

HAWAII NATIONAL PARK

**An Act to Provide for the Exercise of Sole and Exclusive
Jurisdiction by the United States Over the Hawaii National Park
in the State of Hawaii, and for Other Purposes**

(Act of April 19, 1930, c 200, 46 Stat 227)

§1. 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 State of Hawaii, saving, however, to the State 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 State 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 State of Hawaii. [16 U.S.C.A. 395]

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[Sections 2 and 3. Repealed, June 25, 1948, c 646, §39, 62 Stat 992.]

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§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 spoilation 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 spoilation 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 spoilation 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. [16 U.S.C.A. 395c]

Cross References

As to rules and regulations, see also section 4 of the Act of August 1, 1916, c 264, 39 Stat 432, 16 U.S.C.A. 394. For general rules and regulations see Title 36, Code of Federal Regulations, Chapter 1, and for special rules applicable to Hawaii National Park, see §7.25 thereof.

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§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. [16 U.S.C.A. 395d]

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[Sections 6 through 11. Repealed, June 25, 1948, c 646, §39, 62 Stat 992.]

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

General Note

The Hawaii National Park was established by the Act of August 1, 1916, c 264, 39 Stat 432, and the boundaries were changed, or other tracts added or taken away, by the following Acts: May 1, 1922, c 174, 42 Stat 503; Feb. 12, 1927, c 111, 44 Stat 1087; April 11, 1928, c 359, 45 Stat 424; June 20, 1938, c 530, 52 Stat 781; July 16, 1940, c 630, 54 Stat 761. These Acts contain, or incorporate by reference, provisions of a substantive nature as to the control of the park and as to private rights. See 16 U.S.C.A. §§391, 391a, 391b, 391b-1, 391c, 392a, 392b, 393, 394, 396.

The Act of February 27, 1920, c 89, 41 Stat 452, authorized the acquisition of private land in the park without regard to the restrictions of Section 73 of the Organic Act, as to exchanges. See 16 U.S.C.A. 392.

For origin of the park see also concurrent resolution of 1911 Hawaiian Legislature, House Journal, p. 975, Senate Journal, pp. 1028-1029.

City of Refuge National Historical Park, establishment; see Act of July 26, 1955, c 385, 69 Stat 376; 16 U.S.C.A. 397.

Haleakala National Park, establishment; see Act of September 13, 1960, Pub L 86-774, 74 Stat 881; 16 U.S.C.A. 396b.

Hawaii Volcanoes National Park, name changed from Hawaii National Park; see Act of September 22, 1961, Pub L 87-278, 75 Stat 577; 16 U.S.C.A. 391d.

Section 3 of the Act of June 20, 1938, c 530, 52 Stat 781, makes the following provision as to leases to native Hawaiians within the Kalapana extension (as described by section 1 of that Act):

§3. (a) That the Secretary of the Interior is authorized to lease, under such rules and regulations as he may deem proper, land ascertained by him to be suitable for home site purposes in the Kalapana extension as described herein, to native Hawaiians when such occupancy does not encroach on or prevent free access to any points of historic, scientific, or scenic interest or in any manner obstruct or interfere with protection and preservation of said area as a part of the Hawaii National Park: Provided, however, that occupants of homesites shall reside on the land not less than six months in any one year; and provided further, that fishing shall be permitted in said area only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.

(b) The term native Hawaiian, as used in this section, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778. [16 U.S.C.A. 396a]

Cross References

Conveyance for National Parks, see §184-21.

Case Notes

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