

said park by section 404b of this title, is modified accordingly.

(Aug. 28, 1937, ch. 873, § 2, 50 Stat. 871.)

Statutory Notes and Related Subsidiaries

EVENTUAL ACQUISITION OF GREAT ONYX AND CRYSTAL CAVES

Eventual acquisition of Great Onyx and Crystal Caves, see section 404b-2 of this title.

§ 404b-2. Eventual acquisition of Great Onyx and Crystal Caves; cooperation with State of Kentucky

The Secretary of the Interior is authorized to cooperate with the State of Kentucky for the purpose of arranging for the eventual acquisition by the United States of the Great Onyx Cave and the Crystal Cave within the authorized boundaries of Mammoth Cave National Park. The Secretary shall deposit to the credit of a special receipt account that portion of the annual admission, guide, and elevator fee receipts from the said park which exceeds the annual amount available to the park for management, guide, and protection purposes, which funds so deposited may be expended thereafter in payment for the purchase of said cave properties. The Secretary is further authorized to enter into such contracts and agreements as he may determine to be necessary to effectuate the acquisition of the cave properties as authorized herein.

(Mar. 27, 1954, ch. 114, 68 Stat. 36.)

§ 404c. Omitted

Editorial Notes

CODIFICATION

Section, act May 25, 1926, ch. 382, § 4, 44 Stat. 636, authorized the Secretary of the Interior to employ, for the purpose of carrying out the provisions of sections 404 to 404b of this title, the commission authorized by act Feb. 21, 1925, ch. 281, 43 Stat. 958 (a temporary act).

§ 404c-1. Acceptance of cession by United States; jurisdiction

The provisions of the act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), ceding to the United States exclusive jurisdiction over, within, and under such territory in the Commonwealth as may be acquired for the Mammoth Cave National Park, are accepted. Subject to the reservations made by the Commonwealth in the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(June 5, 1942, ch. 341, § 1, 56 Stat. 317.)

Editorial Notes

REFERENCES IN TEXT

Act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), referred to in text, was also set out as Ky. St., §§ 3766e16 to 3766e22 [see §§ 3.020 and 3.070 in part].

§ 404c-2. Fugitives from justice

All fugitives from justice taking refuge in the park shall be subject to the same laws as fugi-

tives from justice found in the Commonwealth of Kentucky.

(June 5, 1942, ch. 341, § 2, 56 Stat. 317; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

Editorial Notes

AMENDMENTS

1948—Act June 25, 1948, struck out first sentence relating to inclusion of park in a judicial district. See section 97 of Title 28, Judiciary and Judicial Procedure, and section 3231 of Title 18, Crimes and Criminal Procedure.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 404c-3. Criminal offenses concerning hunting, fishing, and property; prima facie evidence; rules and regulations

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 the park, nor shall any fish be taken out of any of the waters of the park, except 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 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