

zona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana," read in the original section, "bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana."

A proviso at the close of section 1 of act June 3, 1878, was combined with a similar proviso in act Jan. 11, 1921, to form the last sentence of this section.

Act of Jan. 11, 1921, is the source of the remainder of the section.

As originally enacted that act began with the following language: "Section 1 of an Act entitled 'An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes,' approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled 'An Act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that," etc.

This language was omitted as having been given effect by the combination of the remaining language of the act with section 1 of act June 3, 1878, to form this section, by section 612 of this title.

#### § 605. Unlawful cutting on mineral lands; notice to Secretary

It shall be the duty of such officer as the Secretary of the Interior may designate in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by section 604 of this title, within such land district; and, if so, he shall immediately notify the Secretary of the Interior of that fact; and all necessary expenses incurred in making such proper examinations shall be paid for and allowed such officer in making up his next quarterly account.

(June 3, 1878, ch. 150, § 2, 20 Stat. 88; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Such officer as the Secretary of the Interior may designate" substituted in text for "the register and the receiver of any local land office", "Secretary of the Interior" for "Commissioner of the General Land Office", and "such officer" for "such register and receiver" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

#### § 606. Offense for unlawful cutting on mineral lands; punishment

Any person or persons who shall violate the provisions of sections 604 and 605 of this title, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding \$500, and to which may be added imprisonment for any term not exceeding six months.

(June 3, 1878, ch. 150, § 3, 20 Stat. 89.)

#### § 607. Cutting and removal of timber on certain public lands for certain purposes

In the States of Alaska, Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain. The Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this section shall not operate to repeal sections 604 to 606 of this title.

(Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, ch. 103, 27 Stat. 444; July 1, 1898, ch. 546, § 1, 30 Stat. 618; Mar. 3, 1901, ch. 855, 31 Stat. 1436; Mar. 3, 1901, ch. 862, 31 Stat. 1439; Mar. 3, 1919, ch. 111, 40 Stat. 1321; Mar. 3, 1919, ch. 115, 40 Stat. 1322; Feb. 27, 1922, ch. 82, 42 Stat. 398; Aug. 21, 1935, ch. 591, 49 Stat. 665; Pub. L. 86-70, § 41, June 25, 1959, 73 Stat. 151.)

#### CODIFICATION

Section was derived from section 8 of act Mar. 3, 1891, ch. 561. The portion of that section set forth here, as originally enacted was as follows: "And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section". It was amended to read as set forth here by act Mar. 3, 1891, ch. 559, except that after the word "Wyoming," the words "New Mexico and Arizona," were inserted by act Feb. 13, 1893, and after the word "Nevada," the words "California, Oregon, and Washington" were inserted by act Mar. 3, 1901, ch. 855.

In the section as originally enacted the words "Territory of Alaska" read "District of Alaska," and the words "the Territory of," preceded the word "Utah".

Act July 1, 1898, amended section in the manner set out in section 611 of this title.

Act Mar. 3, 1919, ch. 111, amended section in the manner set out in section 608 of this title.

Act Mar. 3, 1919, ch. 115, amended section in the manner set out in section 609 of this title.

Act Feb. 27, 1922, amended section in the manner set out in section 610 of this title.