Same; fees of commissioner and marshal and deputies. Any of said commissioners referred to in section 376 of this title and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district. (Apr. 20, 1904, c. 1400, § 9, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

§ 380. Same; disposition of fines and costs. All fines and costs imposed and collected shall be deposited by any of said commissioners of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said park may be situated. (Apr. 20, 1904, c. 1400, § 11, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

§ 381. Same; execution of sentence on conviction. Upon the conviction of a party upon trial by any of said commissioners or by said district court, execution of sentence shall be in conformity with the laws of

the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding. (Apr. 20, 1904, c. 1400, § 13, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

§ 382. Same; imprisonment for nonpayment of fines or costs. All persons who may be imprisoned for nonpayment of any fine, or costs, provided for by sections 372 to 383 of this title, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated. (Apr. 20, 1904, c. 1400, § 12, 33 Stat. 189.)

§ 383. Same; fees chargeable to United States. All fees, costs, and expenses arising in cases under sections 372 to 382 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 20, 1904, c. 1400, § 10, 33 Stat. 189.)

HAWAII NATIONAL PARK

§ 391. Hawaii National Park; establishment; boundaries. The tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows:

First. All that tract of land comprising portion of the lands of Kapapala and Keauhou, in the District of Kau, and portions of the lands of Keaau, Kahaualea, Panaunui, and Apua, in the District of Puna, containing approximately thirty-four thousand five hundred and thirty-one acres, bounded as follows:

Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), the coordinates of said point of beginning referred to Government Survey Trigonometry Station "Uwekahuna", being four thousand seven hundred and six and six-tenths feet south and seventeen thousand nine hundred and seventy and three-tenths feet west, and the true azimuth and distance from said point of beginning to Government Survey Trigonometry Station "Ohaikea", being one hundred and sixty-six degrees and twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths—

1. Along the west edge of the Keamoku Aa Flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees and ten minutes fourteen thousand seven hundred feet;

2. Two hundred and fifty-six degrees, eleven thousand four hundred feet across the land of Kapapala and Keauhou to a marked point on the Humuula Trail;

3. Three hundred and twenty-eight degrees and fifteen minutes eight thousand seven hundred and twenty-five feet across the land of Keauhou to the top of the fault north and the Kau Road;

4. Thence along the fault in a northeasterly direction along the remainder of Keauhou to a pipe, the direct azimuth and distance being two hundred and fifty-one degrees and thirty minutes four thousand three hundred and thirty feet;

5. Two hundred and eighty-six degrees five hundred and thirty feet along the remainder of Keauhou;

6. Two hundred and ninety-eight degrees nine hundred and sixty feet along same;

7. Two hundred and eighty-three degrees and forty-eight minutes one thousand one hundred and forty-six and five-tenths feet along same to a pipe;

8. Two hundred and sixty-seven degrees and twenty minutes one thousand and twenty-seven and five-tenths feet along same;

9. Two hundred and ninety-three degrees and ten minutes one thousand and fifty feet along same to a pipe;

10. Three hundred and twenty-one degrees and forty-six minutes one thousand one hundred and eleven and three-tenths feet along same;

11. Three hundred and thirty-three degrees and fifty minutes one thousand one hundred feet along same;

12. Three hundred and twenty-seven degrees and twenty minutes one thousand nine hundred and forty feet along same;

13. Two hundred and eighty-three degrees and thirty-nine minutes two thousand and fifty-seven and four-tenths feet along same to a pipe;

14. Three hundred and thirty-three degrees and twenty minutes two hundred and fifty feet along same to a pipe on the north side of Government Main Road at junction with the Keauhou Road, said pipe being by true azimuth and distance two hundred and ninety-five degrees and twelve minutes six thousand one hundred and sixty-seven and one-tenth feet from Government Survey Trigonometry Station "Volcano House Flag";

15. Three hundred and thirty-three degrees and twenty minutes three thousand two hundred and eighty-three and two-tenths feet along the remainder of Keauhou to a pipe;

16. Three hundred and fifty-four degrees and fifty-four minutes sixty feet along the remainder of Keaau;

17. Two hundred and thirty-one degrees and thirty-one minutes one thousand six hundred and seventy-eight and eight-tenths feet along same;

18. Three hundred and eighteen degrees eight hundred and sixteen and four-tenths feet along same to the boundary between the lands of Keaau and Kahaualea;

19. Seventy-two degrees and forty-five minutes one thousand two hundred and thirty-three and three-tenths feet along the land of Kahaualea to a pipe;

20. Forty-eight degrees six hundred and thirty-four feet along the remainder of Kahaualea to a pipe on the Kahaualea-Keauhou boundary;

21. Three hundred and thirty-two degrees and ten minutes six thousand five hundred and fifty-one and four-tenths feet along the Kahaualea-Keaau boundary to a pipe;

22. Two hundred and eighty-one degrees thirty thousand three hundred and one and seven-tenths feet along the remainder of Kahaualea to a pipe;

23. Thirty-one degrees and thirty minutes thirteen thousand and seventy-four and seven-tenths feet along the remainder of Kahaualea and Panaunui to a pipe, passing over a pipe at five thousand nine hundred and twenty-two and two-tenths feet on the Kahaualea-Panaunui boundary;

24. Eighty-nine degrees and ten minutes thirty-two thousand nine hundred feet along the remainder of Panaunui, across the lands of Apua and Keauhou to "Paililele-o-Kalihipaa", at an angle in the Keauhou-Kapapala boundary marked by a pile of stones, passing over pipes at three thousand five hundred and seventy-two and eight-tenths feet on the Panaunui-Apua boundary and eight thousand four hundred and thirty-five and three-tenths feet;

25. Fifty-one degrees fifty minutes and thirty seconds five thousand four hundred and thirty feet across the land of Kapapala;

26. One hundred and two degrees and fifty minutes nineteen thousand one hundred and fifty feet across same to a small cone about one thousand five hundred feet southwest of "Puu Koae";

27. One hundred and sixty-six degrees and twenty minutes twenty-one thousand feet across the land of Kapapala to the point of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing seventeen thousand nine hundred and twenty acres, bounded as follows: Beginning at Pohaku Hanalei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of the lands of Humuula, Kapapala, and Kaohe, from which the true azimuth and distance to Govern-

ment survey trigonometrical station Omaokoili is one hundred and ninety-five degrees twelve minutes eighteen seconds, seventy-eight thousand two hundred and eighty-six feet, and running by true azimuths: First two hundred and ninety-eight degrees, five thousand two hundred and forty feet; second, twenty-eight degrees, thirty-six thousand nine hundred and sixty feet; third, one hundred and eighteen degrees, twenty-one thousand one hundred and twenty feet; fourth, two hundred and eight degrees, thirty-six thousand nine hundred and sixty feet; fifth, two hundred and ninety-eight degrees, fifteen thousand eight hundred and eighty feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuaula and Kula, in the district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately twenty-one thousand one hundred and fifty acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, hundred and ninety-three degrees forty-five minutes, nineteen thousand three hundred and fifty feet along the west slope of the crater of Haleakala to a point called Puu-o-Ihi; second, two hundred and sixty-eight degrees, twenty-three thousand feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, three hundred and six degrees thirty minutes, seventeen thousand one hundred and fifty feet, along the southwest boundary of Koolau Forest Reserve to a point called Palalia, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being three hundred and fifty-four degrees fifteen minutes, eighteen thousand three hundred feet, to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of four thousand two hundred and eight feet; fifth, eighty-eight degrees forty-five minutes, three thousand three hundred feet, across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, one hundred and two degrees and thirty minutes, forty thousand seven hundred and fifty feet, along the south slope of the crater of Haleakala to the point of beginning.

Fifth. All that tract of land comprising a portion of the Kau Desert, Kapapala, in the district of Kau, on the island of Hawaii, containing forty-three thousand four hundred acres, more or less, bounded as follows: Beginning at a galvanized-iron nail driven into the pahoehoe at the northeast corner of this tract of land, at a place called Palilele-o-Kalihipaa, and on the boundary between the lands of Kapapala and Keauhou, the coordinates of said point of beginning referred to Government survey trigonometrical station Uwekahuna, being twenty-six thousand and ten and four-tenths feet south and nine thousand nine hundred and thirty-two and four-tenths feet east, as shown on Government survey registered map numbered two thousand three hundred and eighty-eight and running by true azimuths: First, three hundred and fifty degrees forty-three minutes, thirty thousand and twenty-three feet, along the land of Kapapala to a point at seacoast; second, thence in a west and southwesterly direction along the seacoast to a station on a large flat stone, at a place called Na-Puu-o-na-Elemakule, at the seacoast boundary point of the lands of Kapapala and Kaalaala, the direct azimuth and distance being sixty-nine degrees thirty-four minutes thirty seconds, thirty-two thousand and forty-three feet; third, eighty-nine degrees twenty-seven minutes thirty seconds, thirty thousand six hundred and ninety feet, along the land of Kaalaala to the main 1868 lava crack, said point being by true azimuth and distance two hundred and ninety-six degrees twenty-seven

minutes thirty seconds, two thousand one hundred feet from Government survey trigonometrical station Puu Nahala; fourth, thence up along the main 1868 lava crack, along the Kapapala pastoral lands to a small outbreak of lava from the 1868 lava crack, opposite the Halfway House, the direct azimuth and distance being one hundred and ninety-eight degrees, thirty-two thousand five hundred and fifty feet; fifth, two hundred and thirty degrees twenty-five minutes, twenty-seven thousand six hundred and fifteen feet, along the Kapapala pastoral lands to the west boundary of the Kilauea section, Hawaii National Park; sixth, three hundred and forty-six degrees twenty minutes, six thousand seven hundred and forty-two feet, along said west boundary to a small cone; seventh, two hundred and eighty-two degrees fifty minutes, nineteen thousand one hundred and fifty feet, along the south boundary of said Kilauea section, Hawaii National Park; eighth, two hundred and thirty-one degrees fifty minutes thirty seconds, five thousand four hundred and thirty feet, along said south boundary to the point of beginning. Chapter 12 of this title shall not apply to or extend over lands defined in subdivision 5. (Aug. 1, 1916, c. 264, § 1, 39 Stat. 432; May 1, 1922, c. 174, 42 Stat. 503, 504; Apr. 11, 1928, c. 359, § 1, 45 Stat. 424.)

See sections 391a and 392a of this title.

§ 391a. Same; boundary on island of Maui changed. The boundary of the Hawaii National Park on the island of Maui is hereby changed to read as follows:

Beginning at a triangle on set stone, said mark being the Government survey triangulation station Puu Nianiau in the land of Kalialinui, and running by true azimuths:

1. Three hundred degrees fifty-seven minutes thirty seconds eleven thousand seven hundred and sixty-nine and three-tenths feet along the remaining portion of the land of Kalialinui to a concrete monument marked Number 1 on spur and on the west edge of Koolau Gap.

2. Two hundred and ninety-seven degrees forty-seven minutes thirty seconds fourteen thousand six hundred and fifty-two and six-tenths feet along same and across Koolau Gap to a concrete monument marked Number 3, the true azimuth and distance from said monument to Government survey triangulation station Hanakauhi being forty-five degrees fourteen minutes nine hundred and eighty-eight feet.

3. Two hundred and sixty-nine degrees fifty-seven minutes thirty seconds nine thousand and one and three-tenths feet along same to a concrete monument marked Number 7 on the southwest boundary of the land of Haiku.

4. Three hundred and six degrees thirty-nine minutes three thousand nine hundred and thirteen and four-tenths feet along the southwest boundary of the land of Haiku to a cross on large flat rock called Pohaku Palaha.

5. Two hundred and seventy-three degrees seven minutes four hundred and forty feet along the Nahiku tract to Government survey triangulation station Pakihi.

6. Thence following along summit of dividing ridge between Haleakala crater and Kipahulu Valley to an ahu at a place called Pakihi, the direct azimuth and distance being three hundred and fifty degrees four minutes thirty seconds seven thousand four hundred and fourteen and seven-tenths feet.

7. Thence along Government land and following along rim of the crater and crest of wall of Kaupo Gap to a four inch by four inch redwood post, the direct azimuth and distance being three hundred and fifty-six degrees forty-one minutes ten thousand eight hundred and sixty-seven and nine-tenths feet.

8. Eighty-six degrees one minute thirty seconds six thousand seven hundred and seventy-seven and four-tenths feet along grant 3457, lot 1, to A. V. Marciel, and the remaining portion of the land of Nuu (R. P. 8049, L. C. A. 6239 Apana 2 to Kalaimoku), passing over a cross on stone at Kauhakamoa at three thousand four hundred and forty-one and eight-tenths feet and passing over an iron pipe on the west edge of

the Koolau Gap at five thousand eight hundred and seventy-four feet.

