

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, ch. 74, § 3, 37 Stat. 81.)

**§ 54. 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, ch. 74, § 4, 37 Stat. 81.)

**§ 55. Leases of land in park; 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 appraisal, 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, ch. 1263, § 2, 26 Stat. 651; July 23, 1914, ch. 206, 38 Stat. 554; June 12, 1917, ch. 27, § 1, 40 Stat. 153.)

CODIFICATION

This section superseded earlier provisions as to leases contained in section 2 of act Oct. 1, 1890.

As enacted by act July 23, 1914, this section contained a provision, omitted for purposes of codification, continuing in effect all existing laws relating to the park and not in conflict with it.

Section 1 of the act of June 12, 1917, incorporated in section 452 of this title, provides for the disposition of all revenue of National Parks and did not directly affect this section. It may have been considered as superseding similar provisions of the act of Oct. 1, 1890, § 2.

**§ 56. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028**

Section, act July 1, 1916, ch. 209, § 1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

**§ 57. Yosemite and Sequoia 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 and Sequoia 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, ch. 218, § 1, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

CODIFICATION

A provision accepting the act of the California Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, set out as section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

**§ 58. 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, ch. 218, § 1, 41 Stat. 731.)

**§ 59. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section, acts June 2, 1920, ch. 218, § 4, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to offenses

punishable by State laws. See section 13 of Title 18, Crimes and Criminal Procedure.

#### **§ 60. 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, ch. 218, § 5, 41 Stat. 731.)

#### **§ 61. Rules and regulations in parks**

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, ch. 1263, § 2, 26 Stat. 651; June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

#### **CODIFICATION**

The first sentence of this section was from section 5 of the act of June 2, 1920. The first portion reading "In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section" was inserted to relate this section to section 3 of this title, providing general powers for the Secretary of the Interior.

The last sentence of this section is from section 2 of act Oct. 1, 1890.

#### **§ 62. 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 of this title.

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

#### **§ 63. 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,

58, and 60 to 65 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, ch. 218, § 5, 41 Stat. 732.)

#### **§ 64. Sale or disposal of timber; destruction of detrimental animal or plant life**

Nothing in sections 57, 58, and 60 to 65 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<sup>1</sup> 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, ch. 218, § 5, 41 Stat. 732.)

#### **§ 65. Seizure and forfeiture of guns, traps, teams, horses, etc.**

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, 58, and 60 to 65 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.

<sup>1</sup> So in original. Probably should be "plant".