

tinguished from actions removed thereto, are incorporated in section 1359 of this title. Other provisions of said section 80 appear in section 1919 of this title.

AMENDMENTS

1949—Subsec. (c) amended by act May 24, 1949, § 84 (a), which struck out former subsecs. (c) and (d), renumbered former subsec. (e) to be subsec. (c) and added at end of first sentence of new subsec. (c) "and may order the payment of just costs".

Subsec. (d) added by act May 24, 1949, § 84 (b).

EXCEPTION TO SUBSECTION (d)

Section 3 (c) of act Aug. 4, 1947, ch. 458, 61 Stat. 732, provides in part that the United States shall have the right to appeal from any order of remand entered in any case removed to a United States district court pursuant to the provisions of act Apr. 12, 1926, ch. 115, 44 Stat. 239. These acts referred to herein relate to restrictions on land of the Five Civilized Tribes of Oklahoma and are set out as notes under section 355 of Title 25, Indians.

CROSS REFERENCES

Amendment of pleadings to show jurisdiction, see section 1653 of this title.

Parties collusively joined or made, see section 1359 of this title.

Stay of State court proceedings, see section 2283 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules, see rule 81, following section 2072 of this title.

§ 1448. Process after removal.

In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process or in which the service has not been perfected prior to removal, or in which process served proves to be defective, such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.

This section shall not deprive any defendant upon whom process is served after removal of his right to move to remand the case. (June 25, 1948, ch. 646, § 1, 62 Stat. 940.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 83 (Apr. 16, 1920, ch. 146, 41 Stat. 554).

Words "district court of the United States" were substituted for "United States Court," because only the district courts now possess jurisdiction over removed civil and criminal cases.

Changes were made in phraseology.

CROSS REFERENCES

Power of district court to bring before it proper parties, whether or not served with State court process, see section 1447 (a) of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules, see rule 81, following section 2072 of this title.

§ 1449. State court record supplied.

Where a party is entitled to copies of the records and proceedings in any suit or prosecution in a State court, to be used in any district court of the United States, and the clerk of such State court, upon demand, and the payment or tender of the legal fees, fails to deliver certified copies, the district court may, on affidavit reciting such facts, direct such record to be supplied by affidavit or otherwise. Thereupon such proceedings, trial, and judgment may be had in such district court, and all such

process awarded, as if certified copies had been filed in the district court. (June 25, 1948, ch. 646, § 1, 62 Stat. 940; May 24, 1949, ch. 139, § 85, 63 Stat. 102.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 78 (Mar. 3, 1911, ch. 231, § 35, 36 Stat. 1098).

Changes were made in phraseology.

PRIOR LAW

Section 82 of Title 28, U. S. C., 1940 ed., Mar. 3, 1911, ch. 231, § 39, 36 Stat. 1099, derived from Mar. 3, 1875, ch. 137, § 7, 18 Stat. 472, was repealed and omitted as unnecessary in view of this section. That section provided a penalty when the State court clerk refused to give a copy of the record, and authorized the district court to issue a writ of certiorari to the State court commanding a return of the record. It also provided for pleading de novo in the district court when copies of the State record could not be obtained.

AMENDMENTS

1949—Act May 24, 1949, amended section by substituting "and the clerk of such State court, upon" in lieu of "any attachment or sequestration of the".

CROSS REFERENCES

Writs of certiorari to State courts, see section 1447 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Continuation of former sections 78 and 82, see note by Advisory Committee under rule 81, following section 2072 of this title.

§ 1450. Attachment or sequestration; securities.

Whenever any action is removed from a State court to a district court of the United States, any attachment or sequestration of the goods or estate of the defendant in such action in the State court shall hold the goods or estate to answer the final judgment or decree in the same manner as they would have been held to answer final judgment or decree had it been rendered by the State court.

All bonds, undertakings, or security given by either party in such action prior to its removal shall remain valid and effectual notwithstanding such removal.

All injunctions, orders, and other proceedings had in such action prior to its removal shall remain in full force and effect until dissolved or modified by the district court. (June 25, 1948, ch. 646, § 1, 62 Stat. 940.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 79 (Mar. 3, 1911, ch. 231, § 36, 36 Stat. 1098).