9. One hundred and thirty-eight degrees forty-two minutes thirty seconds nine thousand five hundred and seventy-four and two-tenths feet along the remaining portion of said land of Nuu to a cross on rock, the true azimuth and distance to Government survey triangulation station Haleakala 2 being one hundred and seventy-nine degrees thirteen minutes fifteen seconds nine hundred and forty-three and two-tenths feet.

10. Ninety-one degrees thirty-four minutes forty-five seconds nine thousand nine hundred and sixty and four-tenths feet along same to a concrete monument marked Number 14, the true azimuth and distance from said monument to an arrow on rock called Kumuiliahi, marking the northeast corner of the land of Nakula, being one hundred and sixty-seven degrees twenty-eight minutes nine hundred and twenty-eight and seven-tenths feet.

11. Ninety degrees twenty-three minutes thirty seconds twelve thousand two hundred and forty-nine and three-tenths feet along the remaining portion of the lands of Nakula and Kahikinui to a concrete monument marked Number 15.

12. One hundred and seventeen degrees fifty-two minutes thirty seconds five thousand two hundred and nine and two-tenths feet along the remaining portion of the land of Kahikinui to a concrete monument marked Number 16, the true azimuth and distance from said monument to Government survey triangulation station Kolekole, being ninety-eight degrees thirty minutes one thousand five hundred and forty-three and five-tenths feet.

13. One hundred and twenty-seven degrees thirty-eight minutes two thousand one hundred and seventy-five and six-tenths feet along same and the land of Papaanui to a concrete monument marked Number 17, the true azimuth and distance from said monument to a concrete monument marked Number 25, which marks the south corner of the land of Kealahou 3 and 4 being forty degrees ten minutes thirty seconds four hundred and sixty-six and two-tenths feet.

14. Two hundred and thirteen degrees forty-six minutes eight thousand two hundred and forty-one and two-tenths feet along the remaining portions of the lands of Kealahou 3 and 4 and Pulehunui to a concrete monument marked Number 19, the true azimuth and distance from said monument to a "K" marked on a large lava rock called Kilohana, at the east corner of the lands of Kealahou 3 and 4, being three hundred and twenty-three degrees fifty-three minutes nine hundred and forty-seven and three-tenths feet.

15. One hundred and forty-three degrees fifty-three minutes six thousand nine hundred and five and three-tenths feet along the land of Pulehunui to a concrete monument marked Number 20.

16. One hundred and ninety-nine degrees twenty-three minutes ten thousand seven hundred and twenty-six feet along the remaining portion of the land of Kaliahinui to the point of beginning, passing over a concrete monument marked Number 22 at a distance of six thousand four hundred thirty-six and seven-tenths feet; including portions of the lands of Kealahou 3 and 4, Pulehunui, Kaliahinui, Kaupo, Nuu, Nakula, Kahikinui, and Papaanui, Island of Maui, and containing seventeen thousand one hundred and thirty acres, more or less; and all of those lands lying within the boundary above described are hereby included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park. (Feb. 12, 1927, c. 111, § 1, 44 Stat. 1087.)

§ 392. Same; acquisition of privately owned lands. The governor of the Territory of Hawaii is authorized to acquire, at the expense of the Territory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by section 391 of this title, and all necessary perpetual easements and rights-of-way, or roadways, in fee simple, over or to said land or any part thereof, but the provisions of sections 663 to

677 of Title 48, TERRITORIES AND INSULAR POSSESSIONS, relating to exchanges of public lands shall not apply on the acquisition by exchange of the privately owned lands herein referred to. (Feb. 27, 1920, c. 89, §§ 1, 2, 41 Stat. 452, 453.)

§ 392a. Same; provisions of section 392 extended to additional lands. The provisions of section 392 of this title are hereby extended over and made applicable to the lands added to the park and included within the boundary established by section 391a of this title. (Feb. 12, 1927, c. 111, § 2, 44 Stat. 1089.)

§ 393. Same; entries under land laws; rights-of-way; lands excluded. Nothing contained in sections 391 and 394 of this title shall affect any valid claim, location, or entry existing under the land laws of the United States prior to August 1, 1916, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79 and 522 of this title shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights-of-way for steam, electric, or similar transportation upon or across the park. No lands located within the park boundaries held in private or municipal ownership prior to August 1, 1916, shall be affected by or subject to the provisions of this section and sections 391 and 394 of this title. (Aug. 1, 1916, c. 264, §§ 2, 3, 39 Stat. 433, 434.)

§ 394. Same; control of; rules and regulations; leases; appropriations. Hawaii National Park shall be under the executive control of the Secretary of the Interior. He shall perform the duties and exercise the powers enumerated in section 3 of this title, except as inconsistent with this section. The regulations promulgated shall provide for the preservation from injury, of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. He may in his discretion grant leases for terms not exceeding twenty years, at such annual rental as he may determine, of parcels of land in said park of not more than twenty acres in all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any Act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease. He may in his discretion grant to persons or corporations holding leases of land in the park on August 1, 1916, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein. He may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes. No appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights-of-way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements

and rights-of-way have been conveyed to the United States report the same to Congress. (Aug. 1, 1916, c. 264, § 4, 39 Stat. 434; June 5, 1924, c. 263, 43 Stat. 390.)

See sections 395, 395a to 395j, and 452 of this title.

§ 395. Same; exclusive jurisdiction in United States; exceptions; laws applicable; fugitives from justice. Sole and exclusive jurisdiction shall be exercised by the United States over the territory which is now or may hereafter be included in the Hawaii National Park in the Territory of Hawaii, saving, however, to the Territory of Hawaii the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the Territory of Hawaii the right to tax persons and corporations, their franchises and property on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the Territory of Hawaii. (Apr. 19, 1930, c. 200, § 1, 46 Stat. 227.)

§ 395a. Same; courts having jurisdiction of offenses. The District Court of the United States in and for the Territory of Hawaii shall have jurisdiction of all offenses committed within the boundaries of said park. (Apr. 19, 1930, c. 200, § 2, 46 Stat. 227.)

§ 395b. Same; application of Hawaiian laws to offenses. If any offense shall be committed in the Hawaii National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the Territory of Hawaii in force at the time of the commission of the offense may provide for a like offense in said Territory and no subsequent repeal of any such law of the Territory of Hawaii shall affect any prosecution for said offense committed within said park. (Apr. 19, 1930, c. 200, § 3, 46 Stat. 227.)

§ 395c. Same; hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties. All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this section or any rule or regulation that may be promulgated by the secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park

willfully commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Apr. 19, 1930, c. 200, § 4, 46 Stat. 227.)

§ 395d. Same; forfeiture of property used for unlawful purposes. All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of section 395c of this title, and upon conviction under said section of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in said section. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Apr. 19, 1930, c. 200, § 5, 46 Stat. 228.)

§ 395e. Same; United States commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure. Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Territory of Hawaii shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by sections 395 and 395b to 395d of this title.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 395 and 395b to 395d of this title prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Territory of Hawaii, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (Apr. 19, 1930, c. 200, § 6, 46 Stat. 228.)

§ 395f. Same; criminal offenses not covered by section 395c; jurisdiction of commissioner. Such commissioner shall also have power to issue process as provided in section 395e of this title for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 395c of this title, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Territory of Hawaii, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case; *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said Territory. (Apr. 19, 1930, c. 200, § 7, 46 Stat. 228.)

§ 395g. Same; process to whom issued; arrests without process. All process issued by the commis-

sioner shall be directed to the marshal of the United States for the district of Hawaii, but nothing in section 395 to 395j of this title contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or sections 395h or 395c of this title or the regulations prescribed by the said Secretary as aforesaid. (Apr. 19, 1930, c. 200, § 8, 46 Stat. 229.)

§ 395h. **Same; salary of commissioner; residence; fees, costs, and expenses.** The commissioner provided for in section 395e of this title shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within exterior boundaries of said Hawaii National Park at a place to be designated by the Secretary of the Interior: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 395j of this title. (Apr. 19, 1930, c. 200, § 9, 46 Stat. 229.)

§ 395i. **Same; fees, costs, and expenses chargeable to United States; certification and payment.** All fees, costs, and expenses arising in cases under sections 395c to 395g of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 19, 1930, c. 200, § 10, 46 Stat. 229.)

§ 395j. **Same; disposition of fines and costs.** All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Territory of Hawaii. (Apr. 19, 1930, c. 200, § 11, 46 Stat. 229.)

BRYCE CANYON NATIONAL PARK

§ 401. **Bryce Canyon National Park; establishment; boundaries; administration.** There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Bryce Canyon National Park," the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah. All the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States. The administration, protection, and promotion of said Utah National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title. (June 7, 1924, c. 305, §§ 1, 2, 43 Stat. 593, 594; Feb. 25, 1928, c. 102, § 1, 45 Stat. 147; May 12, 1928, c. 533, § 1, 45 Stat. 502.)

§ 402. **Same; existing claims, locations, or entries not affected; exchange of lands.** Nothing contained in section 401 of this title shall affect any valid claim, location, or entry existing under the land laws of the United States prior to June 7, 1924, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The Secretary of the Interior is hereby authorized to exchange, in his discretion, alienated lands in Bryce Canyon National Park for

unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said park. (June 7, 1924, c. 305, § 3, 43 Stat. 594; Feb. 25, 1928, c. 102, § 1, 45 Stat. 147.)

§ 402a. **Same; Utah National Park; change of name to Bryce Canyon National Park.** The area within the State of Utah described in section 401 of this title, providing for the establishment of the Utah National Park, shall be, when established as a national park, known as the Bryce Canyon National Park. (Feb. 25, 1928, c. 102, § 1, 45 Stat. 147.)

§ 402b. **Same; additions to Park.** The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, are excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of sections 401 and 402 of this title. (Feb. 25, 1928, c. 102, § 2, 45 Stat. 147; May 12, 1928, c. 533, § 2, 45 Stat. 502.)

§ 402c. **Same; further additions to Park.** Unsurveyed sections 28 and 33, township 36 south, range 3 west, and section 20, township 37 south, range 3 west, Salt Lake meridian, public lands of the United States, are added to and made a part of the Bryce Canyon National Park subject to the provisions of sections 401 and 402 of this title. (Feb. 25, 1928, c. 102, § 3, 45 Stat. 147.)

§ 402d. **Same; extension of boundaries of Park; laws applicable.** For the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not included in said park, on June 13, 1930, and all the lands added to said park pursuant hereto shall be, and are hereby, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park. (June 13, 1930, c. 480, § 1, 46 Stat. 582.)

§ 402e. **Same; application of chapter 12 to Park.** The provisions of chapter 12 of this title, known as the Federal Water Power Act, shall not apply to lands included in the Bryce Canyon National Park on June 13, 1930, nor to any lands added to said park under the authority of section 402d of this title. (June 13, 1930, c. 480, § 2, 46 Stat. 583.)

§ 402f. **Same; further additions to Park.** For the purpose of preserving in their natural state the outstanding scenic features thereon and for the purpose of rounding out the boundary of the Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands in the State of Utah, which shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto, to wit: South half southwest quarter section 2, south half south half section 3, southeast quarter southeast quarter section 4, east half section 8, sections 9, 10, west half section 11, west half section 14, sections 15, 16, east half northeast quarter northwest quarter, east half northwest quarter northwest quarter, north half southeast quarter northwest quarter, south half northeast quarter southwest quarter, north half south half southeast quarter northwest quarter and north half southeast quarter southwest quarter section 17, south half south half section 19, south half northwest quarter section 20, west half west half east half and northeast quarter northeast quarter section 22, north half northwest quarter section 23, west half section 27, and north half northwest quarter section 34, township 36 south, range 3 west; lots 3 and 4, south half northwest

quarter section 4, northeast quarter northeast quarter and southeast quarter southeast quarter section 8, township 37 south, range 3 west; west half east half and southwest quarter section 25, unsurveyed township 36 south, range 4 west; lots 3 and 4, south half west half section 3, lots 1, 2, 3, and 4 and south half section 4, and lots 1 and 2 and south half east half section 5, township 39 south, range 4 west, Salt Lake meridian: *Provided*, That nothing herein shall affect any valid existing claims upon the lands herein authorized to be added to the park or the rights of stockmen to continue to drive stock over the lands now under an existing stock driveway withdrawal. (Feb. 17, 1931, c. 209, § 1, 46 Stat. 1166.)

