

supplementary to and amendatory of said sections and subchapter are made applicable to and extended over the lands added to the park by section 355 of this title.

(Mar. 19, 1932, ch. 88, § 2, 47 Stat. 69.)

CODIFICATION

Section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

SUBCHAPTER XL—HOT SPRINGS NATIONAL PARK

CHANGE OF NAME

“Hot Springs Reservation” changed to “Hot Springs National Park” by act Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.

§ 361. Establishment; supply of water; free baths for indigent; dedication to United States

The Secretary of the Interior is authorized to grant to hotels having bathhouses attached, and to bathhouses situated in the Hot Springs National Park, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bathhouses or in connection with the rooms of said hotels or the bathhouses attached to said hotels, as many bathtubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. The superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent. All titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the National Park and mountain are dedicated to the United States, and shall remain forever free from sale or alienation.

(Dec. 16, 1878, ch. 5, 20 Stat. 258; June 16, 1880, ch. 246, § 3, 21 Stat. 289; Apr. 12, 1904, ch. 1249, 33 Stat. 173; May 23, 1906, ch. 2552, 34 Stat. 198, 199; Apr. 30, 1908, ch. 154, 35 Stat. 98; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CODIFICATION

Act Apr. 12, 1904 amended act Dec. 16, 1878, by striking out a proviso thereof and inserting in lieu thereof a proviso which is the source of the first sentence of this section. The proviso stricken out limited the supply of water to hotels or bathhouses to not more than enough for 40 bath tubs of the usual size to a single establishment.

A portion of act Dec. 16, 1878, made an appropriation for the expenses of the Hot Springs Commission, and provided for the appointment of a Board of Commissioners, conferring upon them the powers of the Commissioners appointed under act Mar. 3, 1877, ch. 108, 19 Stat. 377, to lay out, etc., the Hot Springs Reservation, and revived and continued in force said act Mar. 3, 1877 to enable the Commissioners to perform the acts and duties authorized by it. These and other earlier provisions relating to the establishment and management of the reservation were temporary and have been executed.

Provisions of act Dec. 16, 1878, relating to leases of ground, bathhouses, etc., were omitted as temporary in nature and superseded by sections 362 to 368 of this title.

There have also been omitted as temporary and executed a provision of act Dec. 16, 1878 for the expenses of the free baths maintained for the indigent and a provi-

sion for the disposition of fractions of lots made by straightening, widening, or laying out streets.

The boundaries of the Hot Springs National Park have been affected by act June 25, 1930, ch. 607, 46 Stat. 1915, which provided as follows: “That the Secretary of the Interior be, and is hereby, authorized in his discretion to convey to the P. F. Connelly Paving Company, of Little Rock, Arkansas, by the issuance of patent or other appropriate instrument of conveyance, and at an appraised value to be approved by said Secretary, that certain tract of land located within the Hot Springs National Park, Garland County, Arkansas, described as follows: Beginning at a point on the west boundary line of Hot Springs National Park, Arkansas, said point being the most southerly corner of lot 32, block 128, United States Hot Springs Reservation as surveyed, mapped, and platted by the United States Hot Springs Commissioners; thence in a southeasterly direction and at right angles to the boundary of Hot Springs National Park aforesaid, a distance of fifty feet; thence in a northeasterly direction and parallel with the aforementioned boundary line, two hundred and ninety feet; thence in a northwesterly direction a distance of fifty feet to the aforementioned boundary line; thence in a southwesterly direction along said boundary line a distance of two hundred and ninety feet to the point of beginning; and, upon the transfer of title to said land to the said company, the same shall be, and is hereby, eliminated from the said Hot Springs National Park.”

CHANGE OF NAME

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

§ 361a. Additions to park

The Secretary of the Interior is authorized, in his discretion, to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being the west half of the southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, fifth principal meridian, containing sixteen acres, more or less, situated in Garland County, State of Arkansas, donated to the United States of America for use in connection with Hot Springs National Park: *Provided*, That such land when accepted by the Secretary of the Interior shall be and remain a part of Hot Springs National Park.

(June 5, 1924, ch. 264, 43 Stat. 423.)

§ 361b. Additions to park

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States of America that certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being a part of the north half southwest quarter section 27, township 2 south, range 19 west, west of the ninety-third meridian, in Garland County, Arkansas, and which has been tendered to the United States of America as a donation and as an addition to the said Hot Springs National Park: *Provided*, That such land when accepted by the Secretary of the Interior shall be and remain a part of the Hot Springs National Park.

(Feb. 14, 1931, ch. 172, 46 Stat. 1106.)

§ 361c. Additions to park

The boundaries of the Hot Springs National Park in the State of Arkansas are extended to include the following land, to wit: Lot 11, block

101; lot 5, block 185; lot 6, block 186; lots 5, 6, and 7, block 187; and lots 1, 2, 3, 6, and 15, block 188, United States Hot Springs Reservation, as surveyed, mapped, and plotted by the United States Hot Springs Commission, and any of such lands when acquired by the Secretary of the Interior on behalf of the United States shall be and remain a part of the Hot Springs National Park, subject to all laws and regulations applicable thereto.

(June 15, 1936, ch. 554, §1, 49 Stat. 1516; Aug. 10, 1939, ch. 639, 53 Stat. 1341.)

AMENDMENTS

1939—Act Aug. 10, 1939, repealed proviso which limited expenditure of funds.

§ 361c-1. Omitted

CODIFICATION

Section, act June 15, 1936, ch. 554, §2, as added Aug. 10, 1939, ch. 639, 53 Stat. 1342, appropriated \$8,000 for purchase of lands described in section 361c of this title.

§ 361d. Additions to park

The boundaries of the Hot Springs National Park in the State of Arkansas be, and the same are, extended to include the following lands, to wit:

So much of the northeast quarter section 33, township 2 south, range 19 west, as is now privately owned;

The northwest quarter section 34, township 2 south, range 19 west;

All privately owned land in the west half section 27, township 2 south, range 19 west;

The southeast quarter section 27, south half northeast quarter section 27, all privately owned lands in the northwest quarter northeast quarter section 27, west half section 22, southwest quarter section 15, southeast quarter section 16, northeast quarter section 21, south half section 21, southeast quarter southeast quarter section 20, east half northeast quarter section 28, northwest quarter northeast quarter section 28, northwest quarter northwest quarter section 28, east half southwest quarter northeast quarter section 28, east half northeast quarter section 29, southeast quarter northwest quarter northeast quarter section 29, southwest quarter northeast quarter section 29, west half northwest quarter southeast quarter section 29, southeast quarter southeast quarter northwest quarter section 29, northeast quarter northwest quarter southeast quarter section 29, all privately owned land in northeast quarter southwest quarter section 29, south half southeast quarter section 30, northeast quarter southeast quarter section 30, southeast quarter southwest quarter section 30, west half section 31, north half northeast quarter section 31, southwest quarter northeast quarter section 31, west half southeast quarter northeast quarter section 31, all lying and being situated in township 2 south, range 19 west;

All of section 36, southeast quarter section 35, southeast quarter northeast quarter section 35, all lying and being situated in township 2 south, range 20 west;

Northeast quarter section 2, north half southeast quarter section 2, north half section 1,

north half southwest quarter section 1, north half southeast quarter section 1, all lying and being situated in township 3 south, range 20 west;

North half section 6, north half southwest quarter section 6, northwest quarter southeast quarter section 6, all lying and being situated in township 3 south, range 19 west;

Blocks 27, 189, 195, and 196, city of Hot Springs; Lots 8 to 13, inclusive, block 125, city of Hot Springs; lots 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, block 188, city of Hot Springs;

Fountain Street adjoining lots 13, block 125, and blocks 195 and 196, city of Hot Springs;

Reserve Avenue in city of Hot Springs from Palm Street to Cypress Street. Two unnamed streets, twenty feet wide, extending from Fountain Street to Government boundary and running between blocks 125 and 195 and blocks 195 and 196, respectively.

All or any part of such lands above described, when acquired by the Secretary of the Interior on behalf of the United States, shall be and remain a part of the Hot Springs National Park, subject to all laws and regulations applicable thereto.

(June 24, 1938, ch. 649, §1, 52 Stat. 1038.)

§ 361e. Acceptance of donations

The Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States donations of lands or interests in land within the city limits of Hot Springs, Arkansas, the title to such lands or interests in land to be satisfactory to said Secretary. Upon the acquisition of such lands or interests in land, they shall become a part of the Hot Springs National Park and shall be subject to all laws and regulations applicable thereto.

(June 15, 1936, ch. 554, §3, as added Aug. 10, 1939, ch. 639, 53 Stat. 1342.)

§ 361f. Exchange of lands

For the purpose of consolidating Federal holdings of land within Hot Springs National Park, Arkansas, and in order to bring about certain improvements in park land use, the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, approximately 4.75 acres of non-Federal land or interests in land situated in blocks 195 and 196 of the city of Hot Springs, Arkansas, and in exchange therefor to convey by deed on behalf of the United States to the grantor of the aforesaid property certain federally owned land or interests in land, of no greater value, comprising not in excess of five and three-tenths acres of land situated adjacent to and in the immediate rear of the Arlington Hotel in Hot Springs, Arkansas.

(Pub. L. 85-679, Aug. 18, 1958, 72 Stat. 630.)

§ 361g. Modification of park boundary

The boundary of Hot Springs National Park is modified as depicted on the map entitled "Proposed Boundary Map", numbered 128/80015, and dated August 5, 1985.

(Pub. L. 103-58, Aug. 2, 1993, 107 Stat. 280.)

§ 362. Leases of bathhouses and sites; supply of water

The Secretary of the Interior is authorized and empowered to execute leases to the bathhouses and bathhouse sites in the Hot Springs National Park for periods not exceeding twenty years, and at an annual rental of not less than \$30 per tub for each tub used in any bathhouse. Said annual rental shall be payable quarterly in advance, at the office of the Government superintendent of said property, in Hot Springs, Arkansas. The same rate for water rent shall be charged for the water to all parties receiving the same, whether in or outside said park. After the Army and Navy hospital bathhouse, the public bathhouse, the bathhouses which are authorized in the said park, the Arlington Hotel, and the bathhouses outside said park authorized on or before March 3, 1891, to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bathhouses, hotels, and families outside the said park. Such bathhouses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense. All water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior. The Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided.

(Mar. 3, 1891, ch. 533, §1, 26 Stat. 842; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1407.)

CHANGE OF NAME

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

ARLINGTON HOTEL SITE

Section 2 of act Mar. 3, 1891, authorized the leasing of the Arlington Hotel site for a term which has expired. Provision for leasing this property was made by act Aug. 24, 1912, ch. 355, §1, 37 Stat. 459.

Act Feb. 14, 1931, ch. 180, 46 Stat. 1109, incorporated in section 370a of this title, provided that upon the expiration on Mar. 6, 1932, of the existing lease of the Arlington Hotel Company, the property or site should be kept, retained and maintained by the United States for park and landscaping purposes, and that no new lease shall be granted for the erection of another hotel, bathhouse or other structure thereon.

LEASES PURSUANT TO 1878 ACT

For prior provisions relating to leases of ground, bathhouses, etc., made by act Dec. 16, 1878, ch. 5, 20 Stat. 258, see Codification notes set out under section 361 of this title.

§ 363. Rules and regulations

Full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bathhouse; as well as to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of

said park to make examination and inspection at any time of the manner of using the hot water at any bathtub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bathhouse furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bathhouses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by Act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations in force on March 3, 1891, or which may be adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bathhouse for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bathhouse on or near the Hot Springs National Park; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bathhouse, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bathhouse be transferred to any person, company, or corporation owning or interested in any other bathhouse on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bathhouse provided for of the hot water and cancel the lease or agreement. All buildings to be erected in the Hot Springs National Park shall be on plans first approved by the Secretary of the Interior, and shall be required to be fireproof, as nearly as practicable.

(Mar. 3, 1891, ch. 533, §3, 26 Stat. 843; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1407.)

CODIFICATION

A clause at the beginning of this section as originally enacted, retaining and continuing in the Secretary of the Interior all power then possessed by him for the regulating of leases of bath houses, bathhouse privileges, or hotel rights on the reservation, or supplying hot water to places off the reservation was omitted for purposes of codification.

