

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. 446, § 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, title IV, § 647, 46 Stat. 762).

Provisions of section 308 of title 28, U. S. C., 1940 ed., relating to jurisdiction of the Court of Customs and Patent Appeals are the basis of section 1541 of this title.

Words "duly made as required by section 350 of this title," were omitted as surplusage.

Provision for review and determination "with the same power and authority in the case as if it had been carried by appeal to the Supreme Court" was omitted as unnecessary. Review under this section is unrestricted.

Changes were made in phraseology.

CROSS REFERENCES

Time for certiorari, see section 2101 of this title.
Writs, see section 1651 of this title.

RULES OF THE SUPREME COURT

Considerations governing review on certiorari of judgments of Court of Customs and Patent Appeals, see rule 19, Appendix to this title.

§ 1257. State courts; appeal; certiorari.

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

(June 25, 1948, ch. 646, 62 Stat. 929.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 344 (Mar. 3, 1911, ch. 231, §§ 236, 237, 36 Stat. 1156; Dec. 23, 1914, ch. 2, 88 Stat. 790; Sept. 6, 1916, ch. 448, § 2, 39 Stat. 726; Feb. 17, 1922, ch. 54, 42 Stat. 366; Feb. 13, 1925, ch. 229, § 1, 43 Stat. 937; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54).

Provisions of section 344 of title 28, U. S. C., 1940 ed., relating to procedure for review of decisions of State courts are incorporated in section 2103 of this title. Other provisions of such section 344 of title 28, U. S. C., 1940 ed., are incorporated in section 2106 of this title.

The revised section applies in both civil and criminal cases. In *Twitchell v. Philadelphia*, 1868, 7 Wall. 321, 19 L. Ed. 223, it was expressly held that the provisions of section 25 of the Judiciary Act of 1789, 1 Stat. 85, on which title 28, U. S. C., 1940 ed., § 344, is based, applied to criminal cases, and many other Supreme Court decisions impliedly involve the same holding inasmuch as the Court has taken jurisdiction of criminal cases on appeal from State courts. See, for example, *Herndon v. Georgia*, 1935, 55 S. Ct. 794, 295 U. S. 441, 79 L. Ed. 1530 and *Ashcraft v. Tennessee*, 1944, 64 S. Ct. 921, 322 U. S. 143, 86 L. Ed. 1192.

Provision, in section 344 (b) of title 28, U. S. C., 1940 ed., for review and determination on certiorari "with the

same power and authority and with like effect as if brought up by appeal" was omitted as unnecessary. The scope of review under this section is unrestricted.

Words "and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied," in said section 344 (b), were omitted as surplusage.

The last sentence in said section 344 (b) relating to the right to relief under both subsections of said section 344, was omitted as unnecessary.

Changes were made in phraseology.

CROSS REFERENCES

Appeals from State courts—

Improvidently taken regarded as writs of certiorari, see section 2103 of this title.

Priority of criminal cases, see section 2102 of this title.

Procedure and effect, see section 2104 of this title.

Determination on review, see section 2106 of this title.

Quorum of Supreme Court justices absent, disposition of case, see section 2109 of this title.

Time for appeal or certiorari, see section 2101 of this title.

Writs, see section 1651 of this title.

RULES OF THE SUPREME COURT

Jurisdiction on appeal, see rules 10-18, Appendix to this title.

Jurisdiction on writ of certiorari, see rules 19-27.

Jurisdictional statement, see rule 15.

Order granting or denying certiorari, see rule 25.

Chapter 83.—COURTS OF APPEALS

Sec.

1291. Final decisions of district courts.

1292. Interlocutory decisions.

1293. Final decisions of Puerto Rico and Hawaii Supreme Courts.

1294. Circuits in which decisions reviewable.

CROSS REFERENCES

Jurisdiction of courts and appeals in particular matters, see reviser's note for section 1291 of this title.