§ 402g. *Same*; elimination of lands from Park. The following-described lands are hereby eliminated from the Bryce Canyon National Park and shall hereafter be included in and become a part of the Powell National Forest, subject to all laws and regulations applicable thereto, to wit: Section 30, township 37 south, range 3 west; section 25, unsurveyed township 37 south, range 4 west, Salt Lake meridian. (Feb. 17, 1931, c. 209, § 2, 46 Stat. 1167.)

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK

§ 403. *Shenandoah National Park and Great Smoky Mountains National Park established.* When title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there are hereby established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation. (May 22, 1926, c. 363, § 1, 44 Stat. 616.)

See section 403g of this title.

§ 403a. *Same*; acceptance of title to lands. The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in section 403 of this title and to be purchased with the \$1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the \$1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Incorporated) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area. (May 22, 1926, c. 363, § 2, 44 Stat. 616.)

See section 403g of this title.

§ 403b. *Same*; administration; sections 791 to 823 inapplicable; minimum area. The administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That the provisions of sections 791 to 823 of this title, shall not apply to these parks: *And provided further*, That the minimum area to be adminis-

tered and protected by the National Park Service shall be for the Shenandoah National Park area one hundred and sixty thousand acres and for the Great Smoky Mountains National Park area four hundred thousand acres: *Provided further*, That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary. (May 22, 1926, c. 363, § 3, 44 Stat. 616; Feb. 16, 1928, c. 59, § 1, 45 Stat. 109; Feb. 4, 1932, c. 19, § 1, 47 Stat. 37; June 15, 1934, c. 538, § 1, 48 Stat. 964.)

See section 403g of this title.

§ 403c. *Same*; use of existing commission. The Secretary of the Interior may for the purpose of carrying out the provisions of sections 403 to 403b of this title employ the commission authorized by the Act approved February 21, 1925. (May 22, 1926, c. 363, § 4, 44 Stat. 617.)

See section 403g of this title.

§ 403d. *Same*; lease of lands within Shenandoah National Park and Great Smoky Mountains National Park. The Secretary of the Interior is hereby authorized to lease lands within the Shenandoah National Park and Great Smoky Mountains National Park for periods not exceeding two years, upon such conditions as he may in his discretion deem proper, to persons and educational or religious institutions occupying same or who had or claim to have had some interest in the title to the same prior to the establishment of the park. (Feb. 16, 1928, c. 59, § 2, 45 Stat. 109.)

§ 403e. *Same*; acceptance of title to lands; reservations; leases; rights-of-way and easements. The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the areas of the Shenandoah National Park and the Great Smoky Mountains National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided*, That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further*, That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further*, That the Secretary of the Interior may accept lands for these parks subject to reservations of rights-of-way and easements. (Feb. 4, 1932, c. 19, § 2, 47 Stat. 37.)

§ 403f. *Same*; Great Smoky Mountains Park; extension of boundaries. The boundary limits of the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee, recommended by the Secretary of the Interior in his report of April 14, 1926, for the establishment of the Great Smoky Mountains National Park, are hereby extended to include lands adjacent to the east boundary as defined in said report to a line approximately as follows:

From a point on top of the Balsam Mountains at the boundary of Swain and Hayward Counties just north of Black Camp Gap; thence following east the top of the mountain range to Jonathan Knob and Hemphill Bald; thence along top of ridge through Camp Gap to Bent Knee Knob; thence following the main ridge to Cataloochee Creek to a point on the boundary of the area described in report of the Secretary of the Interior of April 14, 1926; and the lands within said boundary extension, or any part thereof, may be accepted on behalf of the United States in accordance with the provisions of the Act of May 22, 1926, for inclusion in the area to be known as the

Great Smoky Mountains National Park. (Apr. 19, 1930, c. 197, 46 Stat. 225.)

See section 403 of this title.

§ 403g. **Great Smoky Mountains National Park; establishment; minimum area.** An area of four hundred thousand acres within the minimum boundaries of the Great Smoky Mountains National Park, acquired one-half by the peoples and States of North Carolina and Tennessee, and the United States, and one-half by the Laura Spelman Rockefeller Memorial in memory of Laura Spelman Rockefeller, is hereby established as a completed park for administration, protection, and development by the United States. (June 15, 1934, c. 538, § 1, 48 Stat. 964.)

§ 403h. **Same; lands acquired to be part of Park.** All lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, or which hereafter may be allocated and made available for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Great Smoky Mountain National Park as authorized by sections 403 to 403c of this title, are hereby made a part of the said parks as fully as if originally acquired for that purpose. (June 15, 1934, c. 538, § 2, 48 Stat. 964.)

MAMMOTH CAVE NATIONAL PARK

§ 404. **Mammoth Cave National Park established.** When title to lands within the area hereinafter referred to shall have been vested in the United States in fee simple, there shall be, and there is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately seventy thousand six hundred and eighteen acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the Act of February 21, 1925 (chapter 281, 43 Statutes 958); which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (May 25, 1926, c. 382, § 1, 44 Stat. 635.)

See section 404e of this title.

§ 404a. **Acceptance of title to lands.** The Secretary of the Interior is hereby authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in section 404 of this title, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase. (May 25, 1926, c. 382, § 2, 44 Stat. 635.)

§ 404b. **Administration; sections 791 to 823 inapplicable; minimum area.** The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That the provisions of sections 791 to 823 of this title, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, twenty thousand acres: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of

fees for admission to such caves. (May 25, 1926, c. 382, § 3, 44 Stat. 636; May 14, 1934, c. 282, § 1, 48 Stat. 775.)

§ 404c. **Use of existing commission.** The Secretary of the Interior may, for the purpose of carrying out the provisions of sections 404 to 404b of this title, employ the commission authorized by the Act approved February 21, 1925 (chapter 281, 43 Statutes 958). (May 25, 1926, c. 382, § 4, 44 Stat. 636.)

§ 404d. **Acceptance of title to lands; reservations; leases; rights-of-way and easements.** The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the area of the Mammoth Cave National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided*, That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further*, That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further*, That the Secretary of the Interior may accept lands for these parks subject to reservations of rights-of-way and easements. (Feb. 4, 1932, c. 19, § 2, 47 Stat. 37.)

§ 404e. **Donations of money; acquisition of title to lands.** In the establishment of the said Mammoth Cave National Park the Secretary of the Interior is hereby authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise. (May 14, 1934, c. 282, § 2, 48 Stat. 775.)

COOS COUNTY, OREGON

§ 405. **Coos County, Oregon; reservation for park and camp sites.** The northeast quarter northwest quarter, lot 1, section 7, township 28 south, range 9 west, the southwest quarter northeast quarter, north half southeast quarter, section 5, township 27 south, range 11 west, the west half southwest quarter, section 5, the south half northwest quarter, section 11, township 28 south, range 11 west, the south half southeast quarter and east half southwest quarter, section 35, township 27 south, range 12 west, Willamette Meridian, Coos County, Oregon, formerly a part of the Coos Bay military wagon road grant, subject to valid existing rights and as to lands withdrawn for water-power purposes to all the provisions of sections 791 to 823 of this title, and to the cutting and removal of the merchantable timber on the northeast quarter southwest quarter, section 35, township 27 south, range 12 west, pursuant to a sale thereof heretofore made, are reserved and set apart as public parks and camp sites for recreational purposes and to preserve the rare groves of myrtle trees thereon, such lands to be placed under the care, control, and management of the county court of Coos County, Oregon, in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That all the expense of such care, control, and management shall be paid by the said county court. (May 5, 1926, c. 241, § 1, 44 Stat. 397.)

§ 405a. **Same; rules and regulations; fees.** The said county court may make necessary rules and regulations governing the use of such lands and may charge such reasonable fees as may be necessary to provide funds for the upkeep, care, and protection of such reserved lands and the myrtle trees thereon, the

said regulations and fees chargeable to be approved by the Secretary of the Interior before becoming effective. (May 5, 1926, c. 241, § 2, 44 Stat. 398.)

GRAND TETON NATIONAL PARK OF WYOMING

§ 406. **Grand Teton National Park of Wyoming; establishment; boundaries; roads, hotels, and camps.** The tract of land in the State of Wyoming particularly described by metes and bounds as follows, to wit:

Beginning at the northwest corner of township 44 north, range 115 west, of the sixth principal meridian; thence southerly along the west line of said township to the northeast corner of section 12, township 44 north, range 116 west; thence westerly to the northwest corner of the northeast quarter northeast quarter section 12; thence southerly and westerly, respectively, on quarter-quarter section lines to the southwest corner of said section 12; thence southerly to the southwest corner of the northwest quarter northwest quarter section 13; thence easterly to the northeast corner of the southwest quarter northeast quarter section 13; thence southerly on the east quarter-quarter section lines of sections 13, 24, and 25, to the southwest corner of the northeast quarter northeast quarter section 25; thence westerly and southerly, respectively, on quarter-quarter section lines to the northwest corner of the southwest quarter southwest quarter section 25; thence westerly to the northwest corner of the southwest quarter southeast quarter section 26; thence southerly to the southwest corner of the southeast quarter section 26; thence westerly to the southwest corner of the southeast quarter southwest quarter section 35; thence easterly to the northeast corner of the southwest quarter southeast quarter section 35; thence southerly to the southeast corner of the southwest quarter southeast quarter section 35, all in township 44 north, range 116 west; thence westerly to the northeast corner of the northwest quarter section 2, township 43 north, range 116 west; thence southerly on midsection lines of sections 2, 11, and 14, to the northwest corner of the southeast quarter section 14; thence easterly to the northeast corner of the northwest quarter southeast quarter section 14; thence southerly on east quarter-quarter section lines of sections 14, 23, 26, and 35, all in township 43 north, range 116 west, to the right bank of South Fork Snake River; thence westerly along said bank to its intersection with the north line of township 42 north, range 116 west; thence westerly along said township line to the northwest corner of said township; thence southerly along the west line of said township to its intersection with the main hydrographic divide immediately south of Granite Canyon; thence southwesterly along said divide to its intersection with the main hydrographic divide formed by the crest of the Teton Mountains; thence northerly along said divide, between the headwaters of Moose Creek and Granite Canyon, Fox Creek, and Open Canyon, Dirby Creek and Death Canyon, Teton Creek and Taggart and Glacier Creeks, Leigh Creek and Leigh Canyon, Badger Creek and Moran Canyon, to a point where said divide intersects the main hydrographic divide immediately south and southeast of Webb (Moose) Canyon; thence northeasterly along the last-mentioned divide to its intersection with the projected east quarter-quarter section line of what will probably be when surveyed section 7, township 46 north, range 115 west; thence southerly along said line to the northwest corner of the southeast quarter southeast quarter section 7; thence westerly to the northwest corner of the southwest quarter southeast quarter section 7; thence southerly on projected midsection lines of probable sections 7, 18, 19, and 30, to the southwest corner of the northeast quarter section 30; thence westerly to the southeast corner of the southwest quarter northwest quarter section 30; thence southerly to the southeast corner of the northwest quarter southwest quarter section 30; thence westerly to the southwest corner of the northwest quarter southwest quarter section 30, all of township 46 north, range 115 west; thence southerly on projected west line of said

township and the west line of township 45 north, range 115 west, to the southwest corner of section 6, township 45 north, range 115 west; thence westerly on projected north line of what will probably be when surveyed section 12, township 45 north, range 116 west, to the northeast corner of the northwest quarter northwest quarter section 12; thence southerly to the southeast corner of the southwest quarter northwest quarter section 12; thence westerly to the southeast corner of the southwest quarter northwest quarter probable section 11; thence southerly to the northeast corner of the southwest quarter southwest quarter section 11; thence westerly to the northwest corner of the southwest quarter southwest quarter section 11; thence southerly on projected west lines of probable sections 11 and 14 to the southwest corner of said section 14; thence easterly to the northeast corner of the northwest quarter northwest quarter probable section 23; thence southerly to the southeast corner of the northwest quarter northwest quarter section 23; thence easterly to the southwest corner of the northeast quarter of the northeast quarter section 23; then southerly to the southwest corner of the southeast quarter northeast quarter section 23; thence easterly to the southeast corner of the northeast quarter section 23; thence southerly on projected east lines of probable sections 23 and 26 to the northeast corner of the southeast quarter southeast quarter section 26; thence eastward to the northeast corner of the southeast quarter southeast quarter section 25, all in township 45 north, range 116 west; thence easterly to the northeast corner of the southeast quarter southwest quarter section 30, township 45 north, range 115 west; thence southerly on midsection lines of sections 30 and 31, to the south line of section 31, said township; thence easterly to place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of the Grand Teton National Park of Wyoming: *Provided*, That no new roads shall be constructed and no hotels or permanent camps shall be established on such lands except under authority of appropriations specifically made therefor by Congress, but nothing herein shall be held to restrict the establishment and construction of trails on said lands. (Feb. 26, 1929, c. 331, § 1, 45 Stat. 1314.)

