

half of the United States to the aforesaid grantors, land or interests therein, together with improvements thereon, situated within the Great Smoky Mountains National Park: *Provided*, That such exchanges may be made without additional compensation by either party to the exchange when the properties to be exchanged are of approximately equal value; however, when the properties are not of approximately equal value, as may be determined by the Secretary, an additional payment of funds shall be required by the Secretary or by the grantor of non-Federal properties, as the case may be, in order to make an equal exchange, and the Secretary is authorized to use any land acquisition funds relating to the National Park System for such purposes: *Provided further*, That not more than two hundred acres of park land shall be conveyed pursuant to the aforesaid exchange authority. All properties acquired by the United States pursuant to this section shall become a part of the Great Smoky Mountain National Park upon acquisition thereof. Properties conveyed by the United States pursuant to this section shall thereafter be excluded from the park and any Federal regulation or control thereof for park purposes.

(Pub. L. 85-407, May 16, 1958, 72 Stat. 115.)

#### § 403h. Inclusion of acquired lands

All lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, or which hereafter may be allocated and made available for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Great Smoky Mountains National Park as authorized by sections 403 and 403a to 403c of this title, are made a part of the said park as fully as if originally acquired for that purpose.

(June 15, 1934, ch. 538, § 2, 48 Stat. 964.)

#### § 403h-1. Acceptance of jurisdiction by United States; saving provisions

Sole and exclusive jurisdiction is assumed by the United States over certain lands within the States of North Carolina and Tennessee as may be acquired for the Great Smoky Mountains National Park, saving, however, to the State of North Carolina and to the State of Tennessee, respectively, the right to serve civil or criminal process within the limits of the area ceded by such State in suits or prosecutions for or on account of any rights acquired, obligations incurred, or crimes committed in such State outside of said park; and saving further to each such State the right to tax persons and corporations, their franchises and property on the lands included in such ceded area; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county in which they reside; and saving further to each such State the right to tax sales in such ceded area of gasoline and other motor-vehicle fuels and oil for use in motor vehicles. Nothing in this section shall be construed as a consent by the United States to the taxation by the States of such sales for the exclusive use of the United States.

(Apr. 29, 1942, ch. 264, § 1, 56 Stat. 258.)

#### CODIFICATION

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

#### § 403h-2. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Apr. 29, 1942, ch. 264, § 2, 56 Stat. 259, related to inclusion of park in a judicial district. See sections 113 and 123 of Title 28, Judiciary and Judicial Procedure.

#### § 403h-3. Hunting, fishing, etc.; rules and regulations; protection of property; penalties for violating laws and rules

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 any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. 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, 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 said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said 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, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, sign hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, 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 the costs of the proceedings.

(Apr. 29, 1942, ch. 264, § 3, 56 Stat. 259.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this Act to the Code, see Tables.

**§ 403h-4. Forfeiture of property used in commission of offenses**

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior and the proceeds paid into the Treasury of the United States: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(Apr. 29, 1942, ch. 264, § 4, 56 Stat. 260.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this Act to the Code, see Tables.

**§§ 403h-5 to 403h-9. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 403h-5, act Apr. 29, 1942, ch. 264, § 5, 56 Stat. 260, related to appointment and jurisdiction of commissioner. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 403h-6, act Apr. 29, 1942, ch. 264, § 6, 56 Stat. 260, related to issuance of process. 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 403h-7, act Apr. 29, 1942, ch. 264, § 7, 56 Stat. 260, related to commissioner's [now magistrate judge's] salary.

Section 403h-8, act Apr. 29, 1942, ch. 264, § 8, 56 Stat. 261, related to fees, costs, and expenses against United States. See section 604 of Title 28, Judiciary and Judicial Procedure.

Section 403h-9, act Apr. 29, 1942, ch. 264, § 9, 56 Stat. 261, related to disposition of fines and costs. See section 634 of Title 28.

**§ 403h-10. Notice to Governors of North Carolina and Tennessee; application of sections 403h-3 and 403h-4 to subsequent lands accepted**

The Secretary of the Interior shall notify in writing the Governors of the States of North Carolina and Tennessee of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over said park as specified in said acts of the States of North Carolina and Tennessee. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Great Smoky Mountains National Park, the provisions of sections 2 to 9 inclusive, shall apply to such lands.

(Apr. 29, 1942, ch. 264, § 10, 56 Stat. 261.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this act to the Code, see Tables.

Sections 2 to 9 inclusive, referred to in text, means sections 2 to 9 of act Apr. 29, 1942, only sections 3 and 4 of which are still in effect and are classified to sections 403h-3 and 403h-4 of this title.

**§ 403h-11. Further additions for construction of scenic parkway**

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the State of Tennessee for the construction of a scenic parkway to be located generally parallel to the boundary of the Great Smoky Mountains National Park and connecting with the park, in order to provide an appropriate view of the park from the Tennessee side. The right-of-way to be acquired for the parkway shall be of such width as to comprise an average of one hundred and twenty-five acres per mile for its entire length. The title to real property acquired pursuant to this section shall be satisfactory to the Secretary of the Interior. All property acquired pursuant to this section shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

(Feb. 22, 1944, ch. 28, 58 Stat. 19.)

**§ 403h-12. Entrance road to Cataloochee section**

In order to provide suitable access to the Cataloochee section of Great Smoky Mountains National Park, the Secretary of the Interior is authorized to select the location of an entrance road from a point near the intersection at White Oak Church of North Carolina Routes Numbered 1338 and 1346 to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road together with the necessary interchange with said Routes 1338 and 1346, and to construct the entrance road and the interchange on the donated land: *Provided*, That the right-of-way to be acquired, by donation, for the entrance road shall be of such width as to comprise not more than an average of one hun-