

★ 46. (Judicial Code, section 208.) Suits to enjoin orders of Interstate Commerce Commission to be against United States.—

The clause following the semicolon in the second sentence of this section which would give a one-judge district court the right to suspend or restrain the Commission's orders is inconsistent with the provisions of § 47 of this title requiring a three-judge court for that purpose.

★ 47. Injunctions as to orders of Interstate Commerce Commission; appeal to Supreme Court; time for taking.—

“Provided, That” should be read into line 19 of this section between “suit” and “in” so that that part of the line will read “suit: *Provided, That* in cases”, etc.

The section heading should be changed to read as above.

★ 47a. (Judicial Code, section 210.) Appeal to Supreme Court from final decree; time for taking; priority.—A final judgment or decree of the district court in the cases specified in section 44 of this title may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within sixty days after the entry of such final judgment or decree, and such appeals may be taken in like manner as appeals are taken under existing law in equity cases. And in such cases the notice required shall be served upon the defendants in the case and upon the attorney general of the State. The district court may direct the original record instead of a transcript thereof to be transmitted on appeal. The Supreme Court may affirm, reverse, or modify as the case may require the final judgment or decree of the district court in the cases specified in section 44 of this title. Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the district court appealed from, unless the Supreme Court or a justice thereof shall so direct, and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require. Appeals to the Supreme Court under this section and section 47 of this title shall have priority in hearing and determination over all other causes except criminal causes in that court. (Mar. 3, 1911, c. 231, § 210, 36 Stat. 1150; Oct. 22, 1913, c. 32, 38 Stat. 220.)

This section was omitted from the Code. It sets forth existing law.

★ 48. (Judicial Code, section 211.) Suits to be against United States; intervention by United States.—

“brought under subdivisions 27 and 28 of section 41 of this title, and sections 20 and 43 of Title 49” should read “specified in section 44 of this title.”

Chapter 3.—DISTRICT COURTS; REMOVAL OF CAUSES.

★ Section 71. (Judicial Code, section 28, amended.) Removal of suits from State courts.—

“by Part I of this title” should be inserted after “jurisdiction” in line 6 of this section.

“by Part I of this title” should be inserted after “are given jurisdiction” in line 10 of this section.

“plaintiff” in line 39 of this section should be changed to “defendant.” The present language was carried into the Judiciary Act of 1871, the source of this section, from the Acts of Mar. 3, 1887, c. 373, § 1, 24 Stat. 552, and Aug. 13, 1888, c. 866, § 1, 25 Stat. 435, but as no right of removal by the plaintiff has existed since the Act of 1887-88 Federal judges have considered the use of the word “plaintiff” a misnomer and have treated the provision as though the word “defendant” had been used.

76. (Judicial Code, section 33, amended.) Same; suits and prosecutions against revenue officers.—

Removal of civil suits affecting persons in the military service, see section 1589 of Title 10.

Chapter 4.—DISTRICT COURTS; MISCELLANEOUS PROVISIONS.

Section 113. (Judicial Code, section 52.) Suits in States containing more than one district.—

See § 72a of Title 35 and note thereto.

120. Change of venue from one division to another in Indiana.—[Repealed.]

This section was repealed by Act Apr. 21, 1928, c. 393, 45 Stat. 439.

See § 153 of this title for specific legislation affecting venue in Indiana.

Chapter 5.—DISTRICT COURTS; DISTRICTS AND PROVISIONS APPLICABLE TO PARTICULAR STATES.

Section 144. (Judicial Code, section 71, amended.) Arkansas.—(a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Fulton, Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Randolph, and Lawrence; and the western division, which shall include the territory embraced on such date in the counties of Arkansas, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena.