

An Act To provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes, approved April 18, 1930 (46 Stat. 227)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That hereafter sole and exclusive jurisdiction shall be exercised by the United States over the territory which is now or may hereafter be included in the Hawaii National Park in the Territory of Hawaii, saving, however, to the Territory of Hawaii the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the Territory of Hawaii 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 Territory of Hawaii. (U.S.C., 6th supp., title 16, sec. 395.)

SEC. 2. That the District Court of the United States in and for the Territory of Hawaii shall have jurisdiction of all offenses committed within the boundaries of said park. (U.S.C., 6th supp., title 16, sec. 395a.)

Sec. 3. That if any offense shall be committed in the Hawaii National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the Territory of Hawaii in force at the time of the commission of the offense may provide for a like offense in said Territory and no subsequent repeal of any such law of the Territory of Hawaii shall affect any prosecution for said offense committed within said park: (U.S.C., 6th supp., title 16, sec. 395b.)

SEC. 4. That 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 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, 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 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, 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 willfully 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, 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. (U.S.C., 6th supp., title 16, sec. 395c.)

SEC. 5. That 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. (U.S.C., 6th

supp., title 16, sec. 395d.)

SEC. 6. That upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Territory of Hawaii shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by this Act. (U.S.C., 6th supp., title 16, sec. 395e.)

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this Act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed. (U.S.C., 6th supp., title 16, sec. 395e.)

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Territory of Hawaii, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (U.S.C., 6th Supp., title 16, sec. 395e.)

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this Act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Territory of Hawaii, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: Provided, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said Territory. (U.S.C., 6th supp., title 16, sec. 395f.)

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Hawaii, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this Act or the regulations prescribed by the said Secretary as aforesaid. (U.S.C., 6th supp., title 16, sec. 395g.)

SEC. 9. That the commissioner provided for in this Act shall be paid an annual salary as appropriated for by Congress, payable quarterly: Provided, That the said commissioner shall reside within exterior boundaries of said Hawaii National Park at a place to be designated by the Secretary of the Interior: And provided further, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this Act (U.S.C., 6th supp., title 16, sec. 395h.)

SEC. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved and paid as are like fees, costs, and expenses in the courts of the United States (U.S.C., 6th supp., title 16, sec. 395i.)

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District court for the Territory of Hawaii. (U.S.C., 6th supp., title 16, sec. 395j)

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the Territory of Hawaii of the passage and approval of this Act and of the fact that the United States assumes police jurisdiction over said park.