

Editorial Notes

REFERENCES IN TEXT

Section 376 of this title, referred to in text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. See section 636 of Title 28, Judiciary and Judicial Procedure.

§ 373. Injuries to property

Any person who shall, within the tract mentioned in section 372 of this title, 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, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than \$100 and be adjudged to pay all costs of the proceedings.

(Apr. 20, 1904, ch. 1400, § 3, 33 Stat. 187.)

§ 374. Taking or use of or bathing in water in violation of rules and regulations

Any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, enter or attempt to enter upon said tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs National Park as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than \$100, and be adjudged to pay all costs of the proceedings. No physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered. If any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered.

(Apr. 20, 1904, ch. 1400, § 4, 33 Stat. 188; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Hot Springs National Park” substituted in text for “Hot Springs Reservation” pursuant to act Mar. 4, 1921.

§§ 375 to 383. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 375, act Apr. 20, 1904, ch. 1400, § 5, 33 Stat. 188, related to offenses under State law. See section 13 of Title 18, Crimes and Criminal Procedure.

Section 376, acts Apr. 20, 1904, ch. 1400, § 6, 33 Stat. 188; Mar. 2, 1907, ch. 2516, §§ 1, 2, 34 Stat. 1218; Mar. 3, 1911, ch. 230, 36 Stat. 1086; June 24, 1946, ch. 463, § 2, 60 Stat. 303, related to prosecutions for violations of law or rules and regulations. See section 636 of Title 28, Judiciary and Judicial Procedure.

Section 377, acts Apr. 20, 1904, ch. 1400, § 7, 33 Stat. 188; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 3, 60 Stat. 303, 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 378, acts Apr. 20, 1904, ch. 1400, § 8, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 4, 60 Stat. 303, related to process directed to marshal. See section 3053 of Title 18, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 379, acts Apr. 20, 1904, ch. 1400, § 9, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 5, 60 Stat. 303, related to fees of commissioner [now magistrate judge]. See section 634 of Title 28.

Section 380, acts Apr. 20, 1904, ch. 1400, § 11, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218, related to disposition of fines and costs. See section 634 of Title 28.

Section 381, acts Apr. 20, 1904, ch. 1400, § 13, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218, related to execution of sentence of conviction. See section 3041 of Title 18, Crimes and Criminal Procedure.

Section 382, acts Apr. 20, 1904, ch. 1400, § 12, 33 Stat. 189; June 24, 1946, ch. 463, § 6, 60 Stat. 303, related to imprisonment for nonpayment of fines or costs. See section 3041 of Title 18.

Section 383, act Apr. 20, 1904, ch. 1400, § 10, 33 Stat. 189, related to fees chargeable to United States. See section 604 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER XLI—HAWAII NATIONAL PARK**§ 391. Establishment; boundaries**

The tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows:

First. All that tract of land comprising portion of the lands of Kapapala and Keauhou, in the District of Kau, and portions of the lands of Keaau, Kahaualea, Panaunui, and Apua, in the District of Puna, containing approximately thirty-four thousand five hundred and thirty-one acres, bounded as follows:

Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), the coordinates of said point of beginning referred to Government Survey Trigonometry Station “Uwekahuna”, being four thousand seven hundred and six and six-tenths feet south and seventeen thousand nine hundred and seventy and three-tenths feet west, and the true azimuth and distance from said point of beginning to Government Survey Trigonometry Station “Ohaikea”, being one hundred and sixty-six degrees and twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths—

1. Along the west edge of the Keamoku Aa Flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees and ten minutes fourteen thousand seven hundred feet;

2. Two hundred and fifty-six degrees, eleven thousand four hundred feet across the land of Kapapala and Keauhou to a marked point on the Humuula Trail;

3. Three hundred and twenty-eight degrees and fifteen minutes eight thousand seven hundred and twenty-five feet across the land of Keauhou to the top of the fault north and the Kau Road;

4. Thence along the fault in a northeasterly direction along the remainder of Keauhou to a pipe, the direct azimuth and distance being two hundred and fifty-one degrees and thirty minutes four thousand three hundred and thirty feet;

5. Two hundred and eighty-six degrees five hundred and thirty feet along the remainder of Keauhou;

6. Two hundred and ninety-eight degrees nine hundred and sixty feet along same;

7. Two hundred and eighty-three degrees and forty-eight minutes one thousand one hundred and forty-six and five-tenths feet along same to a pipe;