Procedure and particular proceedings, generally, see parts V and VI of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Appeal to a court of appeals, see rule 73, Appendix to this title.

Joint or several appeals to a court of appeals; summons and severance abolished, see rule 74.

Record on appeal to a court of appeals, see rule 75.

Agreed statement, see rule 76.

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

Bail upon review, see rule 46.

Stay of execution and relief pending review, see rule 38.

Supervision of appeal, see rule 39.

Taking appeal; and petition for writ of certiorari, see rule 37.

§ 1291. Final decisions of district courts.

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. (June 25, 1948, ch. 646, 62 Stat. 929; Oct. 31, 1951, ch. 655, § 48, 65 Stat. 726; July 7, 1958, Pub. L. 85-508, § 12 (e), 72 Stat. 348.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., §§ 225 (a), 933 (a) (1), and section 1356 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions, and sections 61 and 62 of title 7 of the Canal Zone Code (Mar. 3, 1911, ch. 231, § 128, 36 Stat. 1133; Aug. 24, 1912, ch. 390,

§ 9, 37 Stat. 566; Jan. 28, 1915, ch. 22, § 2, 38 Stat. 804; Feb. 7, 1925, ch. 150, 43 Stat. 813; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006; Feb. 13, 1925, ch. 229, § 1, 43 Stat. 936; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 156; Feb. 16, 1933, ch. 91, § 3, 47 Stat. 817; May 31, 1935, ch. 160, 49 Stat. 313; June 20, 1938, ch. 526, 52 Stat. 779; Aug. 2, 1946, ch. 753, § 412 (a) (1), 60 Stat. 844).

This section rephrases and simplifies paragraphs "First", "Second", and "Third" of section 225 (a) of title 28, U. S. C., 1940 ed., which referred to each Territory and Possession separately, and to sections 61 and 62 of the Canal Zone Code, section 933 (a) (1) of said title relating to jurisdiction of appeals in tort claims cases, and the provisions of section 1356 of title 48, U. S. C., 1940 ed., relating to jurisdiction of appeals from final judgments of the district court for the Canal Zone.

The district courts for the districts of Hawaii and Puerto Rico are embraced in the term "district courts of the United States." (See definitive section 451 of this title.)

Paragraph "Fourth" of section 225 (a) of title 28, U. S. C., 1940 ed., is incorporated in section 1293 of this title.

Words "Fifth. In the United States Court for China, in all cases" in said section 225 (a) were omitted. (See reviser's note under section 411 of this title.)

Venue provisions of section 1356 of title 48, U. S. C., 1940 ed., are incorporated in section 1295 of this title.

Section 61 of title 7 of the Canal Zone Code is also incorporated in sections 1291 and 1295 of this title.

In addition to the jurisdiction conferred by this chapter, the courts of appeals also have appellate jurisdiction in proceedings under Title 11, Bankruptcy, and jurisdiction to review:

(1) Orders of the Secretary of the Treasury denying an application for, suspending, revoking, or annulling a basic permit under chapter 8 of title 27;

(2) Orders of the Interstate Commerce Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Board of Governors of the Federal Reserve System and the Federal Trade Commission, based on violations of the antitrust laws or unfair or deceptive acts, methods, or practices in commerce;

(3) Orders of the Secretary of the Army under sections 504, 505 and 516 of title 33, U. S. C., 1940 ed., Navigation and Navigable Waters;

(4) Orders of the Civil Aeronautics Board under chapter 9 of title 49, except orders as to foreign air carriers which are subject to the President's approval;

(5) Orders under chapter 1 of title 7, refusing to designate boards of trade as contract markets or suspending or revoking such designations, or excluding persons from trading in contract markets;

(6) Orders of the Federal Power Commission under chapter 12 of title 16;

(7) Orders of the Federal Security Administrator under section 371 (e) of title 21, in a case of actual controversy as to the validity of any such order, by any person adversely affected thereby;

(8) Orders of the Federal Power Commission under chapter 15B of title 15;

(9) