

## OPERATION ESTIMATES FOR CERTAIN OFFICES IN DISTRICT OF COLUMBIA

Section 6 of act Aug. 2, 1949, ch. 383, 63 Stat. 491, provided that: "The annual estimates of expenditures and appropriations necessary for the maintenance and operation of the courts submitted by the Director of the Administrative Office of the United States Courts shall include estimates of appropriations for the operation and maintenance of the office of the probation officer of the United States District Court for the District of Columbia, the office of the Register of Wills of the District of Columbia, and the Commission on Mental Health."

## § 606. Duties of Assistant Director.

The Assistant Director shall perform the duties assigned to him by the Director, and shall act as Director during the absence or incapacity of the Director or when the Director's office is vacant. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 444 (Mar. 3, 1911, ch. 231, § 302, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

This section contains provisions as to duties of Assistant Director in section 444 of title 28, U. S. C., 1940 ed. The remainder of said section 444 is incorporated in sections 601, 603 and 608 of this title.

## § 607. Practice of law prohibited.

An officer or employee of the Administrative Office shall not engage directly or indirectly in the practice of law in any court of the United States. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 445 (Mar. 3, 1911, ch. 231, § 303, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

This section contains the last paragraph of title 28, U. S. C., 1940 ed., § 445. The remainder of said section is incorporated in sections 602 and 603 of this title.

Changes were made in phraseology.

## § 608. Seal.

The Director shall use a seal approved by the Supreme Court. Judicial notice shall be taken of such seal. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 444 (Mar. 3, 1911, ch. 231, § 302, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

This section contains a part of section 444 of title 28, U. S. C., 1940 ed. The remainder of said section 444 is incorporated in sections 601, 603 and 606 of this title.

Changes were made in phraseology.

## § 609. Courts' appointive power unaffected.

The authority of the courts to appoint their own administrative or clerical personnel shall not be limited by any provisions of this chapter. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 446 (Mar. 3, 1911, ch. 231, § 304, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

This section contains the last clause of section 446 (1) of title 28, U. S. C., 1940 ed.

A similar provision with respect to the Attorney General's authority over United States attorneys and their assistants, and United States marshals and their deputies was omitted as unnecessary since there is nothing in this

chapter that could affect such authority of the Attorney General.

For other provisions of section 446 of title 28, U. S. C., 1940 ed., see section 604 of this title.

Minor changes were made in phraseology.

## § 610. Courts defined.

As used in this chapter the word "courts" includes the courts of appeals and district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 450 (Mar. 3, 1911, ch. 231, § 308, as added Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223).

Words "the Tax Court" were added because of the incorporation in this title of provisions relating to such court.

Words "and the United States Court for China" were omitted. See reviser's note under section 411 of this title.

Provisions making this chapter and sections 332 and 333 of this title expressly applicable to the Court of Appeals for the District of Columbia were omitted as covered by "courts of appeals." (See section 41 of this title and reviser's notes under such section and section 44 of this title.)

A definition of "continental United States" as "the States of the Union and the District of Columbia" is omitted as unnecessary. (See reviser's note under section 333 of this title.)

The term "district courts in the United States" in this section includes the District Court for the District of Columbia. (See section 88 of this title.)

Other provisions of section 450 of title 28, U. S. C., 1940 ed., are incorporated in sections 333 and 604 of this title.

The phrase "all other courts of the United States established by Act of Congress" was added to provide for future growth of the Federal judicial system.

Changes in arrangement and phraseology were made.

## SENATE REVISION AMENDMENT

Those provisions of this section which related to the Tax Court were eliminated by Senate amendment. See Senate Report No. 1559.

## Chapter 43.—UNITED STATES COMMISSIONERS

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## CROSS REFERENCES

Alaska commissioners, powers and duties, see section 108 of Title 48, Territories and Insular Possessions.

Petty offenses, trial by commissioners, see section 3401 of Title 18, Crimes and Criminal Procedure.

Rules of procedure and practice for trials of cases before commissioners, and taking of appeals, set out in main volume following section 576a of former Title 18, Crimes and Criminal Procedure, and petty offense rules following such section.

Virgin Islands, duties of necessary court officers, see section 1405y of Title 48, Territories and Insular Possessions.