CHANGE OF NAME

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

§ 364. Investigation of applicant for lease or contract

The Secretary of the Interior, before executing any lease to bathhouses or bathhouse sites in the park or contracts for the use of hot water for bathhouses outside said park, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease

or contract are not, directly or indirectly, interested in any manner whatever in any other bathhouse, lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bathhouse, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bathhouse, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bathhouses or he deems it for the best interests of the management of the Hot Springs National Park and waters, or for the public interest, he may refuse such lease, license, permit, or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid.

(Mar. 3, 1891, ch. 533, § 4, 26 Stat. 843; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

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

§ 365. Taxation, under State laws

The consent of the United States is given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs National Park.

(Mar. 3, 1891, ch. 533, § 5, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

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

§ 366. Collection of water on reservation

The authority conferred upon the Secretary of the Interior to collect the hot water upon said Hot Springs National Park shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized.

(Mar. 3, 1891, ch. 533, § 6, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

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

§ 367. Sale of lots

The Secretary of the Interior may direct the public sale of all unsold Government lots in Hot Springs National Park, and not permanently reserved on March 3, 1891, at the city of Hot Springs, after having had the same reappraised, and also advertised as required by law, and no lot shall be sold at less than the appraised price.

(Mar. 3, 1891, ch. 533, § 7, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

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

§ 368. Operation of bathhouse in connection with hotel

Nothing in sections 362 to 367 of this title shall be so construed as to prevent the stockholders of any hotel from operating a bathhouse in connection with such hotel as a part thereof.

(Mar. 3, 1891, ch. 533, § 8, 26 Stat. 844.)

§ 369. Charges assessable against bath attendants and masseurs and physicians prescribing use of hot waters

The Secretary of the Interior is authorized to assess and collect from physicians who desire to prescribe the hot waters from the Hot Springs National Park reasonable fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in bathhouses receiving hot water from the park reasonable annual charges to cover the cost of physical examinations.

(June 5, 1920, ch. 235, § 1, 41 Stat. 918; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407; Mar. 2, 1931, ch. 365, 46 Stat. 1462.)

CODIFICATION

As originally enacted, this section authorized reasonable charges against physicians, including fees for examination and registration. It also authorized collection of reasonable charges from bath attendants and masseurs, and provided that the moneys received should be used in the protection and improvement of the park.

AMENDMENTS

1931—Act Mar. 2, 1931, struck out provision that moneys received from the assessment and collection of fees were to be used for the protection and improvement of the park.

CHANGE OF NAME

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

§ 370. Omitted

CODIFICATION

Section, act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 459, related to lease of Arlington Hotel site. See section 370a of this title.

§ 370a. Retention of Arlington Hotel site for park and landscape purposes

The site within the Hot Springs National Park fronting on Central Avenue and on Fountain Street, leased by the Secretary of the Interior

pursuant to the authority of Act of August 24, 1912 (chapter 355, 37 Statutes 459) to the Arlington Hotel Company, and occupied by the hotel and bathhouse building of said company until it burned on April 5, 1923, shall upon the expiration on March 6, 1932, of the existing lease therefor with the said Arlington Hotel Company, be kept, retained, and maintained by the United States for park and landscaping purposes; and no new lease shall be granted by the Secretary of the Interior for the erection of another hotel, bathhouse, or other structure thereon.

(Feb. 14, 1931, ch. 180, 46 Stat. 1109.)

REFERENCES IN TEXT

Act August 24, 1912 (chapter 355, 37 Statutes 459), as it related to lease of property at Hot Springs, Arkansas, referred to in text, was classified to section 370 of this title and was omitted from the Code as superseded by this section. For complete classification of this Act to the Code, see Tables.

§ 371. Use of free bathhouses limited

Only persons who are without and unable to obtain the means to pay for baths and are suffering from ailments for which bathing in the water of the Hot Springs National Park will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Arkansas, and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized to administer oaths for general purposes as the superintendent of the Hot Springs National Park shall designate, that he is without and unable to obtain the means to pay for baths, and any person desiring to bathe at the free bathhouse on the Hot Springs National Park making a false oath as to his financial condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$300 and be imprisoned for not more than sixty days.

(Mar. 2, 1911, ch. 200, 36 Stat. 1015; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1407; June 26, 1936, ch. 843, 49 Stat. 1979.)

AMENDMENTS

1936—Act June 26, 1936, increased fine from not more than \$25 to not less than \$25 nor more than \$300 and maximum prison term from not more than 30 days to not more than 60 days.

