

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 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 the Army 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 the Army.

(Aug. 24, 1912, ch. 355, §1, 37 Stat. 442; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks transferred to Department of the Interior by Ex. Ord. No. 6166, §2, June 10, 1933, and Ex. Ord. No. 6228, §1, July 28, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, June 10, 1933, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

SECRETARY OF THE AIR FORCE

For transfer of certain membership functions to Secretary of the Air Force, without prejudice to continued membership of Secretary of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

§ 422. Moores Creek National Battlefield; establishment

In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battlefield of Moores Creek, in the State of North Carolina, is declared to be a national battlefield 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 Moores 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 distance¹ 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 Battlefield.

(June 2, 1926, ch. 448, §1, 44 Stat. 684; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

In the first undesignated par., "battlefield" substituted for "military park" and in last undesignated par., "Battlefield" substituted for "Military Park" on

¹ So in original. Probably should be "distant".

authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

§ 422a. Acceptance of lands

The establishment of the Moores Creek National Battlefield shall be carried forward under the control and direction of the Secretary of the Interior, who is 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, ch. 448, §2, 44 Stat. 685; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Administrative functions of Moores Creek National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 422a-1. Acquisition of property

The Secretary of the Interior is authorized, in his discretion, to acquire by donation, purchase, or exchange lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Moores Creek National Battlefield, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That the area acquired pursuant to this section shall not exceed one hundred acres. All such property and interests, upon acquisition by the Federal Government, shall be a part of the Moores Creek National Battlefield and shall be subject to all laws and regulations applicable thereto.

(Sept. 27, 1944, ch. 417, §1, 58 Stat. 746; Pub. L. 93-477, title IV, §402, Oct. 26, 1974, 88 Stat. 1447; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “acquire by donation, purchase, or exchange” for “accept in behalf of the United States donations of”, and “acquired” for “to be accepted”.

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

§ 422a-2. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of section 422a-1 of this title, but not more than \$243,000 shall be appropriated for the acquisition of lands and interests in lands and not more than \$325,000 shall be appropriated for development.

(Sept. 27, 1944, ch. 417, §2, as added Pub. L. 93-477, title I, §101(7), Oct. 26, 1974, 88 Stat. 1445.)

§ 422b. Duties of Secretary of the Interior

The affairs of the Moores Creek National Battlefield shall be subject to the supervision and direction of the Secretary of the Interior, and it shall be the duty of the Interior Department, under the direction of the Secretary of the Interior, to open or repair such roads as may be necessary to the purposes of the battlefield, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior 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 battlefield or its vicinity; and the Secretary of the Interior in establishing this battlefield 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 the Interior shall make and enforce all needed regulations for the care of the battlefield.

(June 2, 1926, ch. 448, §3, 44 Stat. 685; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” and “battlefield” substituted in text for “Military Park” and “park”, respectively, on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 422a of this title.

§ 422c. 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 Battlefield, 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 the Interior; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior.

(June 2, 1926, ch. 448, §4, 44 Stat. 686; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 422a of this title.

§ 422d. Monuments, etc., protected

If any person shall, except by permission of the Secretary of the Interior, destroy, deface,