§ 406a. **Same; applicability of existing laws.** The provisions of sections 1 to 4 of this title are made applicable to and extended over the lands included by section 406 of this title in said Grand Teton National Park: *Provided*, That under rules and regulations to be prescribed by the Secretary of the Interior any bona fide claimant or entryman claiming or owning land reasonably adjacent to the land in said park shall have the right to graze upon land in said park reasonably adjacent to the lands claimed or owned by him such number of livestock as he has been accustomed to so graze in the past or as may be reasonably necessary to the conduct of his business, and shall also have the right subject to such rules and regulations to secure dead or down timber from park lands for use in the conduct of such business. (Feb. 26, 1929, c. 331, § 2, 45 Stat. 1316.)

§ 406b. **Same; applicability of water-power laws.** The provisions of sections 791 to 823 of this title shall not apply to or extend over the land reserved by section 406 of this title and dedicated as the Grand Teton National Park. (Feb. 26, 1929, c. 331, § 3, 45 Stat. 1316.)

§ 406c. **Same; existing claims, locations, or entries not affected.** Nothing contained in sections 406 and 406a of this title shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land. (Feb. 26, 1929, c. 331, § 4, 45 Stat. 1316.)

§ 406d. **Same; appropriations available for administration, protection, and maintenance.** The appro-

priations heretofore and hereafter made available for the administration, protection, and maintenance of the Yellowstone National Park shall also be available for these purposes for the Grand Teton National Park of Wyoming unless said park is otherwise provided for by Act of Congress. (Feb. 26, 1929, c. 331, § 5, 45 Stat. 1316.)

CARLSBAD CAVERNS NATIONAL PARK

§ 407. **Carlsbad Caverns National Park, establishment.** The tract of land known prior to May 14, 1930, as the Carlsbad Cave National Monument, in the State of New Mexico, established and designated as a national monument under section 431 of this title, and by presidential proclamation of October 25, 1923, is hereby declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Carlsbad Caverns National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Carlsbad Cave National Monument. (May 14, 1930, c. 272, § 1, 46 Stat. 279.)

§ 407a. **Same; administration, protection, and development.** The administration, protection, and development of said Carlsbad Caverns National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title. (May 14, 1930, c. 272, § 2, 46 Stat. 279.)

§ 407b. **Same; applicability of water-power laws.** The provisions of sections 791 to 823 of this title shall not apply to or extend over the land by section 407 of this title or hereafter reserved and dedicated as the Carlsbad Caverns National Park. (May 14, 1930, c. 272, § 3, 46 Stat. 279.)

§ 407c. **Same; boundaries.** The boundaries of said Carlsbad Caverns National Park may be enlarged by subsequent proclamation or proclamations of the President, upon the recommendations of the Secretary of the Interior, to include any or all of the following-described lands, to wit: Sections 1, 12, and 13, township 24 south, range 22 east; sections 1 to 18, inclusive, 20 to 28, inclusive, and 33 to 36, inclusive, township 24 south, range 23 east; the entire township 24 south, range 24 east; sections 6, 7, 18, and 19, and 27 to 34, inclusive, township 24 south, range 25 east; sections 24, 25, 35, and 36, township 25 south, range 22 east; the entire township 25 south, range 23 east; north half of township 25 south, range 24 east; sections 5, 6, 7, 8, 17, and 18, township 25 south, range 25 east; sections 1, 2, 11, 12, 13, and 14, and 19 to 36, inclusive, township 26 south, range 22 east; west half of township and sections 22 to 26, inclusive, township 26 south, range 23 east; all with respect to the New Mexico principal meridian. (May 14, 1930, c. 272, § 4, 46 Stat. 279.)

ISLE ROYALE NATIONAL PARK

§ 408. **Isle Royale National Park; establishment; acquisition of land.** When title to all alienated lands within Isle Royale in Lake Superior, Keweenaw County, Michigan, and immediately surrounding islands as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes, shall have been vested in the United States, and exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States, said area shall be, and is established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (Mar. 3, 1931, c. 448, § 1, 46 Stat. 1514.)

§ 408a. **Same; acceptance of title to lands.** The Secretary of the Interior is authorized, in his discre-

tion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes. (Mar. 3, 1931, c. 448, § 2, 46 Stat. 1514.)

§ 408b. **Same; administration, protection, and development.** The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That sections 791 to 823 of this title shall not apply to this park. (Mar. 3, 1931, c. 448, § 3, 46 Stat. 1514.)

§ 408c. **Acceptance of title to lands; reservations; leases; rights of way and easements.** The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the area of the Isle Royale National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided*, That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further*, That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further*, That the Secretary of the Interior may accept lands for these parks subject to reservations of rights of way and easements. (Feb. 4, 1932, c. 19, § 2, 47 Stat. 37.)

MORRISTOWN NATIONAL HISTORICAL PARK

§ 409. **Morristown National Historical Park; establishment; acquisition of land.** When title to all the lands, structures, and other property in the military camp-ground areas and other areas of Revolutionary War interest at and in the vicinity of Morristown, New Jersey, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-park purposes, shall have been vested in the United States, such areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Morristown National Historical Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas, but such lands shall be secured by the United States only by public or private donation: *And provided further*, That such areas shall include, at least, Jockey Hollow camp site, now owned by Lloyd W. Smith and the town of Morristown, Fort Nonsense, now owned by the town of Morristown, and the George Washington Headquarters, known as the Ford House, with its museum and other personal effects and its grounds, now owned by the Washington Association of New Jersey. (Mar. 2, 1933, c. 182, § 1, 47 Stat. 1421.)

§ 409a. **Same; acceptance of title to lands.** The Secretary of the Interior is hereby authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided*, That the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States other lands, easements, and buildings of Revolutionary War interest in Morris and ad-

acent counties in New Jersey as may be donated for the extension of the Morristown National Historical Park. (Mar. 2, 1933, c. 182, § 2, 47 Stat. 1421.)

§ 409b. **Same; George Washington headquarters; maintenance as part of park.** After the acquisition of the museum and other personal effects of the said Washington Association by the United States, including such other manuscripts, books, paintings, and other relics of historical value pertaining to George Washington and the Revolutionary War as may be donated to the United States, such museum and library shall forever be maintained as a part of said Morristown National Historical Park. (Mar. 2, 1933, c. 182, § 3, 47 Stat. 1422.)

§ 409c. **Same; board of advisors for park.** The Washington Association of New Jersey, Lloyd W. Smith, and the town of Morristown having, by their patriotic and active interest in conserving for posterity these important historical areas and objects, the board of trustees and the executive committee of the said association, together with Mrs. Willard W. Cutler, its curator, and Clyde Potts, at present mayor of Morristown, shall hereafter act as a board of advisers in the maintenance of said park. The said association shall have the right to hold its meetings in said Ford House. (Mar. 2, 1933, c. 182, § 4, 47 Stat. 1422.)

§ 409d. **Same; employees of Washington Association of New Jersey.** Employees of the said Washington Association, who were, prior to March 2, 1933, charged with the care and development of the said Ford House and its museum and other effects, may, in the discretion of the Secretary of the Interior, hereafter be employed by the National Park Service in the administration, protection, and development of the said park without regard to the laws of the United States applicable to the employment and compensation of officers and employees of the United States. (Mar. 2, 1933, c. 182, § 5, 47 Stat. 1422.)

§ 409e. **Same; administration, protection, and development; limitation on appropriation.** The administration, protection, and development of aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That no appropriation of Federal funds for administration, protection, and maintenance of said park in excess of \$7,500 annually shall be made for the fiscal years 1934, 1935, 1936. (Mar. 2, 1933, c. 182, § 6, 47 Stat. 1422.)

§ 409f. **Jurisdiction of New Jersey in civil, criminal, and legislative matters retained; citizenship unaffected.** Nothing in this subchapter shall be held to deprive the State of New Jersey, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national historical park, nor shall this subchapter in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of New Jersey may be hereafter given, the legislative authority of said State in and over all areas included within such national historical park shall not be diminished or affected by the creation of said park, nor by any terms and provisions of this subchapter. (Mar. 2, 1933, c. 182, § 7, 47 Stat. 1422.)

EVERGLADES NATIONAL PARK

§ 410. **Everglades National Park; establishment; acquisition of land.** When title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443), shall have been vested in the United States, said lands shall be, and are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Everglades

National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (May 30, 1934, c. 371, § 1, 48 Stat. 816.)

§ 410a. **Same; acceptance of title to lands.** The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in section 410 of this title as may be deemed by him necessary or desirable for national-park purposes: *Provided*, That no land for said park shall be accepted until exclusive jurisdiction over the entire park area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States. (May 30, 1934, c. 371, § 2, 48 Stat. 816.)

§ 410b. **Same; administration, protection, and development.** The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That the provisions of sections 791 to 823 of this title shall not apply to this park: *Provided further*, That nothing in sections 410 to 410c of this title shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created: *And provided further*, That the United States shall not expend any public moneys for the administration, protection, or development of the aforesaid park within a period of five years from May 30, 1934. (May 30, 1934, c. 371, § 3, 48 Stat. 816.)

§ 410c. **Same; preservation of primitive condition.** The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area. (May 30, 1934, c. 371, § 4, 48 Stat. 817.)

THE NATIONAL MILITARY PARKS

CROSS REFERENCE

Purchase of real estate for future military parks, see section 455c of this title.

§ 411. **National military parks; military maneuvers in.** In order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are hereby declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States. Said parks shall be opened for such purposes only in the discretion of the Secretary of War, and under such regulations as he may prescribe. (May 15, 1896, c. 182, § 1, 29 Stat. 120.)

For transfer of administrative functions of certain national military parks to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 412. **Same; camps for military instruction; regulations for militia.** The Secretary of War is authorized, within the limits of appropriations which may from time to time be available for such purpose, to assemble, at his discretion, in camp at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there.

The Secretary of War is further authorized to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises. (May 15, 1896, c. 182, § 2, 29 Stat. 121.)

§ 413. **Same; offenses relating to structures and vegetation.** Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national military parks shall be deemed guilty of a misdemeanor, punishable by a fine of not less than \$10 nor more than \$1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment. (Mar. 3, 1897, c. 372, §§ 1, 5, 29 Stat. 621, 622.)

§ 414. **Same; trespassing for hunting, or shooting.** Every person who shall trespass upon any national military parks for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment. (Mar. 3, 1897, c. 372, §§ 2, 5, 29 Stat. 621, 622.)

§ 415. **Same; arrest and prosecution of offenders.** The superintendent or any guardian of such national military park is authorized to arrest forthwith any person engaged or who may have been engaged in committing any misdemeanor named in sections 413 and 414 of this title, and shall bring such person before any United States commissioner or judge of any district court of the United States within either of the districts within which the park is situated, and in the district within which the misdemeanor has been committed, for the purpose of holding him to answer for such misdemeanor, and then and there shall make complaint in due form. (Mar. 3, 1897, c. 372, §§ 3, 5, 29 Stat. 621, 622; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

§ 416. **Same; refusal to surrender leased land in; recovery.** Any person to whom land lying within any national military parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States, according to the statutes or code of practice of the State in which the park may be situated. (Mar. 3, 1897, c. 372, §§ 4, 5, 29 Stat. 622.)

§ 417. **Acceptance of donations of land.** The Secretary of War is authorized to accept on behalf of the United States donations of land for road or other purposes. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 405.)

See note to section 411 of this title.

§ 418. **Approach roads to national military parks; conveyance to States, and so forth.** The Secretary of War is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national military park. Prior to the delivery of any conveyance under this section the State, county, or municipality to which the conveyance herein authorized is to be made shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance. Upon the execution and delivery

of any conveyance herein authorized, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located. (Mar. 3, 1925, c. 418, 43 Stat. 1104.)

See note to section 411 of this title.

§ 419. **Rights of way for electrical plants.** [Transferred.]

This section (Act Feb. 15, 1901, c. 372, 31 Stat. 790) has been transferred and is now section 79 of this title.

