

TEMPORARY JUDGE, VIRGIN ISLANDS

APRIL 24, 1939.—Ordered to be printed

Mr. AUSTIN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 190]

The Committee on the Judiciary, to whom was referred the bill (S. 190) to authorize the temporary appointment of a special judge for the District Court of the Virgin Islands, after consideration and amendment, report the same favorably to the Senate with the recommendation that, as amended, it do pass.

The amendments of the committee merely clarify and limit an appointment under the bill to a purely temporary status; that is, the object being to allow judicial business to be transacted during an absence or illness of the regular judge, the amendments strictly bind the tenure of the special judge to that period only.

Appended hereto and made a part hereof is the letter of the Attorney General showing the need for the legislation.

DECEMBER 30, 1938.

HON. HENRY F. ASHURST,
Chairman, Committee on the Judiciary,
United States Senate.

MY DEAR SENATOR: I recommend the enactment of legislation to authorize the appointment of a special judge to preside over the District Court of the Virgin Islands during the absence, disability, or disqualification of the judge of that court.

The existing law authorizes the President to make a temporary appointment of special judges to serve in the event of the disqualification, illness, or absence of the regularly appointed judges of the District Court of the United States for Puerto Rico (U. S. C., title 48, sec. 863), of the United States District Court for the District of the Canal Zone (Canal Zone Code, title 7, sec. 29), and of the United States Court for China (U. S. C., title 22, sec. 197b). The Territories of Alaska and Hawaii each has more than one judge. This fact renders unnecessary any authority for the appointment of a special judge in those Territories in the above-mentioned contingencies. It appears desirable that provision be made

for the appointment of a special judge to serve when needed in the District Court of the Virgin Islands. Otherwise, whenever the judge is absent from the islands, or happens to be ill, or is disqualified in a specific case, there is no one who can perform his duties.

I enclose herewith a bill to effectuate the foregoing recommendation.

Sincerely yours,

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Attorney General.

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