### § 631. Appointment and tenure.

(a) Each district court shall appoint United States commissioners in such number as it deems advisable.

One United States commissioner may be appointed for each of the following named national parks: Big Bend, Crater Lake, Glacier, Great Smoky Mountains, Hawaii, Isle Royale, Lassen, Mesa Verde, Mammoth Cave, Mount Rainier, Olympic, Rocky Mountain, Sequoia, Shenandoah, Yellowstone and Yosemite and may also be known as a national park commissioner. If such park extends into two or more districts, the appointment shall be made by joint action of the district courts of such districts. The national park commissioner for the Sequoia National Park shall also be the national park commissioner for Kings Canyon National Park.

Each appointment shall be entered of record in the district court, and notice of such appointment shall be given at once by the clerk of such court to the Director of the Administrative Office of the United States Courts.

(b) A person holding any civil or military office or employment under the United States or who is employed by any justice or judge of the United States, shall not at the same time hold the office of United States commissioner. This subsection shall not apply to a part-time referee in bankruptcy nor shall it apply to a clerk or deputy clerk of a court of the United States whose appointment as commissioner is approved by the Director of the Administrative Office of the United States Courts, but the Director may fix the aggregate amount of compensation to be received for performing the duties of commissioner and clerk or deputy clerk.

(c) Each United States commissioner shall hold office for four years, unless sooner removed by the district court. (June 25, 1948, ch. 646, § 1, 62 Stat. 915, amended May 24, 1949, ch. 139, § 73, 63 Stat. 100.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 526 and 527, sections 27, 66, 80e, 100, 117e, 129, 172, 198e, 204e, 256d, 395e, 403c-5, 403h-5, 404c-5, and 408m of title 16, U. S. C., 1940 ed., Conservation, and section 863 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions (May 27, 1894, ch. 72, § 5, 28 Stat. 74; May 28, 1896, ch. 252, §§ 19, 20, 29 Stat. 184; Apr. 12, 1900, ch. 191, § 34, 31 Stat. 84; Mar. 2, 1901, ch. 814, 31 Stat. 956; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Jan. 7, 1913, ch. 6, 37 Stat. 648; Aug. 22, 1914, ch. 264, § 6, 38 Stat. 700; June 30, 1916, ch. 197, § 6, 39 Stat. 245; Aug. 21, 1916, ch. 368, § 6, 39 Stat. 523; Mar. 2, 1917, ch. 145, § 41, 39 Stat. 965; June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; Apr. 25, 1928, ch. 434, § 6, 45 Stat. 460; Apr. 26, 1928, ch. 438, § 6, 45 Stat. 464; Mar. 2, 1929, ch. 583, § 6, 45 Stat. 1538; Apr. 19, 1930, ch. 200, § 6, 46 Stat. 228; June 25, 1935, ch. 309, § 1, 49 Stat. 422; Aug. 19, 1937, ch. 703, § 5, 50 Stat. 702; Mar. 26, 1938, ch. 51, § 2, 52 Stat. 118; June 25, 1938, ch. 684, § 1, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43; Mar. 6, 1942, ch. 150, § 5, 56 Stat. 134; Mar. 6, 1942, ch. 151, § 5, 56 Stat. 137; Apr. 29, 1942, ch. 264, § 5, 56 Stat. 260; June 5, 1942, ch. 341, § 5, 56 Stat. 318; Dec. 28, 1945, ch. 592, 59 Stat. 659, 660; Apr. 23, 1946, ch. 202, § 1, 60 Stat. 119, 120).

Section consolidates section 526 and a portion of 527, both of title 28, U. S. C., 1940 ed., with provisions of sections 27, 66, 80e, 100, 117e, 129, 172, 198e, 204e, 256d, 395e, 403c-5, 403h-5, 404c-5 and 408m of title 16, U. S. C., 1940 ed., and provisions of section 863 of title 48, U. S. C., 1940

ed., Territories and Insular Possessions, relating to appointment of United States commissioners. For other provisions of said sections see Distribution Table.

Some of the provisions of section 863 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions were retained in that title.