Changes were made in phraseology.

FEDERAL RULES OF CIVIL PROCEDURE

Attachment or sequestration in federal court after removal, see rule 64, following section 2072 of this title.

Continuation of section, see note by Advisory Committee under rule 81.

Jury trial in removal actions, see rule 81 (c).

Chapter 91.—COURT OF CLAIMS

Sec.

- 1491. Claims against United States generally.
- 1492. Congressional reference cases.
- 1493. Departmental reference cases.
- 1494. Accounts of officers, agents or contractors.
- 1495. Damages for unjust conviction and imprisonment; claim against United States.
- 1496. Disbursing officers' claims.
- 1497. Oyster growers' damages from dredging operations.
- 1498. Patent cases.
- 1499. Penalties imposed against contractors under eight hour law.

Sec.

- 1500. Pendency of claims in other courts.
- 1501. Pensions.
- 1502. Treaty cases.
- 1503. Set-offs.
- 1504. Tort claims.
- 1505. Indian claims.

AMENDMENTS

1949—Act May 24, 1949, ch. 139, § 86, 63 Stat. 102, amended analysis by inserting new item "1505. Indian claims."

CROSS REFERENCES

District courts, concurrent jurisdiction of actions or claims not exceeding \$10,000, see section 1346 of this title.

Methods of review of cases by Supreme Court, see section 1255 of this title.

Organization of Court of Claims, see section 171 et seq. of this title.

Procedure in Court of Claims, see sections 2501 et seq. of this title.

§ 1491. Claims against United States generally.

The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

- (1) Founded upon the Constitution; or
- (2) Founded upon any Act of Congress; or
- (3) Founded upon any regulation of an executive department; or
- (4) Founded upon any express or implied contract with the United States; or
- (5) For liquidated or unliquidated damages in cases not sounding in tort. (June 25, 1948, ch. 646, § 1, 62 Stat. 940.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 250 (1) (Mar. 3, 1911, ch. 231, § 145, 36 Stat. 1136).

District courts are given concurrent jurisdiction of certain claims against the United States under section 1346 of this title. (See also reviser's note under that section and section 1621 of this title relating to jurisdiction of the Tax Court.)

The proviso in section 250 (1) of title 28, U. S. C., 1940 ed., relating to claims growing out of the Civil War, commonly known as "war claims," and other claims which had been reported adversely before March 3, 1887 by any court, department, or commission authorized to determine them, were omitted as obsolete.

The exception in section 250 (1) of title 28, U. S. C., 1940 ed., as to pension claims appears in section 1501 of this title.

Words "in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty, if the United States were suable" were omitted as unnecessary since the Court of Claims manifestly, under this section will determine whether a petition against the United States states a cause of action. In any event, the Court of Claims has no admiralty jurisdiction, but the Suits in Admiralty Act, sections 741—752 of title 46, U. S. C., 1940 ed., Shipping, vests exclusive jurisdiction over suits in admiralty against the United States in the district courts. *Sanday & Co. v. U. S.*, 1932, 76 Ct. Cl. 370.

For additional provisions respecting jurisdiction of the court of claims in war contract settlement cases see section 114b of Title 41, U. S. C., 1940 ed., Public Contracts.

Changes were made in phraseology.

CROSS REFERENCES

Action to recover compensation for property requisitioned under the Defense Production Act of 1950, see section 2081 of Appendix to Title 50, War and National Defense.

Admiralty suits against United States, jurisdiction of district courts, see sections 741 et seq. and 781 et seq. of Title 46, Shipping.

Air mail contracts, claims for cancellation, see section 469f of Title 39, The Postal Service.

Costs, where United States is party, see section 2412 of this title.

District courts, concurrent jurisdiction of actions or claims not exceeding \$10,000, see section 1346 of this title. Limitation of actions, see section 2501 of this title.

Procedure in Court of Claims, see section 2501 et seq. of this title and Rules of the Court of Claims.

Railroads, government-aided, action to recover freight withheld, see section 87 of Title 45, Railroads.

Tax Court jurisdiction, see sections 1101 et seq. of Title 26, Internal Revenue Code.

Tort claims against United States, appellate jurisdiction of Court of Claims, see section 1504 of this title.

