

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 any of the waters of the said 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 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 said park; and he shall make rules and regulations governing the taking of fish from the waters in the said 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, 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 said 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 said park, or for the protection of the animals, birds, and fish in said park, or who shall within said 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.

(Mar. 6, 1942, ch. 150, § 3, 56 Stat. 133.)

REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 408i to 408q of this title. For complete classification of this Act to the Code, see Tables.

§ 408l. Forfeiture of property used in hunting, fishing, etc.

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 said 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 said 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.

(Mar. 6, 1942, ch. 150, § 4, 56 Stat. 134.)

REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 408i to 408q of this title. For complete classification of this Act to the Code, see Tables.

§§ 408m to 408q. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 408m, acts Mar. 6, 1942, ch. 150, § 5, 56 Stat. 134; Apr. 21, 1948, ch. 223, § 1, 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 408n, act Mar. 6, 1942, ch. 150, § 6, 56 Stat. 135, 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 408o, act Mar. 6, 1942, ch. 150, § 7, 56 Stat. 135, related to commissioner's [now magistrate judge's] salary. See section 634 of Title 28, Judiciary and Judicial Procedure.

Section 408p, act Mar. 6, 1942, ch. 150, § 8, 56 Stat. 135, related to fees, costs, and expenses against United States. See section 604 of Title 28.

Section 408q, act Mar. 6, 1942, ch. 150, § 9, 56 Stat. 135, related to disposition of fines and costs. See section 634 of Title 28.

SUBCHAPTER LIII—MORRISTOWN NATIONAL HISTORICAL PARK

§ 409. Establishment; acquisition of land

When title to all the lands, structures, and other property in the military camp-ground areas and other areas of Revolutionary War interest at and in the vicinity of Morristown, New Jersey, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-park purposes, shall have been vested in the United States, such areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Morristown National Historical Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas, but such lands shall be secured by the United States only by public or private donation: *And provided further*, That such areas shall include, at least, Jockey Hollow camp site, now owned by Lloyd W. Smith and the town of Morristown,

Fort Nonsense, now owned by the town of Morristown, and the George Washington Headquarters, known as the Ford House, with its museum and other personal effects and its grounds, now owned by the Washington Association of New Jersey.

(Mar. 2, 1933, ch. 182, §1, 47 Stat. 1421.)

§ 409a. Acceptance of title to lands

The Secretary of the Interior is authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided*, That the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States other lands, easements, and buildings of Revolutionary War interest in Morris and adjacent counties in New Jersey as may be donated for the extension of the Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, §2, 47 Stat. 1421.)

§ 409b. George Washington headquarters; maintenance

After the acquisition of the museum and other personal effects of the said Washington Association by the United States, including such other manuscripts, books, paintings, and other relics of historical value pertaining to George Washington and the Revolutionary War as may be donated to the United States, such museum and library shall forever be maintained as a part of said Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, §3, 47 Stat. 1422.)

§ 409c. Board of advisers

The Washington Association of New Jersey, Lloyd W. Smith, and the town of Morristown having, by their patriotic and active interest in conserving for posterity these important historical areas and objects, the board of trustees and the executive committee of the said association, together with Mrs. Willard W. Cutler, its curator, and Clyde Potts, at present mayor of Morristown, shall hereafter act as a board of advisers in the maintenance of said park. The said association shall have the right to hold its meetings in said Ford House.

(Mar. 2, 1933, ch. 182, §4, 47 Stat. 1422.)

§ 409d. Employees of Washington Association of New Jersey

Employees of the said Washington Association, who were, prior to March 2, 1933, charged with the care and development of the said Ford House and its museum and other effects, may, in the discretion of the Secretary of the Interior, hereafter be employed by the National Park Service in the administration, protection, and development of the said park without regard to the laws of the United States applicable to the employment and compensation of officers and employees of the United States.

(Mar. 2, 1933, ch. 182, §5, 47 Stat. 1422.)

