

**§ 93. Grant of prior lands to Northern Pacific Railroad; lieu lands to settlers**

Upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in Mount Rainier National Park, also the lands in the Pacific National Forest which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States. Any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for national forests and national parks.

(Mar. 2, 1899, ch. 377, § 3, 30 Stat. 994.)

**Editorial Notes**

CODIFICATION

"Pacific National Forest" and "national forests" substituted in text for "Pacific Forest Reserve" and "forest reserves", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

**§ 94. Location of mining claims**

The location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington. This provision shall not affect rights acquired in good faith before May 27, 1908, under the mineral land laws of the United States to any mining location or locations in said Mount Rainier National Park.

(May 27, 1908, ch. 200, § 1, 35 Stat. 365.)

**§ 95. Jurisdiction by the United States; fugitives from justice**

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Mount Rainier National Park, saving, however, to the State of Washington the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Washington.

(June 30, 1916, ch. 197, § 1, 39 Stat. 243.)

**Editorial Notes**

CODIFICATION

A provision accepting the act of the legislature of the State of Washington which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

**§§ 96, 97. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 96, act June 30, 1916, ch. 197, § 2, 39 Stat. 244, related to inclusion of park in judicial district. See section 128 of Title 28, Judiciary and Judicial Procedure.

Section 97, act June 30, 1916, ch. 197, § 3, 39 Stat. 244, related to offenses and punishment. See section 13 of Title 18, Crimes and Criminal Procedure.

**§ 98. Protection of game and fish; forfeitures and punishments**

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 the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such 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 other than those legally located prior to May 27, 1908, 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 park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the 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 the 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 park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits

other than those legally located prior to May 27, 1908, 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 costs of the proceedings.

(June 30, 1916, ch. 197, § 4, 39 Stat. 244.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1916, which is classified to sections 95 to 105 of this title. For complete classification of this Act to the Code, see Tables.

#### § 99. Forfeitures and seizures of guns, traps, teams, etc.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(June 30, 1916, ch. 197, § 5, 39 Stat. 245.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1916, which is classified to sections 95 to 105 of this title. For complete classification of this Act to the Code, see Tables.

#### §§ 100 to 105. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 100, acts June 30, 1916, ch. 197, § 6, 39 Stat. 245; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, 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 101, act June 30, 1916, ch. 197, § 7, 39 Stat. 245, related to arrest and bail by commissioner [now magistrate judge].

Section 102, act June 30, 1916, ch. 197, § 8, 39 Stat. 245, related to issuance of process.

Section 103, acts June 30, 1916, ch. 197, § 9, 39 Stat. 246; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to salary of commissioner [now magistrate judge].

Section 104, act June 30, 1916, ch. 197, § 11, 39 Stat. 246, related to disposition of fines and costs.

Section 105, act June 30, 1916, ch. 197, § 10, 39 Stat. 246, related to fees, costs, and expenses chargeable to the United States.

#### § 106. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 152, related to donations of patented lands or rights-of-way.

#### § 107. Boundary changed

The boundary of the Mount Rainier National Park is changed so as to read as follows: Beginning at park boundary monument numbered 1, established on the east line of section 4, township 17 north, range 7 east, Willamette meridian, by a survey of the boundaries of Mount Rainier National Park, Washington, by the General Land Office, plat dated April 17, 1909; thence southerly along the present west park boundary line as established by said survey, being the midtownship line of range 7 east, to its intersection with the south bank of Nisqually River; thence easterly along said bank to its intersection with the present south park boundary line at a point east of park boundary monument numbered 28, as established by said survey, being the township line between townships 14 and 15 north; thence easterly along said south park boundary line to the southeast corner of the present park boundary; thence northerly along the present east park boundary line to park boundary monument numbered 59, as established by said survey, being the midtownship line of range 10 east; thence due north to the south bank of White River; thence northeasterly along said bank to a point due east of park boundary monument numbered 67, thence due west to said monument numbered 67; thence westerly along the present north park boundary line, as established by said survey, being the township line between townships 17 and 18 north, to its intersection with the north bank of Carbon River; thence westerly along said bank to a point due north of park boundary monument numbered 1; thence due south to place of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Mount Rainier National Park; and all of those lands of the present Mount Rainier National Park excluded from the park are included in and made a part of the Rainier National Forest, subject to all national forest laws and regulations.

(May 28, 1926, ch. 410, § 1, 44 Stat. 668.)

#### § 108. Other laws extended to added lands

The provisions of the Act of March 2, 1899, entitled, "An Act to set aside a portion of certain lands in the State of Washington, now known as the 'Pacific Forest Reserve,' as a public park, to be known as the 'Mount Rainier National Park,'" the Act of June 10, 1916, entitled "An Act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes," the Act of August 25, 1916, entitled "An Act to establish a national park service, and for other purposes,"<sup>1</sup> and all Acts supplementary to and amendatory of said Acts are made applicable to and extended over the lands added to the park by section 107 of this title: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.], shall not apply to or extend over such lands.

(May 28, 1926, ch. 410, § 2, 44 Stat. 669.)

<sup>1</sup> See References in Text note below.