§ 420. **Rights of way for electrical poles and lines.** The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named. Such right of way shall be allowed within or through any military park, only upon the approval of the chief officer of the department under whose supervision or control such park falls, and upon a finding by him that the same is not incompatible with the public interest. All or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to such date. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

See section 797 (d) of this title.

See note to section 411 of this title.

§ 421. **Vacancies occurring in commissions in charge of parks not to be filled.** Vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks. As vacancies occur the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 442.)

See note to section 411 of this title.

§ 422. **Moore's Creek National Military Park; establishment.** In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battlefield of Moore's Creek, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract: Beginning at a stone at the run of Moore's Creek, on the east bank of same, about twenty poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line,

south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres more or less.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Military Park. (June 2, 1926, c. 448, § 1, 44 Stat. 684.)

§ 422a. **Same; acceptance of lands.** The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in section 422 of this title. (June 2, 1926, c. 448, § 2, 44 Stat. 685.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 422b. **Same; duties of Secretary of the Interior.** The affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be

considered best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park. (June 2, 1926, c. 448, § 3, 44 Stat. 685.)

See note to section 422a of this title.

§ 422c. **Same; ascertaining and marking of lines of battle.** It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War. (June 2, 1926, c. 448, § 4, 44 Stat. 686.)

See note to section 422a of this title.

§ 422d. **Same; monuments, etc., protected.** If any person shall, except by permission of the Secretary of War, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber, battle relic, tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature were, on June 2, 1926, by law recoverable in the said county of Pender, State of North Carolina, (June 2, 1926, c. 448, § 5, 44 Stat. 686.)

See note to section 422a of this title.

§ 423. **Petersburg National Military Park; establishment.** In order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battle fields at Petersburg, in the State of Virginia, are hereby declared a national military park whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia—that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of War may deem necessary in and about the city of Petersburg, State of Virginia. (July 3, 1926, c. 746, § 1, 44 Stat. 822.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 423a. **Same; acceptance of donations of lands.** The Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Military Park. (July 3, 1926, c. 746, § 2, 44 Stat. 822.)

See note to section 423 of this title.

§ 423b. **Same; commission; organization.** The affairs of the Petersburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of

the commission. (July 3, 1926, c. 746, § 3, 44 Stat. 822.)

See note to section 423 of this title.

§ 423c. **Same; duties of commissiou.** It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 423 to 423i of this title. (July 3, 1926, c. 746, § 4, 44 Stat. 822.)

See note to section 423 of this title.

§ 423d. **Same; acceptance and dispositiou of gifts.** The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Military Park Fund", which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of sections 423 to 423i of this title. (July 3, 1926, c. 746, § 5, 44 Stat. 822.)

See note to section 423 of this title.

§ 423e. **Same; ascertaining and marking lines of battle.** It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. (July 3, 1926, c. 746, § 6, 44 Stat. 823.)

See note to section 423 of this title.

§ 423f. **Same; protection of moumeuts, etc.** If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissiioner or court, justice of the peace, or other court, according to the aggravation of the of-

fense, of not less than \$5 nor more than \$500, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debts of like nature were, on July 3, 1926, by law recoverable in the several counties where the offense may be committed. (July 3, 1926, c. 746, § 7, 44 Stat. 823.)

See note to section 423 of this title.

§ 423g. **Same; rules and regulations.** The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park. (July 3, 1926, c. 746, § 8, 44 Stat. 823.)

See note to section 423 of this title.

§ 423h. **Same; report of completion; superintend-ent of park.** Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park. (July 3, 1926, c. 746, § 9, 44 Stat. 823.)

See note to section 423 of this title.

§ 423i. **Same; appropriation.** To enable the Secretary of War to begin to carry out the provisions of sections 423 to 423h of this title, there is hereby authorized to be appropriated not more than the sum of \$15,000, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, after the United States has acquired title, and disbursements under said sections shall be annually reported by the Secretary of War to Congress. (July 3, 1926, c. 746, § 10, 44 Stat. 823.)

See note to section 423 of this title.

§ 424. **Chickamauga and Chattanooga National Military Park.** For the purpose of preserving and suitably marking for historical and professional military study, the fields of some of the most remarkable maneuvers and most brilliant fighting in the War of the Rebellion, those portions of highways in the States of Georgia and Tennessee in the vicinity of the battlefields of Chickamauga and Chattanooga, respectively, jurisdiction over which has heretofore been ceded to the United States by those States respectively and as to which the United States has heretofore acquired a perfect title, shall be approaches to and parts of the Chickamauga and Chattanooga National Military Park, and each and all of such roads shall remain open as free and public highways, and all rights of way which existed on August 19, 1890, through the grounds of the said Park and its approaches shall be continued. The lands and roads embraced in the area at and near the battlefield of Chickamauga and around Chattanooga, jurisdiction over which has heretofore been ceded to the United States by the State of Georgia and as to which a perfect title has heretofore been secured, together with the roads hereinbefore described, shall be a national military park, to be known as Chickamauga and Chattanooga National Park. The said Chickamauga and Chattanooga National Park and the approaches thereto shall be under the control of the Secretary of War. The Secretary of War is hereby authorized to enter into agreements upon such nominal terms as he may prescribe, with such persons, who were owners of the land on August 19, 1890, as may desire to remain upon it, to occupy and cultivate their then holdings, upon condition that they will preserve the then buildings and roads, and the then outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. It shall be the duty of the Secretary of War to superintend the opening of such roads as may be necessary to the purposes of the park, and the repair of the roads of the same, and to ascertain and definitely mark

the lines of battle of all troops engaged in the battles of Chickamauga and Chattanooga, so far as the same shall fall within the lines of the park. It shall be the duty of the Secretary of War to cause to be ascertained and substantially marked the locations of the regular troops within the boundaries of the park, and to erect monuments upon those positions as Congress may provide the necessary appropriations; and the Secretary of War in the same way may ascertain and mark all lines of battle within the boundaries of the park and erect plain and substantial historical tablets at such points in the vicinity of the Park and its approaches as he may deem fitting and necessary to clearly designate positions and movements, which, although without the limits of the Park, were directly connected with the battles of Chickamauga and Chattanooga. It shall be lawful for the authorities of any State having troops engaged either at Chattanooga or Chickamauga, and for the officers and directors of the Chickamauga Memorial Association, a corporation chartered under the laws of Georgia, to enter upon the lands and approaches of the Chickamauga and Chattanooga National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary. The Secretary of War, subject to the approval of the President of the United States, shall have the power to make, and shall make, all needed regulations for the care of the park and for the establishment and marking of the lines of battle and other historical features of the park: *Provided further*, That State memorials shall be placed on brigade lines of battle under the direction of the National Park Service.

No monuments or memorials shall be erected upon any lands of the park, or remain upon any lands which may be purchased for the park, except upon ground actually occupied in the course of the battle by troops of the State which the proposed monuments are intended to commemorate, except upon those sections of the park set apart for memorials to troops which were engaged in the campaigns, but operated outside of the legal limits of the park. Notwithstanding the restrictive provisions of this paragraph, the Secretary of War is authorized in his discretion to permit without cost to the United States the erection of monuments or memorials to commemorate encampments of Spanish War organizations which were encamped in said park during the period of the Spanish-American War. (Aug. 19, 1890, c. 806, 26 Stat. 333; Mar. 3, 1891, c. 542, 26 Stat. 978; Feb. 26, 1896, c. 33, 29 Stat. 21; June 4, 1897, c. 2, 30 Stat. 43; Apr. 15, 1926, c. 146, Title II, 44 Stat. 289; Feb. 23, 1927, c. 167, Title I, 44 Stat. 1140.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 424a. Same; acceptance of donations of lands. The Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings as may be donated for an addition to the Chickamauga and Chattanooga National Military Park lying within what is known as the "Chattanooga-Lookout Mountain Park" (a corporation, Adolph S. Ochs, president) and/or any lands within one mile of said Chattanooga-Lookout Mountain Park in the States of Tennessee and Georgia. (May 4, 1934, c. 218, § 1, 48 Stat. 666.)

§ 424b. Application of laws to donated lands. All laws affecting the Chickamauga and Chattanooga National Military Park shall be extended and apply to any addition or additions which may be added to said park under the authority of section 424a of this title. (May 4, 1934, c. 218, § 2, 48 Stat. 666.)

§ 425. Fredericksburg and Spotsylvania County Battle Fields Memorial; establishment. In order to

commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Virginia, and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are hereby declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is hereby adopted, the said land herein authorized to be acquired being such land as the Secretary of War may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is hereby given to the Secretary of War to acquire for the purposes of sections 425 to 425j of this title the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of War may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of War may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of sections 425 to 425j of this title. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of War may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired. (Feb. 14, 1927, c. 127, § 1, 44 Stat. 1091.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 425a. Same; acquisition of lands. The Secretary of War is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of sections 357 and 358 of Title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, hereinabove authorized to be acquired, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, hereinafter referred to, and the Secretary of War, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in

favor of the validity of title thereto. (Feb. 14, 1927, c. 127, § 2, 44 Stat. 1092.)

See note to section 425 of this title.

§ 425b. Same; leasing lands for memorial. The Secretary of War is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of War may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of War it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of War may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of War toward the maintenance of the park. (Feb. 14, 1927, c. 127, § 3, 44 Stat. 1092.)

See note to section 425 of this title.

§ 425c. Same; commission; organization. The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of War be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission. (Feb. 14, 1927, c. 127, § 4, 44 Stat. 1093.)

See note to section 425 of this title.

§ 425d. Same; duties of commission. It shall be the duty of the commissioners, under the direction of the Secretary of War, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of War may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of War may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War to employ such labor and services at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 425 to 425j of this title. (Feb. 14, 1927, c. 127, § 5, 44 Stat. 1093.)

See section 725s of Title 31.

See note to section 425 of this title.

§ 425e. Same; acceptance and distribution of gifts. The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund", which fund shall be applied to and expended under the direction of the Secretary of War for

carrying out the provisions of sections 425 to 425j of this title. (Feb. 14, 1927, c. 127, § 6, 44 Stat. 1093.)

See section 725s of Title 31.

See note to section 425 of this title.

§ 425f. Same; ascertaining and marking lines of battle. It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War, and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of War may be used by any other State. (Feb. 14, 1927, c. 127, § 7, 44 Stat. 1093.)

See note to section 425 of this title.

§ 425g. Same; protection of monuments, etc. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were, on February 14, 1927, by law recoverable in the several counties where the offense may be committed. (Feb. 14, 1927, c. 127, § 8, 44 Stat. 1094.)

See note to section 425 of this title.

§ 425h. Same; rules and regulations. The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park. (Feb. 14, 1927, c. 127, § 9, 44 Stat. 1094.)

See note to section 425 of this title.

§ 425i. Same; report of completion of acquisition of land and work of commission; superintendent of park. Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park. (Feb. 14, 1927, c. 127, § 10, 44 Stat. 1094.)

See note to section 425 of this title.

§ 425j. Same; appropriation. To enable the Secretary of War to begin to carry out the provisions of this section and sections 425 to 425i of this title, in-

cluding the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$50,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are hereby authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under this section and sections 425 to 425i of this title shall be annually reported by the Secretary of War to Congress. (Feb. 14, 1927, c. 127, § 11, 44 Stat. 1094.)

See note to section 425 of this title.

§ 426. Stones River National Park; establishment; appointment of commission. A commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America. (Mar. 3, 1927, c. 374, § 1, 44 Stat. 1399.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 426a. Same; qualifications of members of commission. In appointing the members of the commission created by section 426 of this title the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battlefield of Stones River, Tennessee, and the historical events associated therewith. (Mar. 3, 1927, c. 374, § 2, 44 Stat. 1399.)

See note to section 426 of this title.

§ 426b. Same; duties of commission. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battlefield of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. (Mar. 3, 1927, c. 374, § 3, 44 Stat. 1399.)

See note to section 426 of this title.

§ 426c. Same; assistants to commission; expenses of commission. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them. (Mar. 3, 1927, c. 374, § 4, 44 Stat. 1400.)

See note to section 426 of this title.

§ 426d. Same; receipt of report of commission by Secretary of War; acquisition of land for Park; other duties of Secretary. Upon receipt of the report of said commission, the Secretary of War is hereby authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national military park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate; to construct

the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the Hazen Monument: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national military park, shall not exceed the sum of \$100,000. (Mar. 3, 1927, c. 374, § 5, 44 Stat. 1400; April 15, 1930, c. 167, 46 Stat. 167.)

See note to section 426 of this title.

