

the sale of alcoholic beverages is prohibited by general law in the Commonwealth of Virginia outside of said lands, no such alcoholic beverages shall be sold on said lands contained in said park area: *And provided further*, That, if the general laws of the Commonwealth of Virginia permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on said lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth of Virginia outside of said park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on said lands, nor the power to require that any sales be made through official liquor stores.

(c) The Commonwealth of Virginia shall have jurisdiction to serve civil process within the limits of said park in any suits properly instituted in any of the courts of the Commonwealth of Virginia, and to serve criminal process within said limits in any suits or prosecutions for or on account of crimes committed in said Commonwealth but outside of said park.

(d) The Commonwealth of Virginia shall have the jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on said lands.

(e) The Commonwealth of Virginia shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor-vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

(f) The Commonwealth of Virginia shall have the jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations, and corporations, their franchises and properties, on said lands, and on their businesses conducted thereon.

(g) The courts of the Commonwealth of Virginia shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on said lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the park area, and the State officers shall have jurisdiction to enforce on said lands the judgments of said State courts and the collection of taxes by appropriate process.

(h) Persons residing in or on any of the said lands embraced in said Shenandoah National Park shall have the right to establish a voting residence in Virginia by reason thereof, and the consequent right to vote at all elections within the county or city in which said land or lands upon which they reside are located upon like terms and conditions, and to the same extent, as they would be entitled to vote in such county or city if the said lands on which they reside had not been deeded or conveyed to the United States of America. All fugitives from justice taking refuge in the park shall be subject to the same laws as refugees from justice found in the Commonwealth of Virginia.

(Aug. 19, 1937, ch. 703, §1, 50 Stat. 700; June 5, 1942, ch. 343, 56 Stat. 321.)

Editorial Notes

REFERENCES IN TEXT

The Act of the General Assembly of the Commonwealth of Virginia, approved April 1, 1940 (Acts of 1940, ch. 402, p. 725), referred to in text, was also set out as Va. Code 1936, Supp. 1942, §585 (58)a.

AMENDMENTS

1942—Act June 5, 1942, amended section generally.

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

Section, act Aug. 19, 1937, ch. 703, §2, 50 Stat. 701, related to inclusion of park in judicial district. See section 127 of Title 28, Judiciary and Judicial Procedure.

§ 403c-3. Criminal offenses concerning hunting, fishing, and property

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 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 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, or fish in the said park, or who shall within said park commit any damage, injury or spoliation to or upon any building, fence, sign, hedge, gate, guide post, 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.

(Aug. 19, 1937, ch. 703, § 3, 50 Stat. 701.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 19, 1937, which is classified to sections 403c-1 to 403c-11 of this title. For complete classification of this Act to the Code, see Tables.

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

All guns, traps, nets, seines, 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 beasts, birds, fish, or animals, 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, 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.

(Aug. 19, 1937, ch. 703, § 4, 50 Stat. 701.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 19, 1937, which is classified to sections 403c-1 to 403c-11 of this title. For complete classification of this Act to the Code, see Tables.

§§ 403c-5 to 403c-11. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 403c-5, acts Aug. 19, 1937, ch. 703, § 5, 50 Stat. 702; May 15, 1947, ch. 57, 61 Stat. 92, 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 403c-6, act Aug. 19, 1937, ch. 703, § 6, 50 Stat. 702, related to jurisdiction of other commissioners. See provisions covering United States magistrate judges in section 631 et seq. of Title 28.

Section 403c-7, act Aug. 19, 1937, ch. 703, § 7, 50 Stat. 702, 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 403c-8, act Aug. 19, 1937, ch. 703, § 8, 50 Stat. 702, related to whom process is directed. See section 3053 of Title 18, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 403c-9, act Aug. 19, 1937, ch. 703, § 9, 50 Stat. 702, related to commissioner's [now magistrate judge's] salary.

Section 403c-10, act Aug. 19, 1937, ch. 703, § 10, 50 Stat. 703, related to fees, costs, and expenses against United States. See section 604 of Title 28, Judiciary and Judicial Procedure.

Section 403c-11, act Aug. 19, 1937, ch. 703, § 11, 50 Stat. 703, related to disposition of fines and costs. See section 634 of Title 28.

§ 403d. Lease of lands within Shenandoah National Park and Great Smoky Mountains National Park

The Secretary of the Interior is authorized to lease lands within the Shenandoah National Park and Great Smoky Mountains National Park for periods not exceeding two years, upon such conditions as he may in his discretion deem proper, to persons and educational or religious institutions occupying same or who had or claim to have had some interest in the title to the same prior to the establishment of the park.

(Feb. 16, 1928, ch. 59, § 2, 45 Stat. 109.)

§ 403e. Acceptance of title to lands; reservations; leases; rights-of-way and easements

The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the areas of the Shenandoah National Park and the Great Smoky Mountains National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided*, That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further*, That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further*, That the Secretary of the Interior may accept lands for these parks subject to reservations of rights-of-way and easements.

(Feb. 4, 1932, ch. 19, § 2, 47 Stat. 37.)

Editorial Notes

CODIFICATION

Provisions of act Feb. 4, 1932, § 2, relating to Mammoth Cave National Park and Isle Royale National Park are classified to sections 404d and 408c of this title.

§ 403f. Great Smoky Mountains National Park; extension of boundaries

The boundary limits of the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee, recommended by the Secretary of the Interior in his report of April 14, 1926, for the establishment of the Great Smoky Mountains National Park, are extended to include lands adjacent to the east boundary as defined in said report to a line approximately as follows: