

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 plant¹ 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.

(June 2, 1920, ch. 218, § 6, 41 Stat. 733.)

§§ 66 to 77. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 66, acts June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to ap-

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

pointment and jurisdiction of commissioners. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 67, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to power of commissioners [now magistrate judges] to make arrests.

Section 68, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to appeal from conviction by commissioner [now magistrate judge].

Section 69, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to residence of commissioners [now magistrate judges].

Section 70, act June 2, 1920, ch. 218, § 9, 41 Stat. 734, related to arrests for certain offenses. See sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 71, acts June 2, 1920, ch. 218, § 10, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to service of process. See rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and section 3053 of title 18.

Section 72, acts June 2, 1920, ch. 218, § 11, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to commissioners' salaries. See section 634 of Title 28, Judiciary and Judicial Procedure.

Section 73, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to fees and costs.

Section 74, act June 2, 1920, ch. 218, § 13, 41 Stat. 734, related to disposition of fines and costs.

Section 75, act June 2, 1920, ch. 218, § 12, 41 Stat. 734, related to payment of fees, costs, and expenses chargeable to the United States.

Section 76, act June 2, 1920, ch. 218, § 2, 41 Stat. 731, related to inclusion of Yosemite National Park within judicial district. See section 84 of Title 28, Judiciary and Judicial Procedure.

Section 77, acts June 2, 1920, ch. 218, § 3, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to inclusion of Sequoia National Park within a judicial district. See section 84 of Title 28.

§ 78. Detail of troops to Sequoia and Yosemite Parks

The Secretary of the Army, 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 and the Yosemite 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, ch. 791, § 1, 31 Stat. 618; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43; 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.

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.

§ 79. Rights-of-way for public utilities

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 or 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 title 65 of the Revised Statutes of the United States, and amendments thereto, 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, ch. 372, 31 Stat. 790.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Title 65 of the Revised Statutes of the United States, and amendments thereto, referred to in text, which consisted of R.S. §§ 5263 to 5269, was classified to sections 1 to 6 and 8 of Title 47, Telecommunications, and was repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

CODIFICATION

Section, insofar as it relates to rights-of-way through public lands, forests, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is also set out as section 959 of Title 43, Public Lands, and in-