War contracts, jurisdiction and procedure to enforce termination claim, see sections 113, 114 of Title 41, Public Contracts.

§ 1492. Congressional reference cases.

The Court of Claims shall have jurisdiction to report to either House of Congress on any bill referred to the court by such House, except a bill for a pension, and to render judgment if the claim against the United States represented by the referred bill is one over which the court has jurisdiction under other Acts of Congress. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 257 (Mar. 3, 1911, ch. 231, § 151, 36 Stat. 1138).

This section contains only the jurisdictional provision of section 257 of title 28, U. S. C., 1940 ed. The procedural provisions are incorporated in section 2509 of this title.

Changes were made in phraseology.

CROSS REFERENCES

Procedure in congressional reference cases, see section 2509 of this title.

Time limit for reference of claim by Congress, see section 2501 of this title.

§ 1493. Departmental reference cases.

The Court of Claims shall have jurisdiction to report to the head of any executive department on any claim or matter involving controverted questions of law or fact and referred by him to such court, and to render judgment if the claim or matter referred is one over which the court has jurisdiction under other Acts of Congress. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 254 (Mar. 3, 1911, ch. 231, § 148, 36 Stat. 1137; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

This section contains only the jurisdictional provisions of section 254 of title 28, U. S. C., 1940 ed. The procedural provisions are incorporated in section 2510 of this title.

Words "If it shall have been transmitted with the consent of the claimant, or" were omitted, so as to make this section consistent with section 1492 of this title, relating to Congressional reference cases. The word "or" in such omitted phrase has been interpreted as meaning "and". *Matter of Wright*, 1914, 50 Ct. Cl. 19. Under this interpretation, the Court of Claims could not determine a referred claim or matter unless (1) claimant consented to the reference and (2) the claim or matter referred was within its jurisdiction under other enactments of Congress. There seems to be no reason why the additional consent requirement should be made as to de-

partmental reference cases but not as to Congressional reference cases, where other enactments of Congress apply to the claim or matter.

Changes were made in phraseology.

CROSS REFERENCES

Calls on departments for information, see section 2507 of this title.

Procedure in departmental reference cases, see section 2510 of this title.

Time limit for reference of claim by head of an executive department, see section 2501 of this title.

§ 1494. Accounts of officers, agents or contractors.

The Court of Claims shall have jurisdiction to determine the amount, if any, due the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, where:

- (1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;
- (2) three years have elapsed from the date of such application without settlement; and
- (3) no suit upon the same has been brought by the United States. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 287 (Mar. 3, 1911, ch. 231, § 180, 36 Stat. 1141; Feb. 13, 1925, ch. 229, § 3, 43 Stat. 939).

Only the jurisdictional provisions of section 287 of title 28, U. S. C., 1940 ed., are contained in this section. The procedural provisions are incorporated in section 2511 of this title.

Changes were made in phraseology.

CROSS REFERENCES

Procedure on accounts of officers, agents, or contractors, see section 2511 of this title.

§ 1495. Damages for unjust conviction and imprisonment; claim against United States.

The Court of Claims shall have jurisdiction to render judgment upon any claim for damages by any person unjustly convicted of an offense against the United States and imprisoned. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 729 of title 18, U. S. C., 1940 ed., Crimes and Criminal Procedure (May 24, 1938, ch. 266, §§ 1—4, 52 Stat. 438).

Only the jurisdictional provision of section 729 of title 18, U. S. C., 1940 ed., appears in this section. The remainder is incorporated in section 2513 of this title.

Changes were made in phraseology.

CROSS REFERENCES

Procedure on claims for damages for unjust conviction and imprisonment, see section 2513 of this title.

§ 1496. Disbursing officers' claims.

The Court of Claims shall have jurisdiction to render judgment upon any claim by a disbursing officer of the United States or by his administrator or executor for relief from responsibility for loss, in line of duty, of Government funds, vouchers, records or other papers in his charge. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 250 (3) (Mar. 3, 1911, ch. 231, § 145, 36 Stat. 1136; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

Words "paymaster, quartermaster, commissary of subsistence, or other," preceding "disbursing officer of the United States," were omitted. See *Henderson v. United States*, 1907, 42 Ct. Cl. 449 and *Hobbs v. United States*, 1881, 17 Ct. Cl. 189, holding that the term "other disbursing officer" extends to any disbursing officer of the executive departments of the Government.