8. Two hundred and sixty-seven degrees and twenty minutes one thousand and twenty-seven and five-tenths feet along same;

9. Two hundred and ninety-three degrees and ten minutes one thousand and fifty feet along same to a pipe;

10. Three hundred and twenty-one degrees and forty-six minutes one thousand one hundred and eleven and three-tenths feet along same;

11. Three hundred and thirty-three degrees and fifty minutes one thousand one hundred feet along same;

12. Three hundred and twenty-seven degrees and twenty minutes one thousand nine hundred and forty feet along same;

13. Two hundred and eighty-three degrees and thirty-nine minutes two thousand and fifty-seven and four-tenths feet along same to a pipe;

14. Three hundred and thirty-three degrees and twenty minutes two hundred and fifty feet along same to a pipe on the north side of Government Main Road at junction with the Keauhou Road, said pipe being by true azimuth and distance two hundred and ninety-five degrees and twelve minutes six thousand one hundred and sixty-seven and one-tenth feet from Government Survey Trigonometry Station "Volcano House Flag";

15. Three hundred and thirty-three degrees and twenty minutes three thousand two hundred and eighty-three and two-tenths feet along the remainder of Keauhou to a pipe;

16. Three hundred and fifty-four degrees and fifty-four minutes sixty feet along the remainder of Keaau;

17. Two hundred and thirty-one degrees and thirty-one minutes one thousand six hundred and seventy-eight and eight-tenths feet along same;

18. Three hundred and eighteen degrees eight hundred and sixteen and four-tenths feet along same to the boundary between the lands of Keaau and Kahaualea;

19. Seventy-two degrees and forty-five minutes one thousand two hundred and thirty-three and three-tenths feet along the land of Kahaualea to a pipe;

20. Forty-eight degrees six hundred and thirty-four feet along the remainder of Kahaualea to a pipe on the Kahaualea-Keauhou boundary;

21. Three hundred and thirty-two degrees and ten minutes six thousand five hundred and fifty-one and four-tenths feet along the Kahaualea-Keaau boundary to a pipe;

22. Two hundred and eighty-one degrees thirty thousand three hundred and one and seven-tenths feet along the remainder of Kahaualea to a pipe;

23. Thirty-one degrees and thirty minutes thirteen thousand and seventy-four and seven-tenths feet along the remainder of Kahaualea and Panaunui to a pipe, passing over a pipe at five thousand nine hundred and twenty-two and two-tenths feet on the Kahaualea-Panaunui boundary;

24. Eighty-nine degrees and ten minutes thirty-two thousand nine hundred feet along the remainder of Panaunui, across the lands of Apua and Keauhou to "Palilele-o-Kalihipaa", at an angle in the Keauhou-Kapapala boundary marked by a pile of stones, passing over pipes at three thousand five hundred and seventy-two and eight-tenths feet on the Panaunui-Apua boundary and eight thousand four hundred and thirty-five and three-tenths feet;

25. Fifty-one degrees fifty minutes and thirty seconds five thousand four hundred and thirty feet across the land of Kapapala;

26. One hundred and two degrees and fifty minutes nineteen thousand one hundred and fifty feet across same to a small cone about one thousand five hundred feet southwest of "Puu Koae";

27. One hundred and sixty-six degrees and twenty minutes twenty-one thousand feet across the land of Kapapala to the point of beginning; and all of those lands lying within the boundary above described are included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing seventeen thousand nine hundred and twenty acres, bounded as follows: Beginning at Pohaku Hanalei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of the lands of Humuula, Kapapala, and Kaohe, from which the true azimuth and distance to Government survey trigonometrical station Omaokoili is one hundred and ninety-five degrees twelve minutes eighteen seconds, seventy-eight thousand two hundred and eighty-six feet, and running by true azimuths: First, two hundred and ninety-eight degrees, five thousand two hundred and forty feet; second, twenty-eight degrees, thirty-six thousand nine hundred and sixty feet; third, one hundred and eighteen degrees, twenty-one thousand one hundred and twenty feet; fourth, two hundred and eight degrees, thirty-six thousand nine hundred and sixty feet; fifth, two hundred and ninety-eight degrees, fifteen thousand eight hundred and eighty feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuula and Kula, in the

district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately twenty-one thousand one hundred and fifty acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, hundred and ninety-three degrees forty-five minutes, nineteen thousand three hundred and fifty feet along the west slope of the crater of Haleakala to a point called Puu-o-Ili; second, two hundred and sixty-eight degrees, twenty-three thousand feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, three hundred and six degrees thirty minutes, seventeen thousand one hundred and fifty feet along the southwest boundary of Koolau Forest Reserve to a point called Palalia, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being three hundred and fifty-four degrees fifteen minutes, eighteen thousand three hundred feet, to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of four thousand two hundred and eight feet; fifth, eighty-eight degrees forty-five minutes, three thousand three hundred feet, across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, one hundred and two degrees and thirty minutes, forty thousand seven hundred and fifty feet, along the south slope of the crater of Haleakala to the point of beginning.