The provision of sections 395e, 403c-5, 404c-5, and 408m of title 16, U. S. C., 1940 ed., for appointment of the Park Commissioner in the Hawaii National Park, Shenandoah National Park, Great Smoky Mountains National Park, Mammoth Cave National Park and Isle Royale National Park upon "the recommendation of the Secretary of the Interior" was omitted as inconsistent not only with other provisions of this title but with other statutes applicable to other national parks.

All such park commissioners are United States commissioners and the revision of these sections makes possible uniformity and consistency in administrative matters concerning such commissioners. (See, also, sections 604 and 634 of this title.)

Words "the Director of the Administrative Office of the United States Courts" were substituted for "Attorney General" in section 526 of title 28, U. S. C., 1940 ed., in view of the general supervision by the Director over clerks and commissioners under section 601 et seq. of this title.

See, also, section 751 of this title prohibiting clerks from receiving compensation in another capacity.

First sentence of subsection (b) was substituted for the provision in section 527 of title 28, U. S. C., 1940 ed., prohibiting specified persons from acting as commissioners.

Words "at such places in the district as may be designated by the district court," in section 526 of title 28, U. S. C., 1940 ed., were omitted as unnecessary.

A provision in section 526 of title 28, U. S. C., 1940 ed., that commissioners should have the same powers and duties as are conferred and imposed by law, was omitted as superfluous.

The phrase in sections 526 and 527 of title 16, U. S. C., 1940 ed., "except as provided in section 591" and section 591, the effect of which was to except Alaska from this section, were omitted as unnecessary. This revised section by its terms limits the section and chapter 43 of this title to commissioners appointed by a "district court," which includes the courts enumerated in chapter 5 of this title but not those of Alaska, Canal Zone, or Virgin Islands.

Sections from title 16, U. S. C., 1940 ed., contained no tenure provisions.

Changes in phraseology were made.

#### SENATE REVISION AMENDMENT

By Senate amendment, "Big Bend" and "Crater Lake" were inserted in subsection (a) of this section, and section 158a of Title 16 U. S. C., which was derived from Act May 15, 1947, ch. 55, § 1, 61 Stat. 91, accordingly became an additional source of this section, such Act being included in the schedule of repeals. See Senate Report No. 1559.

As finally enacted, Act May 15, 1947, ch. 57, 61 Stat. 92, which amended section 403c-5 of Title 16 U. S. C., became an additional source of this section and was accordingly included in the schedule of repeals by Senate amendment. See Senate Report No. 1559.

#### AMENDMENTS

1949—Subsec. (b) amended by act May 24, 1949, cited to text, which inserted in last sentence "part-time" preceding "referee" and "but the Director \* \* \* deputy clerk" preceding the period.

#### CROSS REFERENCES

Alaska commissioners, appointment, see section 104 of Title 48, Territories and Insular Possessions.

Virgin Islands, appointment of necessary court officers, see section 1405f of Title 48, Territories and Insular Possessions.

### § 632. Park commissioners; jurisdiction and powers; procedure.

Each national park commissioner shall have all the jurisdiction and powers of a United States Commissioner and of a commissioner specially designated

to try petty offenses within such national park pursuant to section 3401 of Title 18. He is also authorized to try and determine complaints in proceedings for penalties and forfeitures prescribed by law for violations of statutes or regulations respecting such park.

The practice and procedure for the trial of cases before national park commissioners and for taking and hearing of appeals to the district courts shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of Title 18. (June 25, 1948, ch. 646, § 1, 62 Stat. 916, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on sections 27, 66, 67, 68, 80f, 100, 117e, 129, 172, 181b, 204e, 256d, 376, 395e, 403c-5, 403c-6, 403h-5, 404c-5, and 408m of title 16, U. S. C., 1940 ed., Conservation (May 7, 1894, ch. 72, § 5, 28 Stat. 74; 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; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Aug. 22, 1914, ch. 264, § 6, 38 Stat. 700; June 30, 1916, ch. 197, § 6, 39 Stat. 245; Aug. 21, 1916, ch. 368, § 6, 39 Stat. 523; June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733; Apr. 25, 1928, ch. 434, § 6, 45 Stat. 460; Apr. 26, 1928, ch. 438, § 6, 45 Stat. 464; Apr. 19, 1930, ch. 200, § 6, 46 Stat. 228; May 2, 1932, ch. 155, § 3, 47 Stat. 145; June 25, 1935, ch. 309, § 1, 49 Stat. 422; Aug. 19, 1937, ch. 703, §§ 5, 6, 50 Stat. 702; June 25, 1938, ch. 684, § 1, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43; Mar. 6, 1942, ch. 150, § 5, 56 Stat. 134; Mar. 6, 1942, ch. 151, § 5, 56 Stat. 137; Apr. 29, 1942, ch. 264, § 5, 56 Stat. 260; June 5, 1942, ch. 341, § 5, 56 Stat. 318; Apr. 23, 1946, ch. 202, § 2, 60 Stat. 120; June 24, 1946, ch. 463, § 2, 60 Stat. 303).

