

retary 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 the 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 waters in the park. Possession within the 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 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 the park, or for the protection of the animals, birds, and fish in the park, or who shall within the 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.

(June 5, 1942, ch. 341, § 3, 56 Stat. 317.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables.

#### § 404c-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 the 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 the 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: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(June 5, 1942, ch. 341, § 4, 56 Stat. 318.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables.

#### §§ 404c-5 to 404c-9. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 404c-5, acts June 5, 1942, ch. 341, § 5, 56 Stat. 318; Apr. 21, 1948, ch. 223, § 3, 62 Stat. 196, 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 404c-6, act June 5, 1942, ch. 341, § 6, 56 Stat. 319, 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 404c-7, act June 5, 1942, ch. 341, § 7, 56 Stat. 319, related to commissioner's [now magistrate judge's] salary. See section 634 of Title 28, Judiciary and Judicial Procedure.

Section 404c-8, act June 5, 1942, ch. 341, § 8, 56 Stat. 319, related to fees, costs, and expenses against United States. See section 604 of Title 28.

Section 404c-9, act June 5, 1942, ch. 341, § 9, 56 Stat. 319, related to disposition of fines and costs. See section 634 of Title 28.

#### § 404c-10. Notice of assumption of police jurisdiction by United States; acceptance by Secretary of further cessions

The Secretary of the Interior shall notify in writing the Governor of the Commonwealth of Kentucky of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Mammoth Cave National Park, the provisions of sections 2 to 9 inclusive, shall apply to such lands.

(June 5, 1942, ch. 341, § 10, 56 Stat. 319.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 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 June 5, 1942, only sections 2 to 4 of which are still in effect and are classified to sections 404c-2 to 404c-4 of this title.

**§ 404c-11. Secretary of the Interior authorized to acquire additional lands; appropriation; approval of title**

The Secretary of the Interior is authorized in his discretion to acquire for inclusion within the Mammoth Cave National Park by purchase, condemnation, or otherwise, any lands, interests in lands, and other property within the maximum boundaries thereof as authorized by sections 404 to 404b and 404c of this title, notwithstanding the provisions of sections 404b-1 and 404f of this title, or any action taken thereunder to exclude certain caves from the park area.

In order to provide for acquisition of property on behalf of the United States, in accordance with the provisions of this section, there is authorized to be appropriated the sum of not to exceed \$350,000. Any of the funds appropriated pursuant to the provisions hereof which are not needed to acquire property as authorized by this section may, in the discretion of the Secretary of the Interior, be used to acquire lands and interests in lands required for the development of a proper and suitable entrance road to Mammoth Cave National Park, as authorized in section 404c-12 of this title. The funds heretofore deposited in the Treasury under special fund receipt account 146664 shall, upon June 30, 1948, be transferred to the general fund of the Treasury as miscellaneous receipts: *Provided*, That no part of this authorization shall be used for road development or construction until after all the lands within the maximum boundaries, as authorized by sections 404 to 404b and 404c of this title, have been acquired by purchase, condemnation or otherwise.

The title to lands, interests in lands, and other property to be acquired pursuant to this Act shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to said sections upon acquisition by the Federal Government, shall become a part of the park, and shall be subject to all laws and regulations applicable thereto.

(June 5, 1942, ch. 341, §11, 56 Stat. 319; June 30, 1948, ch. 764, 62 Stat. 1165.)

**Editorial Notes**

REFERENCES IN TEXT

Section 404c of this title, referred to in text, was omitted from the Code.

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1948—Act June 30, 1948, amended section to provide for an appropriation of \$350,000 to acquire additional cave lands.

**§ 404c-12. Entrance roads**

For the purpose of developing a proper and suitable entrance road to the Mammoth Cave National Park, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States donations of lands, buildings, structures, and other property or interests therein, or to acquire such property with donated funds by purchase, condemnation, or oth-

erwise, within an area or areas to be determined by him, but (a) not to exceed one mile in width, extending from the exterior boundary of the Mammoth Cave National Park to a point to be selected by him on United States Highway Numbered 31-W, and (b) not to exceed one-half mile in width on either side of United States Highway Numbered 31-W and running for a distance of not to exceed two miles along said highway. Lands acquired for purposes of protecting such entrance roads shall not be less than five hundred feet in width on either side of said roads: *Provided*, That only one such entrance road shall be established between United States Highway Numbered 31-W and Mammoth Cave National Park pursuant to this Act.

(June 5, 1942, ch. 341, §12, 56 Stat. 320.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables.

**§ 404d. 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 area of the Mammoth Cave 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 the Shenandoah National Park and the Great Smoky Mountains National Park, and to the Isle Royale National Park, are classified to sections 403e and 408c of this title.

**§ 404e. Donations of money; acquisition of title to lands**

In the establishment of the said Mammoth Cave National Park the Secretary of the Inte-