CHANGE OF NAME

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

§ 372. Laws operative within judicial district of Arkansas

The portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, “commencing at stone monument numbered 7, set upon the west line of Reserve Avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain Street to a stone monument numbered 42 and marking the boundary line of Hot Springs Mountain; thence along the south line of Foun-

tain Street to its intersection with Central Avenue or to stone monument numbered 33; thence south along the east line of Central Avenue to where the same is intersected by Reserve Avenue at stone monument numbered 30; thence along the north boundary line of Reserve Avenue to stone monument numbered 7, the point of commencement; all in township 2 south, range 19 west, in the county of Garland and State of Arkansas, and also block 82, being a part of the permanent United States Hot Springs National Park”, or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein. Nothing in this section and sections 373 and 374 of this title shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas. All fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas. Said sections shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section 365 of this title.

(Apr. 20, 1904, ch. 1400, §§1, 2, 33 Stat. 187; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; Sept. 18, 1922, ch. 321, 42 Stat. 847; June 24, 1946, ch. 463, §1, 60 Stat. 303; June 25, 1948, ch. 646, §39, 62 Stat. 992.)

CODIFICATION

Provisions formerly at end of section making the described portion of the park part of the United States judicial district of Arkansas and giving jurisdiction of offenses therein to the district court were from section 2 of act of Apr. 20, 1904, and the remainder from section 1 of act Apr. 20, 1904.

Act Mar. 3, 1911 conferred the power of the circuit courts upon the district courts.

Act Sept. 18, 1922, ch. 321, accepted the provisions of the Act of the Legislature of the State of Arkansas, approved Feb. 2, 1921, ceding to the United States exclusive jurisdiction over block 82, aforesaid, and extended to block 82 the provisions of this section and sections 373 and 374 of this title.

Provision of section 1 of act Apr. 20, 1904, reciting the acceptance of the provisions of the Act of the Arkansas Legislature ceding to the United States exclusive jurisdiction over the territory described in section 1 aforesaid was omitted for purposes of codification.

The line of the reservation was changed, and the tract of land thereby excluded was ceded to the city of Hot Springs, to be used for street purposes only, by act May 23, 1906, ch. 2552, 34 Stat. 198.

Certain lots situated on the Hot Springs Reservation were granted to the school district of Hot Springs by act Apr. 30, 1908, ch. 154, §1, 35 Stat. 98.

A strip of land described was ceded to the city of Hot Springs for use as a public street, by act June 25, 1910, ch. 417, 36 Stat. 844.

The three provisions last mentioned were omitted from the Code as executed.

AMENDMENTS

1948—Act June 25, 1948, struck out provision at end of section based on section 2 of act Apr. 20, 1904, which

read "and the above-described portion of said park shall constitute a part of the Western United States judicial district of Arkansas, and the district court for said district shall have jurisdiction of all offenses committed within said boundaries". See section 83 of Title 28, Judiciary and Judicial Procedure, section 3231 of Title 18, Crimes and Criminal Procedure, and rule 18 of the Federal Rules of Criminal Procedure, Title 18, Appendix.

1946—Act June 24, 1946, transferred the park from the jurisdiction of the Eastern United States Judicial District of Arkansas to the Western United States Judicial District of Arkansas.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 372a. Acceptance of jurisdiction over part of park; application of laws

The conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground and described as follows: Commencing at the stone marking at the northeast corner of the northeast quarter of section 33, township 2 south, range 19 west, thence east for five hundred and twenty-eight feet along the south line of the southwest quarter of section 27, township 2 south, range 19 west, thence north parallel with the reservation line for one thousand three hundred and twenty feet to the north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, thence west for five hundred and twenty-eight feet along north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west to the east line of Hot Springs National Park, thence south along the line of Hot Springs National Park to the place of beginning, in the county of Garland, State of Arkansas, being a part of the Hot Springs National Park, made by act of the Legislature of the State of Arkansas, approved March 27, 1925, are accepted, and the provisions of section 376¹ of this title, relating to the Hot Springs Mountain Reservation, Arkansas, are extended to said land.

(Mar. 3, 1927, ch. 317, 44 Stat. 1359.)

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.)

¹ See References in Text note below.

§ 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.)

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;