Fifth. All that tract of land comprising a portion of the Kau Desert, Kapapala, in the district of Kau, on the island of Hawaii, containing forty-three thousand four hundred acres, more or less, bounded as follows: Beginning at a galvanized-iron nail driven into the pahoehoe at the northeast corner of this tract of land, at a place called Palilele-o-Kalihipaa, and on the boundary between the lands of Kapapala and Keauhou, the coordinates of said point of beginning referred to Government survey trigonometrical station Uwekahuna, being twenty-six thousand and ten and four-tenths feet south and nine thousand nine hundred and thirty-two and four tenths feet east, as shown on Government survey registered map numbered two thousand three hundred and eighty-eight and running by true azimuths: First, three hundred and fifty degrees forty-three minutes, thirty thousand and twenty-three feet, along the land of Kapapala to a point at seacoast; second, thence in a west and southwesterly direction along the seacoast to a station on a large flat stone, at a place called Na-Puu-o-na-Elemakule, at the seacoast boundary point of the lands of Kapapala and Kaalaala, the direct azimuth and distance being sixty-nine degrees thirty-four minutes thirty seconds, thirty-two thousand and forty-three feet; third, eighty-nine degrees twenty-seven minutes thirty seconds, thirty thousand six hundred and ninety feet, along the land of Kaalaala to the main 1868 lava crack, said point being by true azimuth and distance two hundred and ninety-six degrees twenty-seven minutes thirty sec-

onds, twenty-one hundred feet from Government survey trigonometrical station Puu Nahala; fourth, thence up along the main 1868 lava crack, along the Kapapala pastoral lands to a small outbreak of lava from the 1868 lava crack, opposite the Halfway House, the direct azimuth and distance being one hundred and ninety-eight degrees, thirty-two thousand five hundred and fifty feet; fifth, two hundred and thirty degrees twenty-five minutes, twenty-seven thousand six hundred and fifteen feet, along the Kapapala pastoral lands to the west boundary of the Kilauea section, Hawaii National Park; sixth, three hundred and forty-six degrees twenty minutes, six thousand seven hundred and forty-two feet, along said west boundary to a small cone; seventh, two hundred and eighty-two degrees fifty minutes, nineteen thousand one hundred and fifty feet, along the south boundary of said Kilauea section, Hawaii National Park; eighth, two hundred and thirty-one degrees fifty minutes thirty seconds, five thousand four hundred and thirty feet, along said south boundary to the point of beginning. The Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over lands defined in subdivision 5.

(Aug. 1, 1916, ch. 264, § 1, 39 Stat. 432; May 1, 1922, ch. 174, 42 Stat. 503; Apr. 11, 1928, ch. 359, § 1, 45 Stat. 424.)

Editorial Notes

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, entitled 'An Act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes'", and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

CODIFICATION

Subd. Fifth is from sections 1 and 2 of act May 1, 1922. Section 1 of act May 1, 1922, in addition to describing the tract, recited that it was the tract set aside for park purposes on Oct. 29, 1920, by executive order of the governor of the territory of Hawaii.

The last sentence of this section is from section 2 of act May 1, 1922. The remainder of said section 2, omitted from the Code as having been given effect by the insertion of the last paragraph of the section, extended over the described territory the provisions of act Aug. 1, 1916, incorporated in this section and sections 393 and 394 of this title, and the provisions of act Aug. 25, 1916, ch. 408, 39 Stat. 535, 536, incorporated in former sections 1, 2, 3, and 4 of this title; and all Acts supplementary to and amendatory of said Acts.

AMENDMENTS

1928—Act Apr. 11, 1928, amended subd. First generally.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-380, § 1, Nov. 12, 1998, 112 Stat. 3401, as amended by Pub. L. 106-510, § 3(a)(2), Nov. 13, 2000, 114 Stat. 2363, provided that: "This Act [amending section 391b of this title] may be cited as the 'Hawai'i Volcanoes National Park Adjustment Act of 1998'."

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALĀ NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakalā National Park, effective July 1, 1961, see section 396b of this title.