Words "by capture or otherwise" were omitted as surplusage.

Words "and for which such officer was and is held responsible," at the end of section 250 (3) of title 28, U. S. C., 1940 ed., were omitted as surplusage.

Changes were made in phraseology.

CROSS REFERENCES

Allowance of credit in settlement of disbursing officers' accounts, see section 2512 of this title.

§ 1497. Oyster growers, damages from dredging operations.

The Court of Claims shall have jurisdiction to render judgment upon any claim for damages to oyster growers on private or leased lands or bottoms arising from dredging operations or use of other machinery and equipment in making river and harbor improvements authorized by Act of Congress. (June 25, 1948, ch. 646, § 1, 62 Stat. 941.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 250a (Aug. 30, 1935, ch. 831, § 13, 49 Stat. 1049; July 13, 1943, ch. 231, 57 Stat. 553).

The proviso at the end of section 250a of title 28, U. S. C., 1940 ed., is incorporated in section 2501 of this title.

Words "river and harbor improvements" were substituted for "such improvements", in view of *Dixon v. U. S.*, 103 Ct. Cl. 160 holding that words "such improvements" were not limited to the specific improvements listed in the 1935 Act, but applied to any river and harbor improvements.

Changes were made in phraseology.

CROSS REFERENCES

Time for filing petition by oyster growers, see section 2501 of this title.

§ 1498. Patent cases.

Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

For the purposes of this section, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

The court shall not award compensation under this section if the claim is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to July 1, 1918.

A Government employee shall have the right to bring suit against the Government under this sec-

tion except where he was in a position to order, influence, or induce use of the invention by the Government. This section shall not confer a right of action on any patentee or any assignee of such patentee with respect to any invention discovered or invented by a person while in the employment or service of the United States, where the invention was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Government time, materials or facilities were used. (June 25, 1948, ch. 646, § 1, 62 Stat. 941; May 24, 1949, ch. 139, § 87, 63 Stat. 102; Oct. 31, 1951, ch. 655, § 50 (c), 65 Stat. 727; July 17, 1952, ch. 930, 66 Stat. 757.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 68 of title 35, U. S. C., 1940 ed., Patents (June 25, 1910, ch. 423, 36 Stat. 851; July 1, 1918, ch. 114, 40 Stat. 705).

Provisions contained in the second proviso of section 68 of title 35, U. S. C., 1940 ed., relating to right of the United States to any general or special defense available to defendants in patent infringement suits were omitted as unnecessary. In the absence of statutory restriction, any defense available to a private party is equally available to the United States.

Changes in phraseology were made.

AMENDMENTS

1952—Act July 17, 1952, amended section to allow Government employees to maintain patent suits against the United States in certain instances.

1951—Act Oct. 31, 1951, amended section by inserting what is now the second paragraph.

1949—Act May 29, 1949, amended first par. of section to make it conform to the original law.

CROSS REFERENCES

Actions for unauthorized use of patents or disclosure of information in connection with Mutual Security Act of 1951, applicability of last sentence of this section, see section 1668 (d) of Title 22, Foreign Relations and Intercourse.

Government interests in patents, see sections 266 and 267 of Title 35, Patents.

Use of patents by Tennessee Valley Authority, see section 831r of Title 16, Conservation.

Use or manufacture of invention with Government consent, see section 94 of Title 35, Patents.

§ 1499. Penalties imposed against contractors under eight hour law.

The Court of Claims shall have jurisdiction to render judgment upon any claim for a penalty withheld from a contractor or subcontractor under section 324 of Title 40. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 324 of title 40, U. S. C., 1940 ed., Public Buildings, Property and Works (June 19, 1912, ch. 174, § 1, 37 Stat. 137).

This section contains only the jurisdictional provision in the last clause of section 324 of title 40, U. S. C., 1940 ed. Changes in phraseology were made.

CROSS REFERENCES

Time for filing claim, see section 324 of Title 40, Public Buildings, Property, and Works.

§ 1500. Pendency of claims in other courts.

