

[CHAPTER 835]

AN ACT

December 29, 1942
[S. 2655]
[Public Law 849]

To amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own.

Judicial Code,
amendments,
36 Stat. 1089.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Judicial Code (U. S. C., title 28, sec. 17), as amended, is hereby amended to read:

District judges.
Temporary assign-
ments to other dis-
trict courts.

“(a) Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, shall designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence, the senior associate justice, shall designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided.

Circuit judges.
Temporary assign-
ments in circuits other
than their own.

“(b) Whenever, by reason of the volume, accumulation, or urgency of business in any circuit, or the disability or necessary absence from the circuit of one or more of the circuit judges, the circuit court of appeals is unable to perform speedily the work brought before it, and a certificate of the needs of the court is presented by the senior circuit judge or the circuit justice, the Chief Justice of the United States, or in his absence, the senior associate justice, may, if in his judgment the public interest requires, designate and assign any circuit judge of any other circuit, including circuit judges retired under section 260 of the Judicial Code, as amended (U. S. C., title 28, sec. 375), to act as circuit judge in such circuit and discharge all the official duties of a circuit judge thereof for such time as in the opinion of the Chief Justice (or in his absence, the senior associate justice) the business of the circuit to which such circuit judge is temporarily assigned may require.

Retired circuit
judges.
36 Stat. 1161.

Consent of senior
circuit judge.

“(c) Before any designation or assignment as herein provided for is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.

Recording.

District of Colum-
bia deemed a judicial
circuit.
36 Stat. 1089.
28 U. S. C. §§ 17-23.
Supra; infra.
Post, pp. 1095, 1096.

“(d) For the purposes of sections 13 to 19 of the Judicial Code, the District of Columbia shall be deemed to be a judicial circuit and the Chief Justice and Associate Justices of the United States Court of Appeals for the District of Columbia shall be deemed to be, respectively, the senior circuit judge and associate circuit judges of the circuit subject to the same duties and having the same power and authority as other senior circuit judges and associate circuit judges.”

Powers of desig-
nated circuit judge.
36 Stat. 1089.

SEC. 2. Section 14 of the Judicial Code (U. S. C., title 28, sec. 18), as amended, is hereby amended by inserting the following as an additional sentence at the end of the section: “Each circuit judge designated and assigned to serve temporarily as a circuit judge in another circuit may and shall, during the period of his assignment, exercise all the judicial powers and discharge and perform all the judicial duties of and be

subject to the same assignments of duties as the circuit judges of the circuit to which he is designated and assigned for temporary duty."

SEC. 3. Section 15 of the Judicial Code (U. S. C., title 28, sec. 19), as amended, is hereby amended by striking out the words "either of the two preceding sections" and substituting in lieu thereof the words "section 13 (a) of the Judicial Code".

And by striking out the last three words of said section, to wit, the words "the preceding section" and substituting in lieu thereof the following: "section 13 (c) of the Judicial Code".

SEC. 4. Section 16 of the Judicial Code (U. S. C., title 28, sec. 20), as amended, is hereby amended by inserting the following after the words "Chief Justice": "(or in the absence of the Chief Justice, the senior associate justice).";

And by inserting the following before the words "district judge": "circuit or".

SEC. 5. Section 18 of the Judicial Code (U. S. C., title 28, sec. 22), as amended, is hereby amended to read:

"(a) The Chief Justice of the United States (or in the absence of the Chief Justice, the senior associate justice), or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge, including retired circuit judges, of a judicial circuit, and including circuit judges designated and assigned to temporary duty in the judicial circuit, to hold a district court within such circuit. The judges of the United States Court of Customs and Patent Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States (or in the absence of the Chief Justice, the senior associate justice) the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the District Court of the United States for the District of Columbia, or the United States Court of Appeals for the District of Columbia, when requested by the Chief Justice of either of said courts.

"(b) During the period of service of any judge designated and assigned under this chapter, he shall have all the powers and rights, and perform all the duties, of a judge of the circuit or district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds). In case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"(c) Any designated and assigned judge who has held court in another district than his own shall have the power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon, in writing filed with the clerk of the court where the trial or hearing was had, shall be as valid as if such action had been taken by him within that district and within the period of his designation.

"(d) Likewise, any designated or assigned circuit judge who has served temporarily in a circuit court of appeals other than his own shall have power, notwithstanding his absence from such circuit or the expiration of the time limit in his designation, to join as an asso-

36 Stat. 1089.

Ante, p. 1094.*Ante*, p. 1094.

36 Stat. 1089.

36 Stat. 1089.

Designation of circuit judge to hold district court.

U. S. Court of Customs and Patent Appeals.

Designation and assignment of judges to other courts.

Powers, rights, and duties.

Extension of period of service.

District courts. Additional powers of designated and assigned judges.

Circuit courts of appeals. Additional powers of designated and assigned judges.

ciate circuit judge in the decision and final disposition of all matters submitted to him and his associate judges in such circuit court of appeals, and to join in the consideration and disposition of any petition for rehearing, or any motions, petitions, or further proceedings in respect of any submitted cause in the decision and disposition of which he has participated."

36 Stat. 1090.

SEC. 6 Section 19 of the Judicial Code (U. S. C., title 28, sec. 23), as amended, is hereby amended by striking out the last seven words of the section and inserting in lieu thereof the following: "the circuit judges of the circuit, or the district judge of the district, as the case may be".

Approved, December 29, 1942.

[CHAPTER 836]

AN ACT

December 29, 1942
[H. R. 7370]
[Public Law 850]

To further insure the protection of vessels in wartime by amending the Communications Act of 1934, as amended.

Communications Act of 1934, amendment.
48 Stat. 1104.
47 U. S. C., Supp. I, § 606 note.
Ante, p. 18.
Protection of vessels in wartime.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 606 of the Communications Act of 1934, as amended (U. S. C., 1940 edition, title 47, sec. 606; Public Law 413, Seventy-seventh Congress), is amended by adding at the end thereof the following new subsection:

"(h) During the continuance of the war in which the United States is now engaged and for a period ending not later than six months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate—

Reports of positions of ships.
48 Stat. 1070.
47 U. S. C. § 201 (b).

"(1) section 201 (b) of the Act shall not be construed as permitting or requiring the furnishing of reports of the positions of ships by common carriers subject to provisions of this Act; such reports may be furnished by such common carriers only pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

Foreign ships.
48 Stat. 1083.
47 U. S. C. § 306.

"(2) section 306 shall not be construed to permit the transmission of communications or signals by a foreign ship when the same is within the jurisdiction of the United States except pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

Radio transmitting apparatus.
48 Stat. 1089.
47 U. S. C. § 318.

"(3) section 318 shall not be construed as preventing the emergency or temporary operation of the transmitting apparatus of radio stations for which licensed operators are required by international agreement or for safety purposes by any member of the armed forces of the United States, or upon aircraft by any person pursuant to direction of the military and naval authorities of the United States;

Distress messages.
48 Stat. 1090.
47 U. S. C. § 321 (b).

"(4) section 321 (b) shall not be construed as establishing any priority for distress messages over military message traffic determined by the Secretary of the Navy to require priority in transmission in the effective prosecution of the war;

Radio mobile service.
48 Stat. 1090.
47 U. S. C. § 322.

"(5) intercommunication by radio stations in the mobile service as provided for in section 322 shall be conducted only in such manner and at such times as may be authorized by the Secretary of the Navy;

Emergency movement of ships.
50 Stat. 192.
47 U. S. C. §§ 351-362; Supp. I, § 353.

"(6) nothing contained in part II of title III of the Act shall be construed as preventing the military and naval authorities of the United States from ordering the emergency movement of ships at such times and under such circumstances as they may deem necessary in the effective prosecution of the war."

Approved, December 29, 1942.