Section consolidates provisions of sections 27, 66, 67, 68, 80f, 100, 117e, 129, 172, 181b, 204e, 256d, 376, 395e, 403c-5, 403c-6, 403h-5, 404c-5 and 408m of title 16, U. S. C., 1940 ed., relating to jurisdiction and powers of park commissioners with necessary changes in arrangement and phraseology. For other provisions of such sections, see Distribution Table.

The provisions of sections 27, 66, 67, 68, 100, 117e, 129, 172, 181b, 204e, 256d, 376, 395e, 403c-5, 403c-6, 403h-5, 404c-5 and 408m of title 16, U. S. C., 1940 ed., relating to the powers of park commissioners respecting issuance of warrants of arrest and other process were omitted and are recommended for repeal as covered by sections 3041 and 3141 of revised title 18 (H. R. 1600, 80th Cong.), and Rules 4, 5 (c), and 9 of the new Federal Rules of Criminal Procedure.

Provisions in sections 27, 66, 67, 68, 100, 117e, 129, 172, 181b, 204e, 256d, 376, 395e, 403c-5, 403c-6, 403h-5, 404c-5 and 408m of title 16, U. S. C., 1940 ed., for arrest without warrant for violation of law or regulation within a national park were also omitted and are recommended for repeal as covered by section 3054 of revised title 18 (H. R. 2200, 79th Cong.), Rule 4 of the Federal Rules of Criminal Procedure and Rule 4 of the Federal Rules of Civil Procedure.

#### SENATE REVISION AMENDMENT

As finally enacted, section 158b of Title 16 U. S. C., which was derived from Act May 15, 1947, ch. 55, § 2, 61 Stat. 92, was an additional source of this section, and such Act was accordingly included by Senate amendment in the schedule of repeals. No change in the text of the section was necessary as the result of inclusion of such section 158b. See Senate Report No. 1559.

As finally enacted, Act May 15, 1947, ch. 57, 61 Stat. 92, which amended section 403c-5 of Title 16 U. S. C., was an additional source of this section, and such Act was accordingly included by Senate amendment in the schedule of repeals. See Senate Report No. 1559.

#### § 633. Fees.

(a) United States commissioners in each judicial district, except national park commissioners, shall

receive the following fees only for all services rendered:

(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, \$5 per day.

(2) For taking and certifying depositions, 10 cents for each folio and for each copy thereof furnished on request, 10 cents per folio.

(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of \$7 for each of the first 25 cases, \$6 for each of the next 25 cases, \$5 for each of the next 50 cases and \$2 for each additional case, of the following kinds:—

Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section 3615 (e) of Title 26;

Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of Title 46;

Preliminary proceedings to hold an accused person to answer in district court disposed of by discharge or binding over, for all services rendered after presentation of the accused.

Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

(4) For each accused person presented before him for purposes of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, \$2.50.

(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, \$2.50 for each person accused.

(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, \$4.

(7) For each proceeding for the discharge of an indigent prisoner, \$4.

(8) For each defendant tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, \$10.

The additional compensation provided by section 934 of Title 5 shall apply to the fees prescribed herein.

(b) A United States commissioner shall not receive more than \$7,500 for any one calendar year for his services, exclusive of additions under section 934 of Title 5. (June 25, 1948, ch. 646, § 1, 62 Stat. 916, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 597, 597a, 597b, 597c (May 28, 1896, ch. 252, §§ 21, 24, 29 Stat. 184, 186; Aug. 1, 1946, ch. 721, §§ 1-4, 60 Stat. 752, 753).