The Court of Claims shall not have jurisdiction of any claim for or in respect to which the plaintiff or his assignee has pending in any other court any

suit or process against the United States or any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, directly or indirectly under the authority of the United States. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 260 (Mar. 3, 1911, ch. 231, § 154, 36 Stat. 1138).

Words "or in the Supreme Court on appeal therefrom" were omitted as unnecessary.

Changes were made in phraseology.

§ 1501. Pensions.

The Court of Claims shall not have jurisdiction of any claim for a pension. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 250 (1) (Mar. 3, 1911, ch. 231, § 145, 36 Stat. 1136).

Section constitutes the exception in section 250 (1) of title 28, U. S. C., 1940 ed.

Changes were made in phraseology.

§ 1502. Treaty cases.

Except as otherwise provided by Act of Congress, the Court of Claims shall not have jurisdiction of any claim against the United States growing out of or dependent upon any treaty entered into with foreign nations. (June 25, 1948, ch. 646, § 1, 62 Stat. 942; May 24, 1949, ch. 139, § 88, 63 Stat. 102.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 259 (Mar. 3, 1911, ch. 231, § 153, 36 Stat. 1138).

Phrase "Except as otherwise provided by enactment of Congress" was inserted to cover cases where special Acts confer jurisdiction. (See *Sioux Tribe of Indians v. United States*, 1943, 97 Ct. Cl. 613, certiorari denied 63 S. Ct. 992, 318 U. S. 789, 87 L. Ed. 1155, and *In re United States*, 1873, 17 Wall. 439, 443, 21 L. Ed. 696.)

Words "not pending therein on December 1, 1862," were omitted as obsolete.

Changes in phraseology were made.

AMENDMENTS

1949—Act May 24, 1949, amended section by striking out "or with Indian tribes" following "foreign nations".

CROSS REFERENCES

Jurisdiction of—

Court over Indian claims after Aug. 13, 1946, see section 1505 of this title.

Indian Claims Commission over claims accruing prior to Aug. 13, 1946, see sections 70a and 70k of Title 25, Indians.

Review of determinations of Indian Claims Commission on Indian claims accruing before Aug. 13, 1946, see section 70s of Title 25, Indians.

§ 1503. Set-offs.

The Court of Claims shall have jurisdiction to render judgment upon any set-off or demand by the United States against any plaintiff in such court. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 250 (2) (Mar. 3, 1911, ch. 231, § 145, 36 Stat. 1136).

The second subsection of section 250 of title 28, U. S. C., 1940 ed., is incorporated in this section. The proviso, relating to suits for fees due officers of the United States, has been incorporated in section 2501 of this title.

Changes were made in phraseology.

§ 1504. Tort claims.

The Court of Claims shall have jurisdiction to review by appeal final judgments in the district courts in civil actions based on tort claims brought under section 1346 (b) of this title if the notice of appeal filed in the district court has affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 933 (a) (2) (Aug. 2, 1946, ch. 753, § 412 (a) (2), 60 Stat. 844).

Last sentence of section 933 (a) (2) of title 28, U. S. C., 1940 ed., was omitted. It provided that in tort claims appeals to the Court of Claims, such court should have the same powers and duties as those of a court of appeals. Such powers and duties are inherent in the provisions of this section conferring appellate jurisdiction.

Subsection (b) of section 933 of title 28, U. S. C., 1940 ed., providing that the provisions of law governing review by the Supreme Court of cases in the courts of appeals and the Court of Claims shall apply to review of tort claims cases, was omitted as covered by sections 1254 and 1255 of this revised title.

For remainder of section 933 (a) (2) of title 28, U. S. C., 1940 ed., see Distribution Table.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

The provisions of Title 28, U. S. C., § 933 (a) (2), which related to application of the Federal Rules of Civil Procedure, were originally set out in section 2676 of this revised title, but such section 2676 was eliminated by Senate amendment. See 80th Congress Senate Report No. 1559, amendment No. 61.

CROSS REFERENCES

Courts of appeals, jurisdiction to review final decisions of district courts, see section 1291 of this title.

Time for appeal to Court of Claims in tort claims cases, see section 2110 of this title.

§ 1505. Indian claims.