§ 426e. Same; lands acquired declared a national park; name. Upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 426 to 426j of this title, together with the area already inclosed within the national cemetery at the battlefield of Stones River and the Government reservation in said battlefield upon which is erected a large monument to the memory of the officers and soldiers of General Hazen's brigade who fell on the spot, are hereby declared to be a national park, to be known as the Stones River National Park. (Mar. 3, 1927, c. 374, § 6, 44 Stat. 1400.)

§ 426f. Same; control of park; regulations. The said Stones River National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Park, under the direction of the Secretary of War. (Mar. 3, 1927, c. 374, § 7, 44 Stat. 1400.)

See note to section 426 of this title.

§ 426g. Same; occupation of lands by former owners. The Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. (Mar. 3, 1927, c. 374, § 8, 44 Stat. 1400.)

See note to section 426 of this title.

§ 426h. Same; ascertaining and marking lines of battle. It shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War, and shall first receive the written approval of the Secretary. (Mar. 3, 1927, c. 374, § 9, 44 Stat. 1401.)

See note to section 426 of this title.

§ 426i. Same; protection of monuments, etc. If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or

shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall for each and every such offense be fined not less than \$5 nor more than \$100. (Mar. 3, 1927, c. 374, § 10, 44 Stat. 1401.)

See note to section 426 of this title.

§ 426j. **Same; appropriation; fixing of boundaries as condition to purchase of lands.** The sum of \$100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of sections 426 to 426i of this title: *Provided*, That no obligation for the purchase of lands shall be incurred until the commission has fixed the boundaries of said park. (Mar. 3, 1927, c. 374, § 11, 44 Stat. 1401.)

§ 427. **Site of battle with Sioux Indians; purchase; erection of monument.** The Secretary of the Interior is hereby authorized and directed to acquire, by condemnation or otherwise, such land as may be deemed appropriate, not exceeding one hundred and sixty acres, on the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet. (Apr. 14, 1926, c. 138, § 1, 44 Stat. 251.)

§ 427a. **Same; appropriation.** There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500, or so much thereof as may be necessary, to carry out the provisions of section 427 of this title. (Apr. 14, 1926, c. 138, § 2, 44 Stat. 251.)

§ 428. **Fort Donelson National Park; establishment; appointment of commission.** A commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America. (Mar. 26, 1928, c. 248, § 1, 45 Stat. 367.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 428a. **Same; qualifications of members of commission.** In appointing the members of the commission created by section 428 of this title the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battlefield of Fort Donelson, Tennessee, and the historical events associated therewith. (Mar. 26, 1928, c. 248, § 2, 45 Stat. 367.)

§ 428h. **Same; duties of commission.** It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battlefield of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. (Mar. 26, 1928, c. 248, § 3, 45 Stat. 367.)

See note to section 428 of this title.

§ 428c. **Same; assistants to commission; expenses of commission.** The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the

actual performance of the duties herein imposed upon them. (Mar. 26, 1928, c. 248, § 4, 45 Stat. 367.)

See note to section 428 of this title.

§ 428d. **Same; receipt of report of commission by Secretary of War; acquisition of land for Park; other duties of Secretary.** Upon receipt of the report of said commission the Secretary of War is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national military park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the restoration and maintenance of those portions of old Fort Donelson, and of the Confederate water batteries that are located on the present engineer reservation: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national military park shall not exceed the sum of \$50,000. (Mar. 26, 1928, c. 248, § 5, 45 Stat. 368; Feb. 18, 1930, c. 49, 46 Stat. 69.)

See note to section 428 of this title.

§ 428e. **Same; lands acquired declared a national park; name.** Upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 428 to 428i of this title, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are hereby declared to be a national park, to be known as the Fort Donelson National Park. (Mar. 26, 1928, c. 248, § 6, 45 Stat. 368.)

§ 428f. **Same; control of park; regulations.** The said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War. (Mar. 26, 1928, c. 248, § 7, 45 Stat. 368.)

See note to section 428 of this title.

§ 428g. **Same; occupation of lands by former owners.** The Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. (Mar. 26, 1928, c. 248, § 8, 45 Stat. 368.)

See note to section 428 of this title.

§ 428h. **Same; ascertaining and marking line of battle.** It shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monu-

ments, tablets, or otherwise shall be submitted to the Secretary of War and shall first receive the written approval of the Secretary. (Mar. 26, 1928, c. 248, § 9, 45 Stat. 368.)

See note to section 428 of this title.

§ 428i. Same; protection of monuments, etc. If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100. (Mar. 26, 1928, c. 248, § 10, 45 Stat. 368.)

See note to section 428 of this title.

§ 428j. Same; appropriation. The sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of sections 428 to 428i of this title. (Mar. 26, 1928, c. 248, § 11, 45 Stat. 369.)

§ 429. Brices Cross Roads and Tupelo battle fields in Mississippi; establishment. For the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of War is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land. (Feb. 21, 1929, c. 289, § 1, 45 Stat. 1254.)

For transfer of administrative functions of these battle field sites to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 429a. Same; jurisdiction and control; annual appropriation. Each parcel of land acquired under section 429 of this title shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum. (Feb. 21, 1929, c. 289, § 3, 45 Stat. 1254.)

See note to section 429 of this title.

§ 430. Kings Mountain National Military Park; establishment. In order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October, 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent and contiguous lands as may be useful and proper in effectually carrying out the purpose of this section and sections 430a to 430e of this title, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground, shall become the property of the United States. (Mar. 3, 1931, c. 437, § 1, 46 Stat. 1508.)

§ 430a. Same; acquisition of land. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 255 of Title 40, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of section 430 of this title, either by purchase or gift or by

condemnation under the provisions of sections 257 and 258 of Title 40. (Mar. 3, 1931, c. 437, § 2, 46 Stat. 1508.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 430b. Same; control; regulations for care and management. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary. (Mar. 3, 1931, c. 437, § 3, 46 Stat. 1508.)

See note to section 430a of this title.

§ 430c. Same; permits to occupy land. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time. (Mar. 3, 1931, c. 437, § 4, 46 Stat. 1508.)

See note to section 430a of this title.

§ 430d. Same; roads; tablets. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section. (Mar. 3, 1931, c. 437, § 5, 46 Stat. 1508.)

See note to section 430a of this title.

§ 430e. Same; monuments and tablets. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park. (Mar. 3, 1931, c. 437, § 6, 46 Stat. 1508.)

See note to section 430a of this title.

§ 430f. Shiloh National Military Park. In order that the armies of the southwest which served in the civil war, like their comrades of the eastern armies at Gettysburg and those of the central west at Chickamauga, may have the history of one of their memorable battles preserved on the ground where they fought, that part of the battlefield of Shiloh, in the State of Tennessee, title to which has heretofore been acquired by the United States, and as to which the usual jurisdiction over the lands and the roads of same has been granted to the United States by the State of Tennessee, containing 3,000 acres, more or less, shall be a national military park, and shall be known as the Shiloh national military park. The Secretary of War is hereby authorized to enter into agreements whereby he may lease, upon such terms as he may prescribe, with such persons, who were owners or tenants of the land on December 27, 1894, as may desire to remain upon it to occupy and cultivate their then holdings upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they only will cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. The affairs of the Shiloh national military park shall be subject to the supervision and direction of the Secretary of War. It shall be the duty of the Secretary of War to cause to be opened or repaired such roads

as may be necessary for the purposes of the park and to cause to be ascertained and marked with historical tablets or otherwise, as he may determine, all lines of battle of the troops engaged in the battle of Shiloh and other historical points of interest pertaining to the battle within the park or its vicinity, and the Secretary of War shall make and enforce all needed regulations for the care of the park. It shall be lawful for any State that had troops engaged in the battle of Shiloh to enter upon the lands of the Shiloh National Military Park for the purpose of ascertaining and marking the lines of battle of its troops therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs and inscriptions for the same shall first receive the written approval of the Secretary: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. (Dec. 27, 1894, c. 12, 28 Stat. 597.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 430g. **Gettysburg National Military Park.** The lands heretofore conveyed by the Gettysburg Battlefield Memorial Association to the United States, embracing about 800 acres, more or less, and being a considerable part of the battlefield of Gettysburg, and such other lands on the battlefield as the United States has heretofore acquired or shall hereafter acquire by purchase or condemnation proceedings, shall be designated and known as the "Gettysburg National Park." The Gettysburg national park shall be subject to the supervision and direction of the Secretary of War, whose duty it shall be to superintend the opening of such additional roads as may be necessary for the purposes of the park and for the improvement of the avenues heretofore laid out therein, and to cause to be properly marked the boundaries of the said park, and to be ascertained and definitely marked the lines of battle of all troops engaged in the battle of Gettysburg so far as the same shall fall within the limits of the park: *Provided*, That nothing contained in this section shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed, nor the right-of-way to the same. It shall be the duty of the Secretary of War to establish and enforce proper regulations for the custody, preservation, and care of the monuments erected or which may be hereafter erected within the limits of the said national military park; and such rules shall provide for convenient access by visitors to all such monuments within the park, and the ground included therein, on such days and within such hours as may be designated and authorized by the Secretary of War. The Secretary of War may lease the lands of the park at his discretion either to former owners or other persons for agricultural purposes, the proceeds to be applied by the Secretary of War, through the proper disbursing officer, to the maintenance of the park. (Feb. 11, 1895, c. 80, 28 Stat. 651; June 4, 1897, c. 2, § 1, 30 Stat. 44.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 430h. **Vicksburg National Military Park.** In order to commemorate the campaign, siege, and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought and carried on, the battlefield of Vicksburg, in the State of Mississippi, insofar as title to the same has been acquired by the United States and as the usual jurisdiction

over the lands and roads of the same has heretofore been granted to the United States by the State of Mississippi, shall be a National Military Park. The Secretary of War is authorized to enter into agreements of leasing upon such terms as he may prescribe with such persons, who were on February 21, 1899, occupants or tenants of the lands, as may desire to remain upon them to occupy and cultivate their holdings, upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they will only cut trees and underbrush under such regulations as the Secretary of War may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other historical works as may from time to time be erected by proper authority: *Provided*, That the United States shall at all times have and retain their right, power, and authority to take possession of any and all parts and portions of said premises, and to remove and expel therefrom any such occupant, tenant, or other person or persons found thereon whenever the Secretary of War shall deem it proper or necessary; and such right, power, and authority shall be reserved in express terms in all leases and agreements giving or granting such occupant or tenant the right to remain in possession as herein contemplated; and thereupon said occupant or tenant or other persons who may be required to vacate said premises shall each and all of them at once surrender and deliver up the possession thereof. It shall be the duty of the Secretary of War to cause to be restored the forts and lines of fortification, the parallels and the approaches of the two armies, or so much thereof as may be necessary to the purposes of this Park; to open and construct and repair such roads as may be necessary to said purposes, and to ascertain and to mark with historical tablets, or otherwise, the lines of battle of the troops engaged in the assaults, and the lines held by the troops during the siege and defense of Vicksburg, the headquarters of General Grant and of General Pemberton, and other historical points of interest pertaining to the siege and defense of Vicksburg within the Park or its vicinity; and the Secretary of War shall have authority to do all things necessary to the purposes of the park, and he shall make and enforce all needful regulations for the care of the Park. It shall be lawful for any State that had troops engaged in the siege and defense of Vicksburg to enter upon the lands of the Vicksburg national military park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of War, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War; and no monument, tablet, or other designating indication shall be erected or placed within said park or vicinity without such written authority of the Secretary of War: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. The provisions of this section shall also apply to organizations and persons; and as the Vicksburg National Cemetery is on ground partly occupied by Federal lines during the siege of Vicksburg, the provisions of this section, as far as may be practicable, shall apply to monuments or tablets designating such lines within the limits of that cemetery. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, tablet, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work intended for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrub that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing

or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles, on the lands or approaches to the park, any person so offending and found guilty thereof before any United States commissioner or court, justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine in the discretion of the said commissioner or court of the United States or justice of the peace, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court or justice of the peace or other court in like manner as debts of like nature were, on February 21, 1899, by law recoverable in the several counties where the offense may be committed. (Feb. 21, 1899, c. 176, 30 Stat. 841.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 430i. Guilford Courthouse National Military Park. In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battlefield of Guilford Courthouse, in the State of North Carolina, containing in the aggregate 125 acres, more or less, together with all privileges and appurtenances thereunto belonging, title to which has heretofore been acquired by the United States, shall be a national military park and shall be known as the Guilford Courthouse National Military Park. The Secretary of War is authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse national military park as may be necessary for the purposes of the park and for its improvement. The affairs of the Guilford Courthouse national military park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, one of whom shall be an actual resident of Guilford County, State of North Carolina, one an actual resident of the State of Maryland, and one an actual resident of the State of Delaware. They shall be appointed by the Secretary of War, the actual resident of Guilford County, State of North Carolina, so appointed to serve, unless sooner relieved, for a term of four years. The resident commissioner shall act as chairman and as secretary of the commission. One of the other commissioners so appointed shall serve for a term of three years, and the other for a term of two years, unless sooner relieved. Upon the expiration of the terms of said commissioners the Secretary of War shall, in the manner hereinbefore prescribed, appoint their successors, to serve, unless sooner relieved, for a term of four years each from the date of their respective appointments. The office of said commissioners shall be in the city of Greensboro, North Carolina. The resident commissioner shall receive as compensation \$1,000 per annum, the nonresident commissioners \$100 per annum each, and they shall not be entitled to any other pay or allowances of any kind whatsoever. It shall be the duty of the commission named in this section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War shall make and enforce all needed regulations for the care of the Park. It shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and

marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War. If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were on March 2, 1917, by law recoverable in the said county of Guilford, State of North Carolina. (Mar. 2, 1917, c. 152, 39 Stat. 996.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 430j. Monocacy National Military Park; establishment. In order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is hereby declared a national military park to be known as the "Monocacy National Military Park", whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland. (June 21, 1934, c. 694, § 1, 48 Stat. 1198.)