§ 409e. Administration, protection, and development

The administration, protection, and development of aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(Mar. 2, 1933, ch. 182, §6, 47 Stat. 1422.)

CODIFICATION

The proviso formerly at end of this section limited appropriations for fiscal years 1934, 1935, and 1936, to \$7,500.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 409f. Jurisdiction of New Jersey in civil, criminal and legislative matters retained; citizenship unaffected

Nothing in this subchapter shall be held to deprive the State of New Jersey, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national historical park, nor shall this subchapter in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of New Jersey may be hereafter given, the legislative authority of said State in and over all areas included within such national historical park shall not be diminished or affected by the creation of said park, nor by any terms and provisions of this subchapter.

(Mar. 2, 1933, ch. 182, §7, 47 Stat. 1422.)

§ 409g. Additional lands

In order to preserve for the benefit and inspiration of the public certain lands historically associated with the winter encampment of General George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 615 acres of land and interests therein which 615 acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park: *Provided*, That title to the property known as the Cross estate may not be accepted until the property is vacant.

(Pub. L. 88-601, §1, Sept. 18, 1964, 78 Stat. 957; Pub. L. 93-477, title III, §301(6), Oct. 26, 1974, 88 Stat. 1447; Pub. L. 94-578, title III, §315, Oct. 21, 1976, 90 Stat. 2737; Pub. L. 102-118, §1, Oct. 4, 1991, 105 Stat. 586.)

CODIFICATION

Section was not enacted as a part of act Mar. 2, 1933, ch. 182, 47 Stat. 1421, as amended, which comprises this subchapter.

AMENDMENTS

1991—Pub. L. 102-118 substituted “615 acres” for “600 acres” in two places.

1976—Pub. L. 94-578 substituted “600 acres” for “465 acres” in two places.

1974—Pub. L. 93-477 substituted “465 acres” for “two hundred and eighty-one acres” in two places and inserted proviso relating to property known as the Cross estate.

AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LANDS

Section 3 of Pub. L. 88-601, as amended by Pub. L. 93-477, title I, §101(8), Oct. 26, 1974, 88 Stat. 1445, provided that: “There are authorized to be appropriated such sums, but not more than \$2,111,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of this Act [sections 409g and 409h of this title].”

§ 409h. Administration of additional lands

Lands acquired pursuant to this section and section 409g of this title, unless exchanged pursuant to section 409g of this title, shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park.

(Pub. L. 88-601, §2, Sept. 18, 1964, 78 Stat. 957.)

CODIFICATION

Section was not enacted as part of act Mar. 2, 1933, ch. 182, 47 Stat. 1421, as amended, which comprises this subchapter.

§ 409i. Acquisition of Warren Property for Morristown National Historical Park

(a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of section 409 of this title, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, §8, as added Pub. L. 105-355, title V, §508, Nov. 6, 1998, 112 Stat. 3264.)

SUBCHAPTER LIV—EVERGLADES NATIONAL PARK

§ 410. Establishment; acquisition of land

When title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443), shall have been vested in the United States, said lands shall be, and are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be

known as the Everglades National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 30, 1934, ch. 371, §1, 48 Stat. 816.)

REFERENCES IN TEXT

Act of March 1, 1929 (45 Stat. 1443), referred to in text, is act Mar. 1, 1929, ch. 446, 45 Stat. 1443, which is not classified to the Code.

MICCOSUKEE RESERVED AREA

Pub. L. 105-313, Oct. 30, 1998, 112 Stat. 2964, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Miccosukee Reserved Area Act’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

“(2) Since the commencement of the Tribe’s permitted use and occupancy of the Special Use Permit Area, the Tribe’s membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

“(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

“(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

“(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

“(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

“(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

“SEC. 3. PURPOSES.

“The purposes of this Act are as follows:

“(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe’s own affairs in a modern community within the Park.

“(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) EVERGLADES.—The term ‘Everglades’ means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

“(3) FEDERAL AGENCY.—The term ‘Federal agency’ means an agency, as that term is defined in section 551(1) of title 5, United States Code.