

tral 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, ch. 377, §1, 30 Stat. 993.)

#### SHORT TITLE

Pub. L. 108-312, §1, Oct. 5, 2004, 118 Stat. 1194, provided that: "This Act [enacting section 110d of this title and provisions set out as a note under section 110d of this title] may be cited as the 'Mount Rainier National Park Boundary Adjustment Act of 2004'."

#### **§ 92. Control; regulations; grants for buildings; rights-of-way; 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 per-

sons 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, 92 and 93 of this title.

(Mar. 2, 1899, ch. 377, §2, 30 Stat. 994; June 12, 1917, ch. 27, §1, 40 Stat. 153.)

#### CODIFICATION

The words "In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section" were added to relate this section to later law, defining the duties of the Secretary of the Interior as to national parks.

An additional provision in the first sentence making it the duty of the Secretary of the Interior as soon as practicable to make such rules and regulations as he might deem necessary or proper for the care and management of the park has been omitted as executed.

A provision of the original section for the disposition of the proceeds of leases for buildings for accommodation of visitors and other revenues from the park has been omitted as superseded by section 452 of this title.

"Pacific National Forest" was substituted for "Pacific Forest Reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

#### REPEALS

Repeal of provisions of this section relating to granting rights-of-way to railway or tramway companies for purpose of building and operating a railway or tramway, so far as they relate to lands within Mount Rainier National Park, see section 92a of this title.

#### **§ 92a. 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, ch. 47, §6, 46 Stat. 1044.)

#### **§ 93. 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 nonmineral 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 ad-

verse 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, ch. 377, § 3, 30 Stat. 994.)

#### CODIFICATION

“Pacific National Forest” and “national forests” substituted in text for “Pacific Forest Reserve” and “forest reserves”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

### § 94. 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, ch. 200, § 1, 35 Stat. 365.)

### § 95. 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, ch. 197, § 1, 39 Stat. 243.)

#### CODIFICATION

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

### §§ 96, 97. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 96, act June 30, 1916, ch. 197, § 2, 39 Stat. 244, related to inclusion of park in judicial district. See section 128 of Title 28, Judiciary and Judicial Procedure.

Section 97, act June 30, 1916, ch. 197, § 3, 39 Stat. 244, related to offenses and punishment. See section 13 of Title 18, Crimes and Criminal Procedure.

### § 98. 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 Act. 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 Act 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 Act, 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, ch. 197, § 4, 39 Stat. 244.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1916, which is classified to sections 95 to 105 of this title. For complete classification of this Act to the Code, see Tables.