

diction of such offenses shall be fined not more than \$1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

(June 29, 1906, ch. 3607, § 4, 34 Stat. 617.)

**§ 115. Leases and permits; prehistoric ruins not included**

The Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the land or development of the resources thereof, in the Mesa Verde National Park, and the funds derived therefrom shall be covered into the Treasury of the United States. Such leases or grants shall not include any of the prehistoric ruins in said park or exclude the public from free or convenient access thereto.

(June 25, 1910, ch. 385, § 1, 36 Stat. 796.)

**§ 115a. Mineral resources; exploitation**

After January 26, 1931, no permit, license, lease, or other authorization for the prospecting, development, or utilization of the mineral resources within the Mesa Verde National Park, Colorado, shall be granted or made.

(Jan. 26, 1931, ch. 47, § 1, 46 Stat. 1043.)

**§ 116. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028**

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 152, related to donations of lands or rights-of-way.

**§ 117. Exclusive jurisdiction ceded to United States by Colorado; saving provisions; fugitives from justice**

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced and included within the Mesa Verde National Park, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed 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 tracts; and saving also to the persons residing in said park now or after April 25, 1928, the right to vote at all elections held within the county or counties in which said tracts are situated. 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 Colorado.

(Apr. 25, 1928, ch. 434, § 1, 45 Stat. 458.)

**Editorial Notes**

**CODIFICATION**

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

**§§ 117a, 117b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 117a, act Apr. 25, 1928, ch. 434, § 2, 45 Stat. 459, related to inclusion of park in a judicial district. See section 85 of Title 28, Judiciary and Judicial Procedure.

Section 117b, act Apr. 25, 1928, ch. 434, § 3, 45 Stat. 459, related to applicability of Colorado laws to offenses. See section 13 of Title 18, Crimes and Criminal Procedure.

**§ 117c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties**

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 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 the ruins and other works and relics of prehistoric or primitive man, all timber, 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 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 the ruins and other works and relics of prehistoric or primitive man, and timber, 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, 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: *Provided, however*, That any person or persons who may, without permission from the Secretary of the Interior, in

any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than \$1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

(Apr. 25, 1928, ch. 434, § 4, 45 Stat. 459.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 25, 1928, which is classified to sections 117 to 117j of this title. For complete classification of this Act to the Code, see Tables.

#### § 117d. Forfeiture of property used for unlawful purpose

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits 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 park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Apr. 25, 1928, ch. 434, § 5, 45 Stat. 460.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 25, 1928, which is classified to sections 117 to 117j of this title. For complete classification of this Act to the Code, see Tables.

#### §§ 117e to 117j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 117e, acts Apr. 25, 1928, ch. 434, § 6, 45 Stat. 460; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, 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 117f, act Apr. 25, 1928, ch. 434, § 7, 45 Stat. 460, related to criminal 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 117g, act Apr. 25, 1928, ch. 434, § 8, 45 Stat. 460, related to issuance of process.

Section 117h, acts Apr. 25, 1928, ch. 434, § 9, 45 Stat. 461; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to salary of commissioner [now magistrate judge].

Section 117i, act Apr. 25, 1928, ch. 434, § 10, 45 Stat. 461, related to fees, costs, and expenses against the United States.

Section 117j, act Apr. 25, 1928, ch. 434, § 11, 45 Stat. 461, related to disposition of fines and costs.

#### § 118. Appropriations; availability for operation of Aileen Nusbaum Hospital

Appropriations made for Mesa Verde National Park shall be available for the operation of the Aileen Nusbaum Hospital and the furnishing of the necessary service in connection therewith at rates to be fixed by the Secretary of the Interior.

(May 14, 1930, ch. 273, § 1, 46 Stat. 315.)

#### SUBCHAPTER XIII—PETRIFIED FOREST NATIONAL PARK

#### § 119. Establishment; notice in Federal Register; administration; exchange and acquisition of lands; remaining funds

In order to permit the establishment of the Petrified Forest National Monument, Arizona, and other lands as provided for herein, as the Petrified Forest National Park, such national park shall be established (a) after title to all of the lands described in section 119a of this title shall have been vested in the United States, with the exception of such easements and rights-of-way for railroad, public utilities, and highway purposes as may be acceptable to the Secretary of the Interior, and (b) when notification of the effective date of such establishment of the park, as determined by the said Secretary, is published in the Federal Register. Disestablishment of the Petrified Forest National Monument shall be effected concurrently with the establishment of the park.

The Petrified Forest National Park shall be preserved and administered in its natural condition by the Secretary of the Interior for the public benefit in accordance with the general laws governing areas of the National Park System and in accordance with the basic policies relating thereto as prescribed by the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 edition, secs. 1-3).<sup>1</sup>

The exchange authority prescribed for the Petrified Forest National Monument in sections 444 and 444a of this title, is hereby extended to all the lands within the Petrified Forest National Park as herein authorized.

For the purposes of this section and section 119a of this title, the Secretary is authorized to acquire, in such manner as he shall consider to be in the public interest, any non-Federal land or interests in land within the area hereby authorized to be established as the Petrified Forest National Park. In acquiring any State-owned land or interests therein within the aforesaid area, such property may be procured by the United States without regard to any limitations heretofore prescribed by the Congress relating to the disposal of State-owned properties.

Upon establishment of the Petrified Forest National Park, as authorized by this section and section 119a of this title, any remaining balance of funds that may be available for purposes of the Petrified Forest National Monument shall thereafter be available for expenditure for purposes of the Petrified Forest National Park.

(Pub. L. 85-358, § 1, Mar. 28, 1958, 72 Stat. 69.)

<sup>1</sup> See References in Text note below.