

Bismarck, Burleigh County, North Dakota, described as follows: The southeast quarter of the southeast quarter, containing forty acres; part of the southwest quarter of the southeast quarter, containing twenty-three acres more or less; and part of the northwest quarter of the southeast quarter, containing thirty acres more or less, all in section 5, township 138 north, range 80 west of the fifth principal meridian, containing ninety-three acres more or less, subject to survey. The purchase price shall not exceed \$120 an acre and the lands shall be warranted free of all encumbrances.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved, March 26, 1928.

Description.

Price limit, etc.

Appropriation authorized.

CHAP. 248.—An Act To establish a national military park at the battle field of Fort Donelson, Tennessee.

March 26, 1928.
[H. R. 5500.]
[Public, No. 187.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

Fort Donelson, Tenn.,
battle field.
Commission created.

(1) A commissioned officer of the Corps of Engineers, United States Army;

Army Engineer officer.

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

United States Civil War veteran.

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

Confederate States Civil War veteran.

SEC. 2. In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Fort Donelson, Tennessee, and the historical events associated therewith.

Qualifications of commission.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field 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. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1928. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Fort Donelson and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Fort Donelson.

Duty of commission, to inspect battle field, etc.

Report of findings to Secretary of War.

Subjects to be considered.

SEC. 4. The Secretary of War is authorized to assign any officials of the War 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.

Assignment of officials.

Expenses authorized.

Acquiring lands by purchase or condemnation.

Establishment, etc., as a national military park.

Proviso.
Cost limitation.

Upon cession of jurisdiction by Tennessee, etc., to be Fort Donelson National Park.

Control of Secretary of War.

Superintendent.

Agreements with present holders of lands, for protection thereof, etc.

States may mark lines of battle of their troops.

Proviso.
Marking, etc., subject to approval of Secretary of War.

Penalty for destroying, injuring, etc., property.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby, 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 park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: *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 battle field, and the expenses of the commission, shall not exceed the sum of \$50,000.

SEC. 6. That, upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this Act, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are hereby declared to be a national park, to be known as the Fort Donelson National Park.

SEC. 7. That the said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Sec-

retary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

SEC. 11. That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this Act.

Approved, March 26, 1928.

Amount authorized
to be expended.
Post, pp. 929, 1666.

CHAP. 249.—An Act To authorize the transfer of a portion of the Hospital Reservation of the United States Veterans' Hospital Numbered 78, North Little Rock, Arkansas, to the Big Rock Stone and Material Company, and the transfer of certain land from the Big Rock Stone and Material Company to the United States.

March 26, 1928.
[H. R. 10027.]
[Public, No. 188.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed, upon the conveyance to the United States of certain property hereinafter described, to convey by deed containing restrictive covenants to run with the land and reservation to river front rights as described and provided for in section 3 of this Act to the Big Rock Stone and Material Company, a corporation existing under the laws of the State of Arkansas, part of the hospital reservation of the United States Veterans' Hospital Numbered 78, North Little Rock, Arkansas, described as follows:

North Little Rock,
Ark.
Exchange of lands of
Veterans' Hospital at,
with Big Rock Stone
and Material Com-
pany.

Beginning at a point five hundred and twenty-nine and two-tenths feet east of the northwest corner of section 28, township 2 north, range 12 west, which point is the northeast corner of the eighteen and nine one-hundredths acre tract of land purchased from the United States by the Big Rock Stone and Construction Company under authority of an Act of Congress approved March 2, 1923. Thence south along the east boundary of said eighteen and nine one-hundredths acre tract, which is also the east boundary of the Big Rock Stone and Material Company's property, a distance of one thousand nine hundred and twenty-seven and eight-tenths feet. Thence south thirty-three degrees thirty-four minutes east, a distance of four hundred and fifty-seven and seven-tenths feet, thence north six degrees ten minutes west a distance of two thousand three hundred and twenty and eight-tenths feet to the point of beginning, comprising a total area of five and six-tenths acres, more or less.

Lands conveyed by
United States.

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SEC. 2. The Big Rock Stone and Material Company shall convey to the United States in exchange for the above-described land the following: A five-acre tract of land in section 20; also an adjoining one and eighty-two one-hundredths acre tract in section 21; all in township 2 north, range 12 west, and more specifically bounded as follows: Beginning at a point five hundred and twenty-nine and two-tenths feet east of the northwest corner of section 28, township 2 north, range 12 west, which point of beginning is the northeast corner of the eighteen and nine one-hundredths acre tract of land purchased from the United States by the Big Rock Stone and Construction Company under authority of an Act of Congress approved March 2, 1923. Thence north sixty degrees twenty-seven minutes west a distance of six hundred and eight and two-tenths feet, to a point three hundred feet north of aforesaid northwest corner of section 28,

Lands conveyed by
Big Rock Stone and
Material Company.

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