§ 430k. Same; condemnation proceedings; purchase without condemnation; acceptance of donations of land. The Secretary of the Interior is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of sections 257 and 258 of Title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said Monocacy National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy National Military Park: *And provided further*, That title and evidence of title to lands and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior. (June 21, 1934, c. 694, § 2, 48 Stat. 1199.)

§ 430l. Same; leases; options to purchase; permission to owners as tenants to use holdings. The Secretary of the Interior is hereby authorized to enter into leases with the owners of such of the lands, works,

defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. (June 21, 1934, c. 694, § 3, 48 Stat. 1199.)

§ 430m. Same; supervision of park. The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the National Park Service of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior. (Mar. 2, 1934, c. 38, § 1, 48 Stat. 389; June 21, 1934, c. 694, § 4, 48 Stat. 1199.)

§ 430n. Same; roads; opening or repair; historical markers. It shall be the duty of the superintendent, under the direction of the National Park Service of the Interior Department, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity. (Mar. 2, 1934, c. 38, § 1, 48 Stat. 389; June 21, 1934, c. 694, § 5, 48 Stat. 1199.)

§ 430o. Same; acceptance of donations; disposition of contributions of money. The National Park Service, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy National Military Park fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of sections 430j to 430s of this title. (Mar. 2, 1934, c. 38, § 1, 48 Stat. 389; June 21, 1934, c. 694, § 6, 48 Stat. 1199.)

§ 430p. Same; right of States to enter and mark battle lines. It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the Monocacy National Military Park for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the National Park Service: *Provided* That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State. (Mar. 2, 1934, c. 38, § 1, 48 Stat. 389; June 21, 1934, c. 694, § 7, 48 Stat. 1200.)

§ 430q. Same; offenses. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument,

column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States commissioner or court, according to the aggravation of the offense, of not less than \$5 nor more than \$500. (June 21, 1934, c. 694, § 8, 48 Stat. 1200.)

§ 430r. Same; rules and regulations. The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park. (June 21, 1934, c. 694, § 9, 48 Stat. 1200.)

§ 430s. Same; appropriation. For the purposes of carrying out the provisions of sections 430j to 430s of this title, the sum of \$50,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated. (June 21, 1934, c. 694, § 10, 48 Stat. 1200.)

NATIONAL MONUMENTS

§ 431. National monuments; reservation of land; relinquishment of private claims. The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906, c. 3060, § 2, 34 Stat. 225.)

§ 432. Same; permits to examine ruins, excavations, and gathering of objects; regulations. Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section and sections 431 and 433 of this title. (June 8, 1906, c. 3060, §§ 3, 4, 34 Stat. 225.)

§ 433. **American antiquities.** Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. (June 8, 1906, c. 3060, § 1, 34 Stat. 225.)

§ 434. **National monument in Riverside County, California.** The Secretary of the Interior is authorized to set apart the following-described lands located in the county of Riverside, in the State of California, as a national monument, which shall be under the exclusive control of the Secretary of the Interior, who shall administer and protect the same under the provisions of sections 431 to 433, inclusive, of this title, and under such regulations as he may prescribe: The west half of the southwest quarter of section 2, the southeast quarter of section 3, all of section 10, the west half of the northwest quarter of section 11, all of section 14, all in township 5 south, range 4 east, San Bernardino base and meridian, containing one thousand six hundred acres: *Provided*, That before such reservation and dedication as herein authorized shall become effective the consent and relinquishment of the Agua Caliente Band of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be donated for such purposes to the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians therefor. (Aug. 26, 1922, c. 295, § 1, 42 Stat. 832.)

§ 435. **Same; reservations.** In order to determine the amount to be paid under section 434 of this title the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment from said donated fund for the lands relinquished to the enrolled members of the said Agua Caliente Band as authorized by section 434 of this title. The consent and relinquishment of the Indians may be obtained and payment made for the lands in such manner as the Secretary of the Interior may deem advisable. The water rights, dam, pipe lines, canals, and irrigation structures located in sections 2 and 3 of township 5 south, range 4 east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs. The provisions of chapter 12 of this title shall not apply to this monument. (Aug. 26, 1922, c. 295, §§ 2, 3, 42 Stat. 832.)

§ 436. **Roads and trails; material, equipment, and supplies for.** The Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of Title 23, HIGHWAYS, not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments. No charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use. (Apr. 9, 1924, c. 86, § 3, 43 Stat. 90.)

§ 437. **Fort McHenry; restoration and preservation.** The Secretary of War is authorized and directed to begin the restoration of Fort McHenry, in the State of Maryland, including the restoration of the old Fort McHenry proper to such a condition as would

make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal "Star-Spangled Banner" written by Francis Scott Key, and he is further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 439 of this title, and that part in use on March 3, 1925, by the Department of Commerce for a light and fog-signal station under revocable license from the War Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 438. **Same; repairs and improvements; how made.** Any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

See note to section 437 of this title.

§ 439. **Same; land for use of Secretary of the Treasury.** Permission is granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north corner of the grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and fifty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right-of-way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 859, setting aside a site for an immigration station and providing for an outlet therefrom, but the War Department shall have equal use of the railroad track and other roads so constructed, over which to reach the city streets and railroads beyond from the other part of the fort grounds. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

See note to section 437 of this title.

§ 440. **Same; closure in times of national emergency.** The Secretary of War may, in case of a national emergency, close the said Fort McHenry and use it for any and all military purposes during the period of the emergency and for such period of time thereafter, as the public needs may require. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

See note to section 437 of this title.

§ 441. **Badlands National Monument; establishment.** When a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying

within the area described in section 441a of this title shall have been acquired and transferred to the United States for monument purposes, without expense to the Federal Treasury, such areas are hereby dedicated and set apart as a national monument for the benefit and enjoyment of the people, under the name of the Badlands National Monument: *Provided*, That the State of South Dakota shall have first constructed the highways described in section 441b of this title. (Mar. 4, 1929, c. 693, § 1, 45 Stat. 1553.)

§ 441a. Same; boundaries. The areas to be included in said Badlands National Monument are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner section 13, township 3 south, range 18 east, Black Hills meridian; thence west one-fourth mile; thence south one mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one-fourth mile; thence west one-fourth mile; thence north one mile; thence west one and one-fourth miles; thence north one-half mile; thence west three miles, to the northwest corner section 18, township 3 south, range 18 east, Black Hills meridian.

Thence north one-fourth mile; thence west one-half mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west three-fourths mile; then south one-fourth mile; thence west one-half mile; thence south one-half mile; thence west one mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one and one-fourth miles; thence north one-fourth mile; thence west one-fourth mile; thence north three-fourths mile; thence west one and one-fourth miles; thence north one-half mile, to the northeast corner section 2, township 3 south, range 16 east, Black Hills meridian.

Thence west one-half mile; thence north one mile; thence west one-fourth mile; thence north one-half mile; thence west three-fourths mile; thence north one-half mile; thence west one-half mile; thence north two miles; thence west eight miles; thence south one-half mile; thence west one mile; thence north one-half mile, to the northeast corner section 13, township 2 south, range 14 east, Black Hills meridian.

Thence west one mile; thence south one mile; thence east one-half mile; thence south one-half mile; thence west one-half mile; thence south two and one-half miles; thence east one and one-fourth miles; thence south one mile; thence east three-fourths mile, to the northeast corner section 7, township 3 south, range 15 east, Black Hills meridian.

Thence south one-fourth mile; thence east one-fourth mile; thence south one-half mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one and three-fourths miles; thence east one mile; thence north three-fourths mile; thence east two miles; thence north one-half mile; thence east three-fourths mile; thence north one-fourth mile; thence east one-half mile; thence north three-fourths mile; thence west one-fourth mile; thence north three-fourths mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north one-half mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence north one-half mile; thence west one-half mile; thence north one-half mile, to the northwest corner section 31, township 2 south, range 16 east, Black Hills meridian.

Thence east one-half mile; thence south one-fourth mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence south three-fourths mile; thence east three-fourths mile; thence south three-fourths mile; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence

south one-fourth mile; thence east one-half mile; thence south one and one-fourth miles; thence east three-fourths mile; thence north one-half mile; thence east one-fourth mile, to the northeast corner section 19, township 3 south, range 17 east, Black Hills meridian.

Thence north one-half mile; thence east three-fourths mile; thence south two miles; thence east one and one-half miles; thence north one and one-fourth miles; thence east two miles; thence south one-half mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile, to the northeast corner section 30, township 3 south, range 18 east, Black Hills meridian.

Thence south three-fourths mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence east one-fourth mile; thence north one-fourth mile; thence east one and one-fourth miles; thence south one-fourth mile; thence east three miles, to the northeast corner of section 36, township 3 south, range 18 east, Black Hills meridian.

Thence north one mile; thence east one mile; thence north one-half mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one and one-fourth miles; thence west one-half mile to the point of beginning. (Mar. 4, 1929, c. 693, § 2, 45 Stat. 1554.)

§ 441b. Same; construction of bigway by State of South Dakota. The establishment of said monument is conditioned upon the State of South Dakota first constructing the following highway in a manner satisfactory to the Secretary of the Interior: A highway commencing at the corporation limits of the town of Interior, thence going in a northwesterly direction to and over Big Foot Pass, and through the region known as The Pinnacles; thence in a westerly direction to Sage Creek, being a total distance of about thirty miles. (Mar. 4, 1929, c. 693, § 3, 45 Stat. 1555.)

§ 441c. Same; administration; franchises for hotel and lodge accommodations. The administration, protection, and promotion of said Badlands National Monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title: *Provided*, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section. (Mar. 4, 1929, c. 693, § 4, 45 Stat. 1555.)

§ 441d. Same; examinations, excavations, and gathering of objects of interest within monument. The Secretary of the Interior is authorized to permit examinations, excavations, and gathering of objects of interest within said monument by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological science. (Mar. 4, 1929, c. 693, § 5, 45 Stat. 1555.)

§ 441e. Same; sections 441 to 441d when in effect. Sections 441 to 441d of this title shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 441 of this title. (Mar. 4, 1929, c. 693, § 6, 45 Stat. 1555.)

§ 442. George Washington Birthplace National Monument. The land owned by the United States at Wakefield, Westmoreland County, Virginia, and all structures thereon shall constitute the George Wash-

ington Birthplace National Monument at Wakefield, Virginia, which is hereby established and set apart for the preservation of the historical associations connected therewith, for the benefit and enjoyment of the people, and the said national monument shall be after January 23, 1930, administered by the National Park Service under the direction of the Secretary of the Interior subject to the provisions of sections 1 to 4 of this title. (Jan. 23, 1930, c. 24, §§ 1, 2, 46 Stat. 58.)

§ 443. Colonial National Monument; establishment; purpose. Upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this section and sections 443a to 443f of this title shall be established and set apart as the Colonial National Monument for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people. (July 3, 1930, c. 837, § 1, 46 Stat. 855.)