The provision of section 597c of title 28, U. S. C., 1940 ed., excepting commissioners in the Territory of Alaska was omitted as unnecessary since this exception is implicit in the revised section. The words "in each judicial district" limit the section to the commissioners in the districts enumerated in chapter 5 which includes Hawaii, Puerto Rico, and District of Columbia but omits Alaska, Canal Zone, and Virgin Islands.

Salaries of park commissioners are provided by section 634 of this title.

Changes were made in phraseology.

#### CROSS REFERENCES

Alaska commissioners—

Accounts of fees and maximum compensation, see section 116 of Title 48, Territories and Insular Possessions.

Fees for acting as ex officio probate judges, see act Mar. 3, 1909, ch. 269, § 9, 35 Stat. 842.

Fees to be paid by Director of Administrative Office of United States Courts, see section 604 of this title.

Petty offense cases, fees of commissioners, see section 3401 of Title 18, Crimes and Criminal Procedure.

Virgin Islands, compensation of necessary court officers, see section 1405y of Title 48, Territories and Insular Possessions.

#### § 634. Salaries of Park Commissioners; disposition of fees.

Each national park commissioner shall receive an annual salary to be fixed by the district court with the approval of the Judicial Conference of the United States, and shall account for all fees, fines, and costs collected by him as public moneys. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on sections 29, 72, 74, 80h, 103, 104, 117h, 117j, 132, 132a, 133, 175, 176, 198h, 198j, 204h, 204j, 256f, 256h, 379, 380, 395h, 395j, 403c-9, 403c-11, 403h-7, 403h-9, 404c-7, 404c-9, 408o, and 408q of title 16, U. S. C., 1940 ed., Conservation (May 7, 1894, ch. 72, § 7, 28 Stat. 75; Apr. 17, 1900, ch. 192, § 1, 31 Stat. 133; Apr. 20, 1904, ch. 1400, §§ 9, 11, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Aug. 22, 1914, ch. 264, §§ 9, 11, 38 Stat. 701; June 30, 1916, ch. 197, §§ 9, 11, 39 Stat. 246; Aug. 21, 1916, ch. 368, §§ 9, 11, 39 Stat. 523, 524; June 2, 1920, ch. 218, §§ 11, 13, 41 Stat. 734; Mar. 4, 1923, ch. 295, 42 Stat. 1560; Apr. 25, 1928, ch. 434, §§ 9, 11, 45 Stat. 461; Apr. 26, 1928, ch. 438, §§ 9, 11, 45 Stat. 465; Mar. 2, 1929, ch. 583, §§ 9, 11, 45 Stat. 1539; Apr. 19, 1930, ch. 200, §§ 9, 11, 46 Stat. 229; June 25, 1935, ch. 309, §§ 2, 3, 49 Stat. 422; Aug. 19, 1937, ch. 703, §§ 9, 11, 50 Stat. 702, 703; June 25, 1938, ch. 684, § 2, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43; Mar. 6, 1942, ch. 150, §§ 7, 9, 56 Stat. 135; Mar. 6, 1942, ch. 151, §§ 7, 9, 56 Stat. 137; Apr. 29, 1942, ch. 264, §§ 7, 9, 56 Stat. 260, 261; June 5, 1942, ch. 341, §§ 7, 9, 56 Stat. 319; Apr. 23, 1946, ch. 202, § 4, 60 Stat. 120; June 24, 1946, ch. 463, § 5, 60 Stat. 303).

Section consolidates provisions of sections 29, 72, 74, 80h, 103, 104, 117h, 117j, 132, 132a, 133, 175, 176, 198h, 198j, 204h, 204j, 256f, 256h, 379, 380, 395h, 395j, 403c-9, 403c-11, 403h-7, 403h-9, 404c-7, 404c-9, 408o and 408q of title 16, Conservation, relating to salary and fees of park commissioners with changes in arrangement and phraseology necessary to effect consolidation.

The provisions of some of these sections that the park commissioner should be "paid an annual salary, as appropriated for by Congress, payable quarterly" were rewritten upon advice of the Judicial Conference Committee on the Revision of the Judicial Code appointed by the Chief Justice of the United States, in order to place administration supervision of commissioners upon the district court and the Judicial Conference of the United States.

