

§ 428b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 26, 1928, ch. 248, § 3, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

(Mar. 26, 1928, ch. 248, § 4, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 26, 1928, which is classified to sections 428 to 428d and 428e to 428i of this title. For complete classification of this Act to the Code, see Tables.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the restoration and maintenance of those portions of old Fort Donelson, and of the Confederate water batteries that are located on the present engineer reservation: *Provided*, That the

entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national battlefield shall not exceed the sum of \$50,000.

(Mar. 26, 1928, ch. 248, § 5, 45 Stat. 368; Feb. 18, 1930, ch. 49, 46 Stat. 69; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, §§ 4, 5, Sept. 8, 1960, 74 Stat. 876.)

AMENDMENTS

1930—Act Feb. 18, 1930, inserted “military” between “national” and “park”, authorized construction of roads and walks, planting of trees and shrubs, restoration and care of grounds, including portions of Fort Donelson and Confederate water batteries, and inserted “and the establishment of the national military park” in proviso.

CHANGE OF NAME

“National battlefield” and “battlefield” substituted in text for “national military park” and “park”, respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428d-1. Acquisition of additional lands

The following-described tracts or parcels of land, lying and being within the seventh civil district of Stewart County, Tennessee, are transferred from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Interior as additions to the Fort Donelson National Battlefield, and shall after August 30, 1937, be subject to all laws and rules and regulations applicable to said battlefield:

Tract numbered 1, a right-of-way, fifty feet wide, lying twenty-five feet on each side of a center line, beginning at a point in the southerly boundary line of lock D reservation, seven hundred and thirty-four and eight-tenths feet from the southwest corner of this reservation; thence south thirty-one degrees five minutes west seventy-seven and one-tenth feet, thence south eighty-six degrees twenty-one minutes west four hundred and seventy-nine and nine-tenths feet, thence south sixty-three degrees fifty-three minutes west two hundred and sixty-two and three-tenths feet, thence south thirty-nine degrees thirty-six minutes west one hundred and eighty-six and seven-tenths feet, thence south exactly forty minutes east exactly one hundred and ninety-four feet, thence south thirty degrees fifty-eight minutes east three hundred and fourteen and five-tenths feet, thence south twenty-eight degrees fifteen minutes east exactly eighty-five feet, thence south twenty-eight degrees thirty-seven minutes east two hundred and fifty and five-tenths feet, thence south four degrees six minutes east two hundred and sixty-one and seven-tenths feet, thence south thirty-six degrees twenty-seven minutes east two hundred and eighty-two and three-tenths feet, thence south twenty-three degrees forty-five minutes east one hundred and seventy-eight and three-tenths feet to center

line of county road, reserving, however, to the Department of the Army the right to the continued use of the road over this tract as a means of access to lock D.

Tract numbered 2, beginning at a point in the southern boundary line of lock D reservation, seven hundred and fifty-three and five-tenths feet from the southwest corner of this reservation, thence north seventy-four degrees twenty-eight minutes east one hundred and ninety-one and ninety-eight one-hundredths feet, thence south eighty-five degrees twelve minutes east fifty-two and nine-tenths feet, thence south fifty-one degrees thirty-six minutes east thirty-two and nine-tenths feet, thence south nine degrees thirty-three minutes east one hundred and seventeen and two one-hundredths feet, thence south thirty-one degrees three minutes east sixty-nine and eighty-two one-hundredths feet, thence north fifty-eight degrees fifty-seven minutes west two hundred and eighty-eight and eight one-hundredths feet to beginning.

Tract numbered 3, beginning at a point in the southern boundary line of lock D reservation, five hundred and ninety feet from the southwest corner of this reservation, this point being marked by an iron fence post, thence north fifty-eight degrees fifty-seven minutes west five hundred and ninety feet along the southern boundary line of lock D reservation, thence north thirty-one degrees three minutes east four hundred and eighty-eight feet along the western boundary line of the lock D reservation to low-water mark on bank of Cumberland River, thence along low-water line of Cumberland River in a southeasterly direction three hundred and thirty-five feet, thence south thirty-four degrees five minutes west one hundred and twenty-three feet to an iron pin, thence south fifty-five degrees fifty-five minutes east three hundred and seven and five-tenths feet to an iron pin, thence south forty degrees five minutes west three hundred and ten and five-tenths feet to beginning.

(Aug. 30, 1937, ch. 888, §1, 50 Stat. 881; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

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.

"Fort Donelson National Battlefield" and "battlefield" substituted in text for "Fort Donelson National Military Park" and "park", respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428d-2. Acceptance of donations by Secretary of the Interior

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within a distance of one mile from the boundaries of

said Fort Donelson National Battlefield, as extended by section 428d-1 of this title, and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable or by condemnation, such tracts of land within a distance of one mile from the boundaries of the said national battlefield as may be necessary for the completion thereof. Upon the acquisition of such land, the same shall become a part of the Fort Donelson National Battlefield and shall be subject to the laws and rules and regulations applicable to said battlefield.

(Aug. 30, 1937, ch. 888, §2, 50 Stat. 882; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield", "national battlefield" and "battlefield" substituted in text for "Fort Donelson National Military Park", "national military park" and "park", respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428d-3. Administration, protection, and development

The administration, protection, and development of the lands authorized to be added to the Fort Donelson National Battlefield by sections 428d-1 and 428d-2 shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes",¹ as amended.

(Aug. 30, 1937, ch. 888, §3, 50 Stat. 883; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

CHANGE OF NAME

"Fort Donelson National Battlefield" substituted in text for "Fort Donelson National Military Park" in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of

¹ See References in Text note below.