§ 443a. Same; location; boundaries. The Secretary of the Interior is authorized and directed to make an examination of Jamestown Island, parts of the city of Williamsburg, and the Yorktown battlefield, all in the State of Virginia, and areas for highways to connect said island, city, and battlefield with a view to determining the area or areas thereof desirable for inclusion in the said Colonial National Monument, not to exceed two thousand five hundred acres of the said battlefield or five hundred feet in width as to such connecting areas, and upon completion thereof he shall make appropriate recommendations to the President, who shall establish the boundaries of said national monument by proclamation: *Provided*, That the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, any such enlargement only to include lands donated to the United States or purchased by the United States without resort to condemnation. (July 3, 1930, c. 837, § 2, 46 Stat. 855.)

§ 443b. Same; acquisition of property; condemnation proceedings. The Secretary of the Interior is authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of Title 40, such tracts of land within the said monument as may be necessary for the completion thereof: *Provided further*, That condemnation proceedings herein provided for shall not be had, exercised, or resorted to as to lands belonging to the Association for the Preservation of Virginia Antiquities, a corporation chartered under the laws of Virginia, or to the city of Williamsburg, Virginia, or to any other lands in said city except such lands as may be required for a right-of-way not exceeding two hundred feet in width through the city of Williamsburg to connect with highways or parkways leading from Williamsburg to Jamestown and to Yorktown. (July 3, 1930, c. 837, § 3, 46 Stat. 856.)

§ 443c. Same; appropriation. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 443 and 443a to 443f of this title, which shall not exceed the sum of \$2,000,000, to be available for all expenses incident to the examination and establishment of the said Colonial National Monument and for the acquisition of lands and/or lands and improvements needed for the completion of the monument, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said monument, is hereby extended to not to exceed four thousand five hundred acres, and all Government-owned lands within the boundaries of said monument as established by presidential proclamation, except those determined by the Secretary of

the Interior as not necessary in carrying out the objects of said monument, are transferred to the administrative jurisdiction and control of the National Park Service. (July 3, 1930, c. 837, § 4, 46 Stat. 856; Mar. 3, 1931, c. 405, 46 Stat. 1490.)

§ 443d. Same; administration, protection, and developments. The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title. (July 3, 1930, c. 837, § 5, 46 Stat. 856.)

§ 443e. Same; civil and criminal jurisdiction; legislative authority of State over monument. Nothing in sections 443 and 443a to 443f of this title shall be held to deprive the State of Virginia, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national monument, nor shall said sections in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of Virginia may be hereafter given, the legislative authority of said State in and over all areas included within said national monument shall not be diminished or affected by the creation of said national monument, nor by the terms and provisions of said sections: *Provided*, That any rules and regulations authorized in section 443d of this title, and in sections 1 to 4 of this title therein referred to, shall not apply to any property of a public nature in the city of Williamsburg, other than property of the United States. (July 3, 1930, c. 837, § 6, 46 Stat. 856.)

§ 443f. Same; donation of buildings thereafter revenue producing; disposition of proceeds. In the event that lands and/or buildings, structures, and so forth, within the city of Williamsburg are donated to the United States and are thereafter revenue producing, the United States shall pay in the treasury of the city of Williamsburg 25 per centum of any rentals included in said revenues, and 25 per centum of the net proceeds of any commercial enterprise there conducted by the United States, such payment into the treasury of the city of Williamsburg not to exceed \$20,000 in any year. (July 3, 1930, c. 837, § 7, 46 Stat. 856.)

§ 444. Petrified Forest National Monument; elimination of private holdings of land within boundaries; exchange of lands. The Secretary of the Interior, for the purpose of eliminating private holdings of land within the Petrified Forest National Monument, Arizona, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of the Petrified Forest National Monument, Arizona, as now or as may be hereafter defined, by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners in exchange therefor, in each instance, like public lands of equal value situated in Navajo and/or Apache Counties, in the State of Arizona, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located: *Provided*, That the Secretary of the Interior shall, on application or otherwise, designate public lands located outside the extreme boundaries of the said monument subject to exchange under this section which are, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of character similar to the privately owned lands offered in exchange. (May 14, 1930, c. 271, § 1, 46 Stat. 278.)

§ 444a. Same; ascertainment of value of lands offered for exchange; evidence of title. The value of all patented lands within said monument offered for exchange, and the value of the lands of the United States to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately

owned lands within said monument shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the United States under section 444 of this title shall be and remain a part of the Petrified Forest National Monument. (May 14, 1930, c. 271, § 2, 46 Stat. 278.)

§ 445. Canyon De Chelly National Monument; establishment; boundaries. With the consent of the tribal council of the Navajo Tribe of Indians, the President of the United States is hereby authorized to establish by presidential proclamation the Canyon De Chelly National Monument, within the Navajo Indian Reservation, Arizona, including the lands herein-after described.

All lands in Del Muerto, De Chelly, and Monument Canyons, in the canyons tributary thereto, and the lands within one-half mile of the rims of the said canyons, situated in unsurveyed townships 4 and 5 north, range 7 west; townships 4, 5, and 6 north, range 8 west; townships 4 and 5 north, range 9 west; and in surveyed townships 4 and 5 north, range 6 west; townships 3, 6, and 7 north, range 7 west; township 6 north, range 9 west; and township 5 north, range 10 west; embracing about eighty-three thousand eight hundred and forty acres, all of the Navajo meridian, in Arizona. (Feb. 14, 1931, c. 188, § 1, 46 Stat. 1161; Mar. 1, 1933, c. 161, 47 Stat. 1419.)

§ 445a. Same; rights and privileges of Navajo Indians therein. Nothing in section 445 or 445b of this title shall be construed as in any way impairing the right, title, and interest of the Navajo Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except as defined in section 445b of this title; and the said tribe of Indians is granted the preferential right, under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument. (Feb. 14, 1931, c. 188, § 2, 46 Stat. 1161.)

§ 445b. Same; administration by National Park Service; powers and duties. The National Park Service, under the direction of the Secretary of the Interior, is charged with the administration of the area of said national monument, so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area, and shall have the right to construct upon the lands such roads, trails, or other structures or improvements as may be necessary in connection with the administration and protection of the monument, and also the right to provide facilities of any nature whatsoever required for the care and accommodation of visitors to the monument. (Feb. 14, 1931, c. 188, § 3, 46 Stat. 1161.)

§ 446. Sites for tablets at Antietam; care and supervision. All lands acquired by the United States, whether by purchase, gift, or otherwise, for the purposes of sites for tablets for the marking of the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and of the position of each of the forty-three different commands of the Regular Army engaged in the battle of Antietam, shall be under the care and supervision of the Secretary of War. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 401.)

For transfer of administrative functions of this military park to the National Park Service in the Department of the Interior, see section 2 of Executive Order No. 6166, and section 1 of Executive Order No. 6228, set out in note under section 132 of Title 5, and Act Mar. 2, 1934, c. 38, § 1, 48 Stat. 389.

§ 447. Death Valley National Monument; mining laws extended to. The mining laws of the United States are hereby extended to the area included within the Death Valley National Monument in California, or as it may hereafter be extended, subject, however, to the surface use of locations, entries, or patents under general regulations to be prescribed by the Secretary of the Interior. (June 13, 1933, c. 70, 48 Stat. 139.)

§ 447a. Ocmulgee National Monument; establishment; acquisition of property. When title to lands commonly known as the "Old Ocmulgee Fields", upon which certain Indian mounds of great historical importance are located, comprising approximately two thousand acres, in and around the city of Macon, County of Bibb, State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary for national-monument purposes, shall have been vested in the United States, said area shall be set aside as a national monument, by proclamation of the President, and shall be known as the "Ocmulgee National Monument": *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (June 14, 1934, c. 519, § 1, 48 Stat. 958.)

§ 447b. Same; donation of property; condemnation proceedings. The Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States under any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of Title 40, such tracts of land within the said national monument as may be necessary for the completion thereof. (June 14, 1934, c. 519, § 2, 48 Stat. 959.)

§ 447c. Same; administration, protection and development. The administration, protection, and development of the Ocmulgee National Monument shall be under the supervision of the Secretary of the Interior subject to the provisions of sections 1 to 4 of this title. (June 14, 1934, c. 519, § 3, 48 Stat. 959.)

§ 448. Pioneer National Monument; establishment. When title to the sites of Fort Boonesborough, Boones Station, Bryans Station, and Blue Licks Battlefield, in the State of Kentucky, comprising noncontiguous tracts to be united by a Memorial Highway, together with such historical structures and remains thereon, as may be designated by the Secretary of the Interior as necessary or desirable for national-monument purposes and for the proper commemoration of the valor and sacrifices of the pioneers of "the West", shall have been vested in the United States, said areas and improvements shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Pioneer National Monument." (June 18, 1934, c. 573, § 1, 48 Stat. 982.)

§ 449. Same; acceptance of donations of land and funds; acquisition of land. The Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of Title 40, such tracts of land within the said national monument as may be necessary for the completion thereof. (June 18, 1934, c. 573, § 2, 48 Stat. 983.)

§ 450. Same; administration by National Park Service. The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the pro-

visions of this title. (June 18, 1934, c. 573, § 3, 48 Stat. 983.)

§ 450a. **Chalmette, Louisiana, Monument.** The sum of twenty-five thousand dollars be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of eighteen hundred and twelve, said monument to be completed under the direction and approval of the Secretary of War: *Provided*, That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act numbered forty-one of the legislature of that State, approved July nineteenth, nineteen hundred and two: *Provided further*, That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall hereafter rest with the Government of the United States; and there is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such expenses. (Mar. 4, 1907, c. 2928, 34 Stat. 1411; June 2, 1930, c. 369, 46 Stat. 489.)

MISCELLANEOUS

§ 451. **Limit on cost of buildings erected in national parks.** No expenditure for construction of administration or other buildings cost in case of any building exceeding \$1,500 shall be made in any national park except under express authority of Congress. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 460; July 1, 1918, c. 113, § 1, 40 Stat. 677.)

§ 452. **Revenues of national parks covered into Treasury; estimates for care of parks.** All revenues of the national parks shall be covered into the Treasury to the credit of miscellaneous receipts, except in case of Hot Springs National Park such as may be necessary to pay obligations outstanding on June 30, 1922, and the Secretary of the Interior is directed to submit, annually, estimates of the amounts required for the care, maintenance, and development of the said parks. (June 12, 1917, c. 27, § 1, 40 Stat. 153; May 24, 1922, c. 199, 42 Stat. 590.)

See section 810 of this title, post.

§ 453. **Donations of land for park purposes near or adjacent to National Forest Reserve in North Carolina.** The Secretary of the Interior is authorized to accept for park purposes any lands and rights-of-way, including the Grandfather Mountain, near or adjacent to the Government National Forest in western North Carolina. (June 12, 1917, c. 27, § 1, 40 Stat. 152.)

See section 6 of this title.

§ 454. **Oaths to expense accounts.** The superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

§ 455. **Study of battlefields for commemorative purposes.** The Secretary of War is hereby authorized to have made studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States whereon troops of the United States or of the original thirteen colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of his-

toric and military interest. (June 11, 1926, c. 555, § 1, 44 Stat. 726.)

§ 455a. **Reports to Congress.** Annually after December 1, 1926, the Secretary of War shall submit through the President to Congress a detailed report of progress made under sections 455 to 455c of this title, together with his recommendations for further operations. (June 11, 1926, c. 555, § 2, 44 Stat. 727.)

§ 455b. **Estimate of cost.** The Secretary of War shall include annually in his War Department appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, together with the estimated cost of making each survey or other field investigation. (June 11, 1926, c. 555, § 3, 44 Stat. 727.)

§ 455c. **Purchase of real estate for military park.** No real estate shall be purchased for military park purposes by the Government unless report thereon shall have been made by the Secretary of War through the President to Congress under the provisions of section 455a of this title. (June 11, 1926, c. 555, § 4, 44 Stat. 727.)

§ 456. **Expense of depositing money payable from appropriations.** Appropriations made for the administration, protection and maintenance of the national parks and national monuments under the jurisdiction of the Secretary of the Interior shall be available for expense of depositing public money. (May 10, 1926, c. 277, § 1, 44 Stat. 491.)

§ 457. **Action for death or personal injury within national park or other place under jurisdiction of United States; application of State laws.** In the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be. (Feb. 1, 1928, c. 15, 45 Stat. 54.)

§ 458. **Travel expenses incident to study of battlefields; payment.** Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battle fields shall be paid from the appropriations made from time to time to meet the expenses for these purposes. (Mar. 8, 1928, c. 152, 45 Stat. 249.)

Chapter 2.—THE NATIONAL FORESTS

ESTABLISHMENT AND ADMINISTRATION

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