The Court of Claims shall have jurisdiction of any claim against the United States accruing after August 13, 1946, in favor of any tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska whenever such claim is one arising under the Constitution, laws or treaties of the United States, or Executive orders of the President, or is one which otherwise would be cognizable in the Court of Claims if the claimant were not an Indian tribe, band or group. (Added May 24, 1949, ch. 139, § 89 (a), 63 Stat. 102.)

CROSS REFERENCES

Jurisdiction of Indian Claims Commission over claims accruing prior to Aug. 13, 1946, see sections 70a and 70k of Title 25, Indians.

Chapter 93.—COURT OF CUSTOMS AND PATENT APPEALS**Sec.**

1541. Customs Court decisions.

1542. Patent Office decisions.

1543. Tariff Commission decisions.

CROSS REFERENCES

Procedure in Court of Customs and Patent Appeals, see sections 2601 et seq. of this title.

§ 1541. Customs Court decisions.

The Court of Customs and Patent Appeals shall have jurisdiction to review by appeal final decisions

of the Customs Court in all cases as to the construction of the law and the facts respecting the classification of merchandise, the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of the Customs Court and as to the laws and regulations governing the collection of the customs revenues. (June 25, 1948, ch. 646, § 1, 62 Stat. 942.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 308 (Mar. 3, 1911, ch. 231, § 195, 36 Stat. 1145; Aug. 22, 1914, ch. 267, 38 Stat. 703; Sept. 6, 1916, ch. 448, § 6, 39 Stat. 727; Feb. 13, 1925, ch. 229, § 8, 43 Stat. 940; May 28, 1926, ch. 411, § 1, 44 Stat. 669; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; June 17, 1930, ch. 497, § 647, 46 Stat. 762).

Provisions of title 28, U. S. C., 1940 ed., § 308 relating to review by the Supreme Court of decisions of the Court of Customs and Patent Appeals are the basis of section 1256 of this title.

Provision in section 308 of title 28, U. S. C., 1940 ed., that judgments and decrees of the Court of Customs and Patent Appeals shall be final in the cases therein enumerated, was omitted as covered by section 2601 of this title.

Procedural provisions governing review of decisions of the Customs Court by the Court of Customs and Patent Appeals are incorporated in section 2601 of this title.

For appeals from the determination of the appraiser under the Anti-Dumping Law (sections 160—171 of title 19 U. S. C., 1940 ed.), see section 169 of such title 19 providing that the Court of Customs and Patent Appeals shall have the same jurisdiction as in appeals and protests relating to customs duties under existing law.

Words "exclusive appellate" preceding "jurisdiction" were omitted as inaccurate in view of section 1252 of this title providing for direct review of certain decisions of the Customs Court by the Supreme Court.

Changes were made in phraseology.

PRIOR HISTORY OF COURT

From 1890 to 1909, the United States circuit courts had jurisdiction over appeals from the former Board of General Appraisers under section 15 of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 138.

Exclusive jurisdiction over all appeals from final decisions of the former Board of General Appraisers was conferred upon the Court of Customs Appeals established by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 36, § 29, 36 Stat. 105.

By the terms of that act, no other court had jurisdiction of appeals from final decisions of the Board of General Appraisers but the then established Court of Customs Appeals, and all pending cases in any circuit court of appeals, circuit, district, or territorial court within the jurisdiction of such court were to be transferred to it for decision.

On April 2, 1929, the name of such court was changed to the Court of Customs and Patent Appeals and additional jurisdiction over decisions of the tribunals of the Patent Office was conferred by the terms. Act Mar. 2, 1929, ch. 488, §§ 1—4, 44 Stat. 1475.

CROSS REFERENCES

Appeals from determination of appraiser under Anti-Dumping Law, see section 169 of Title 19, Customs Duties.

Direct appeals to Supreme Court from decisions invalidating Acts of Congress, see section 1252 of this title.

Finality of decisions of Court of Customs and Patent Appeals, and procedure on appeal, see section 2601 of this title.

Jurisdiction of Customs Court, see sections 1582 and 1583 of this title.

Precedence of classification cases in Court of Customs and Patent Appeals, see section 2602 of this title.

Procedure on appeal to Court of Customs and Patent Appeals, see section 2601 of this title.