The provisions of some of these sections for deposit of fees, costs, expenses, fines, and penalties with the clerk of district court were rewritten to provide merely that he shall account for the same as public moneys.

The provisions of some of these sections with reference to salaries of the United States attorney and his assistants and the United States marshal and his deputies were omitted as covered by sections 508 and 552 of this title.

#### SENATE REVISION AMENDMENT

As finally enacted, section 158d of title 16, U. S. C., which was derived from act May 15, 1947, ch. 55, § 4, 61 Stat. 91,

92, was an additional source of this section and was accordingly included by Senate amendment in the schedule of repeals. See Senate Report No. 1559.

#### CROSS REFERENCES

Payment of salaries by marshal, see section 550 of this title.

#### § 635. Park commissioners; residence.

Each national park commissioner shall reside within the exterior boundaries of the national park for which appointed or at some place reasonably adjacent thereto designated by the Secretary of the Interior with the approval of the court or courts by which he was appointed. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on sections 1a and 403c-9 of title 16, U. S. C., 1940 ed., Conservation (Aug. 19, 1937, ch. 703, § 8, 50 Stat. 702; June 28, 1938, ch. 778, § 1, 52 Stat. 1213).

Section consolidates section 1a with part of section 403c-9 of title 16, U. S. C., 1940 ed., relating to residence of a national park commissioner.

The provisions of section 1a and 403c-9 of title 16, U. S. C., 1940 ed., relating to designation by the Secretary of the Interior of some place of residence reasonably adjacent to the park was modified by making such designation subject to the approval of the appointing court.

#### § 636. Accounts.

The accounts of each United States commissioner shall be rendered quarterly, in duplicate, under regulations prescribed by the Director of the Administrative Office of the United States Courts, and transmitted to the clerk of the United States district court for the district in which the commissioner resides. The clerk shall file the duplicate in his office and transmit the original to the Director. The court shall not be required to approve such accounts.

Fees of a commissioner, for which the United States is liable, shall be paid only upon rendition of accounts within one year after performance of services, and approval of such accounts by the Director. Such payment shall be subject to settlement in the General Accounting Office and any adjustments necessitated thereby. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 598, 599, and 599a (R. S. § 236; Feb. 22, 1875, ch. 95, § 1, 18 Stat. 333; May 28, 1896, ch. 252, § 13, 29 Stat. 183; Feb. 26, 1919, ch. 49, § 9, 40 Stat. 1183; June 10, 1921, ch. 18, § 305, 42 Stat. 24; May 29, 1928, ch. 906, 45 Stat. 998; Mar. 1, 1933, ch. 144, title II, 47 Stat. 1383; July 10, 1946, ch. 549, 60 Stat. 526).

This section consolidates sections 598, 599, 599a of title 28, U. S. C., 1940 ed.

Changes were made in phraseology and arrangement.

#### CROSS REFERENCES

Alaska commissioners—

Accounts of fees and expenses, see section 116 of Title 48, Territories and Insular Possessions.

Fines and forfeitures, record and payment to clerk, see section 108 of Title 48, Territories and Insular Possessions.

#### § 637. Oaths, acknowledgments, affidavits and depositions.

United States commissioners may administer oaths and take bail, acknowledgment, affidavits and dep-

ositions. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 525, 758 (R. S. § 945; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167).

This section consolidates part of section 525 with section 758 of title 28, U. S. C., 1940 ed. The provision of said section 525 empowering clerks and deputy clerks to administer oaths is incorporated in section 953 of this title. The provision of said section 758 that acknowledgments of bail and affidavits should have the same effect as if taken before judges was omitted as surplusage.

The exception as to Alaska, provided in section 591 of title 28, U. S. C., 1940 ed., and referred to in section 525 of title 28, U. S. C., 1940 ed., was omitted as unnecessary since section 108 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions, and section 1119 of the Compiled Laws of Alaska, 1933, give commissioners all powers of notaries public. See also reviser's notes to sections 631 and 633 of this title.

Word "acknowledgments" was inserted to make it clear that commissioners, like justices of the peace, can take acknowledgments as well as oaths, affidavits, etc.

The authority to take depositions was included to conform to Federal Rules of Civil Procedure, Rule 28.

Changes were made in phraseology.

#### CROSS REFERENCES

Alaska commissioners, powers, see section 108 of Title 48, Territories and Insular Possessions.

#### § 638. Seals.

The Director of the Administrative Office of the United States Courts shall furnish each United States commissioner appointed after July 10, 1946, with an official impression seal in form prescribed by the Director. Each commissioner shall affix his seal to every jurat or certificate of his official acts without additional fee. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 528, 528a (June 28, 1906, ch. 3573, 34 Stat. 546; July 10, 1946, ch. 548, 60 Stat. 525).

Section consolidates section 528 and part of section 528a of title 28, U. S. C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 528a of title 28, U. S. C., 1940 ed., relating to dockets and forms, are incorporated in section 639 of this title.

Words "Director of the Administrative Office of the United States Courts" were substituted for "Attorney General", contained in section 528 of title 28, U. S. C., 1940 ed., in view of Act Aug. 7, 1939, ch. 501, § 6, 53 Stat. 1226, 28 U. S. C., 1940 ed., following § 446, giving the Directors supervision of court administrative matters.

Changes in phraseology were made.

#### § 639. Dockets and forms; United States Code.

The Director of the Administrative Office of the United States Courts shall furnish to United States commissioners adequate docket books and forms prescribed by the Director. The Director shall also furnish each commissioner with a copy of the United States Code, upon approval of the chief judge of the district court of his district.

All property furnished to a commissioner shall remain the property of the United States and upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders. (June 25, 1948, ch. 646, § 1, 62 Stat. 917, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., § 528a (July 10, 1946, ch. 548, 60 Stat. 525).

Provisions of section 528a of title 28, U. S. C., 1940 ed., for furnishing seal is included in section 638 of this title. Changes were made in phraseology.

#### CROSS REFERENCES

Alaska commissioners, duties and records, see section 108 of Title 48, Territories and Insular Possessions.

### Chapter 45.—SUPREME COURT

#### Sec.

- 671. Clerk.
- 672. Marshal.
- 673. Reporter.
- 674. Librarian.
- 675. Law clerks and secretaries.
- 676. Printing and binding.

#### CROSS REFERENCES

General provisions applicable to court officers and employees, see sections 951 et seq. of this title.

#### § 671. Clerk.

(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks. The clerk shall be subject to removal by the Court. Deputy clerks shall be subject to removal by the clerk with the approval of the Court or the Chief Justice of the United States.

(b) The clerk shall give bond to the United States in an amount fixed by the Court, and with sureties approved by the Court conditioned on the faithful and seasonable discharge of his duties. Such bond shall be filed in the Department of Justice. A renewed or augmented bond may be required at any time by the Court.

(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States. Compensation of the clerk, his deputies, assistants, and messengers, and the necessary expenses of his office shall be disbursed by the clerk from the fees collected by him, upon allowance and approval by the Chief Justice of the United States.

(d) The clerk shall pay into the Treasury all fees, costs and other emoluments of his office over and above his lawful disbursements. He shall make annual returns thereof to the Court under regulations prescribed by it. (June 25, 1948, ch. 646, § 1, 62 Stat. 918, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 28, U. S. C., 1940 ed., §§ 325, 326, 327, 541 and 542 (Feb. 22, 1875, ch. 95, §§ 2, 3, 18 Stat. 333; Mar. 3, 1883, ch. 143, 22 Stat. 631; Mar. 15, 1898, ch. 68, § 8, 30 Stat. 317; Mar. 3, 1911, ch. 231, §§ 219, 220, 221, 291, 36 Stat. 1152, 1153, 1167; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

This section consolidates sections 541 and 542 of title 28, U. S. C., 1940 ed., with parts of sections 325, 326 and 327 of such title.

The provisions in said section 325 relating to appointment of a marshal and reporter are incorporated in sections 672 and 673 of this title.

The provisions in section 327 of title 28, U. S. C., 1940 ed., relating to duties and liabilities of the clerk's deputies are incorporated in section 954 of this title.

The provision of section 326 of title 28, U. S. C., 1940 ed., that a duly certified copy of the clerk's bond should be competent evidence in any court, is incorporated in section 1737 of this title.