

defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is adopted, the said land herein authorized to be acquired being such land as the Secretary of the Interior may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is given to the Secretary of the Interior to acquire for the purposes of sections 425 to 425j of this title the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of the Interior may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of the Interior may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of said sections. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of the Interior may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

(Feb. 14, 1927, ch. 127, §1, 44 Stat. 1091; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act June 7, 1924, ch. 339, 43 Stat. 646, referred to in text, was temporary and was not classified to the Code.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Administrative functions of Fredericksburg and Spotsylvania County Battle Fields Memorial transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in

Ex. Ord. No. 6166, §2, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

#### § 425a. Acquisition of lands

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of section 3113 of title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, authorized to be acquired in section 425 of this title, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, referred to in section 425c of this title, and the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

(Feb. 14, 1927, ch. 127, §2, 44 Stat. 1092; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

#### Editorial Notes

##### CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888, entitled 'An Act to authorize condemnation of lands for sites for public buildings, and for other purposes' (Twenty-fifth Statutes at Large, page 357)" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

#### § 425b. Leasing lands for memorial

The Secretary of the Interior is authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of the Interior it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or

cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior 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: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of the Interior toward the maintenance of the park.

(Feb. 14, 1927, ch. 127, § 3, 44 Stat. 1092; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

#### § 425c. Commission; organization

The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of the Interior, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of the Interior, one of whom shall be designated as chairman and another as secretary of the commission.

(Feb. 14, 1927, ch. 127, § 4, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

#### § 425d. Duties of commission

It shall be the duty of the commissioners, under the direction of the Secretary of the Interior, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of the Interior may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of the Interior to employ such labor and services at rates to be fixed by

the Secretary of the Interior, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, § 5, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

#### § 425e. Acceptance and distribution of gifts

The commission, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior for carrying out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, § 6, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

#### § 425f. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes 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, including the design and inscription for the same, shall be submitted to the Secretary of the Interior, and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(Feb. 14, 1927, ch. 127, § 7, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)