

or agency concerned. (As amended Dec. 24, 1942, ch. 825, § 2, 56 Stat. 1088.)

AMENDMENTS

1942—Act Dec. 24, 1942, cited to text, amended section generally.

§ 604a. Appropriations available for travel expenses of United States employees as Government witnesses.

Whenever an employee of the United States performs travel in order to appear as a witness on behalf of the United States in any case involving the activity in connection with which such person is employed, his travel expenses in connection therewith shall be payable from the appropriation otherwise available for the travel expenses of such employee. (July 2, 1942, ch. 472, title II, 56 Stat. 486.)

FEES, HOW PAID AND RECOVERED

§ 608. Jurors and witnesses; paid by marshal.

The marshal shall pay to the jurors all fees to which they appear to be entitled on the certificate of attendance of the clerk of the court, and, in cases where the United States is a party, the marshal shall pay to the witnesses all fees to which they appear to be entitled on the certificate of attendance of the United States attorney or assistant United States attorney, which sum shall be allowed the marshal in the General Accounting Office in his accounts. (As amended Oct. 13, 1941, ch. 431, § 2, 55 Stat. 736.)

AMENDMENTS

1941—Act Oct. 13, 1941, cited to text, amended section by inserting provisions with respect to payments upon certificate of attendance.

Chapter 17.—EVIDENCE

§ 644. Depositions under *dedimus potestatem* and in *perpetuam*.

In any case where it is necessary, in order to prevent a failure or delay of justice, any of the courts of the United States may grant a *dedimus potestatem* to take depositions according to common usage; and any district court, upon application to it as a court of equity, may, according to the usages of chancery, direct depositions to be taken in *perpetuam rei memoriam*, if they relate to any matters that may be cognizable in any court of the United States. And the provisions of sections 639 to 641 of this title shall not apply to any deposition to be taken under the authority of this section. (R. S. § 866.)

SUPERSEDED AS TO CIVIL CASES

Rule 26 et seq. following section 723c of this title modified, broadened, and incorporated the provisions of this section relating to civil cases. This section insofar as it differs from said rules in its application to civil cases is superseded by said rules. See Notes of Advisory Committee on Rules under rule 26 following section 723c of this title.

DERIVATION

Act Sept. 24, 1789, ch. 20, § 30, 1 Stat. 88, and act May 9, 1872, ch. 146, 17 Stat. 89.

Chapter 18.—PROCEDURE

Sec.

792. Three-judge district court actions for interlocutory injunction and final hearing; powers of single judge (New).

§ 723. Mesne process; proceedings in equity and admiralty.

ADMIRALTY RULES

RULE 44½. PRE-TRIAL PROCEDURE; FORMULATING ISSUES

Rule 16 of the Rules of Civil Procedure shall be applicable in cases in Admiralty. Added May 4, 1942.

§ 792. Three-judge district court actions for interlocutory injunction and final hearing; powers of single judge.

In any action in a district court wherein the action of three judges is required for the hearing and determination of an application for interlocutory injunction and for the final hearing by reason of the provisions of sections 47, 380, or 380a of this title, or section 28 of Title 15 and section 44 of Title 49, as amended by section 1 of the Act of April 6, 1942, chapter 210, any one of such three judges may perform all functions, conduct all proceedings, except the trial of such action, and enter all orders required or permitted by the Rules of Civil Procedure for the District Courts of the United States in effect at the time, provided such single judge shall not appoint, or order a reference to a master, or hear and determine any application for, or vacation of, an interlocutory injunction, or dismiss the action, or enter a summary or final judgment on all or any part of the action: *Provided, however,* That any action of a single judge hereby permitted shall be subject to review at any time prior to final hearing by the court as constituted for final hearing, on application of any party or by order of such court on its own motion. (Apr. 6, 1942, ch. 210, § 3, 56 Stat. 199.)

JUDGMENTS

§ 811a. Repealed. Mar. 3, 1933, ch. 212, title II, § 14, 47 Stat. 1517.

This section, establishing rate of interest at 4 percent, was repealed by act Mar. 3, 1933, ch. 212, title II, § 14, 47 Stat. 1517, which restored the rate of interest applicable prior to the enactment of this section.

Chapter 19.—UNITED STATES AS PARTY DEFENDANT IN CERTAIN CASES

§ 901. Foreclosure of mortgages or other liens; quieting title; consent.

Upon the conditions herein prescribed for the protection of the United States, the consent of the United States is given to be named a party in any suit which is now pending or which may hereafter be brought in any United States district court, including those for the districts of Alaska, Hawaii, and Puerto Rico, and the District Court of the United