Executive Documents

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

§ 391a. Boundary on island of Maui changed

The boundary of the Hawaii National Park on the island of Maui is changed to read as follows:

Beginning at a triangle on set stone, said mark being the Government survey triangulation station Puu Nianiau in the land of Kalialinui, and running by true azimuths:

1. Three hundred degrees fifty-seven minutes thirty seconds eleven thousand seven hundred and sixty-nine and three-tenths feet along the remaining portion of the land of Kalialinui to a concrete monument marked Number 1 on spur and on the west edge of Koolau Gap.

2. Two hundred and ninety-seven degrees forty-seven minutes thirty seconds fourteen thousand six hundred and fifty-two and six-tenths feet along same and across Koolau Gap to a concrete monument marked Number 3, the true azimuth and distance from said monument to Government survey triangulation station Hanakauhi being forty-five degrees fourteen minutes nine hundred and eighty-eight feet.

3. Two hundred and sixty-nine degrees fifty-seven minutes thirty seconds nine thousand and one and three-tenths feet along same to a concrete monument marked Number 7 on the southwest boundary of the land of Haiku.

4. Three hundred and six degrees thirty-nine minutes three thousand nine hundred and thirteen and four-tenths feet along the southwest boundary of the land of Haiku to a cross on large flat rock called Pohaku Palaha.

5. Two hundred and seventy-three degrees seven minutes four hundred and forty feet along the Nahiku tract to Government survey triangulation station Pakihi.

6. Thence following along summit of dividing ridge between Haleakala crater and Kipahulu Valley to an ahu at a place called Pakihi, the direct azimuth and distance being three hundred and fifty degrees four minutes thirty seconds seven thousand four hundred and fourteen and seven-tenths feet.

7. Thence along Government land and following along rim of the crater and crest of wall of Kaupo Gap to a four inch by four inch red-wood post, the direct azimuth and distance being three hundred and fifty-six degrees forty-one minutes ten thousand eight hundred and sixty-seven and nine-tenths feet.

8. Eighty-six degrees one minute thirty seconds six thousand seven hundred and seventy-seven and four-tenths feet along grant 3457, lot 1, to A. V. Marciel, and the remaining portion of the land of Nuu (R. P. 8049, L. C. A. 6239 Apana 2 to Kalaimoku), passing over a cross on stone at Kauhaokamoa at three thousand four hundred and forty-one and eight-tenths feet and passing over an iron pipe on the west edge of the Koolau Gap at five thousand eight hundred and seventy-four feet.

9. One hundred and thirty-eight degrees forty-two minutes thirty seconds nine thousand five hundred and seventy-four and two-tenths feet along the remaining portion of said land of Nuu to a cross on rock, the true azimuth and distance to Government survey triangulation station Haleakala 2 being one hundred and seventy-nine degrees thirteen minutes fifteen seconds nine hundred and forty-three and two-tenths feet.

10. Ninety-one degrees thirty-four minutes forty-five seconds nine thousand nine hundred and sixty and four-tenths feet along same to a concrete monument marked Number 14, the true azimuth and distance from said monument to an arrow on rock called Kumuiliahi, marking the northeast corner of the land of Nakula, being one hundred and sixty-seven degrees twenty-eight minutes nine hundred and twenty-eight and seven-tenths feet.

11. Ninety degrees twenty-three minutes thirty seconds twelve thousand two hundred and forty-nine and three-tenths feet along the remaining portion of the lands of Nakula and Kahikinui to a concrete monument marked Number 15.

12. One hundred and seventeen degrees fifty-two minutes thirty seconds five thousand two hundred and nine and two-tenths feet along the remaining portion of the land of Kahikinui to a concrete monument marked Number 16, the true azimuth and distance from said monument to Government survey triangulation station Kolekole, being ninety-eight degrees thirty minutes one thousand five hundred and forty-three and five-tenths feet.

13. One hundred and twenty-seven degrees thirty-eight minutes two thousand one hundred and seventy-five and six-tenths feet along same and the land of Papaanui to a concrete monument marked Number 17, the true azimuth and distance from said monument to a concrete monument marked Number 25, which marks the south corner of the land of Kealahou 3 and 4 being forty degrees ten minutes thirty seconds four hundred and sixty-six and two-tenths feet.

14. Two hundred and thirteen degrees forty-six minutes eight thousand two hundred and forty-one and two-tenths feet along the remaining portions of the lands of Kealahou 3 and 4 and Pulehunui to a concrete monument marked Number 19, the true azimuth and distance from said monument to a "K" marked on a large lava rock called Kilohana, at the east corner of the lands of Kealahou 3 and 4, being three hundred and twenty-three degrees fifty-three minutes nine hundred and forty-seven and three-tenths feet.

15. One hundred and forty-three degrees fifty-three minutes six thousand nine hundred and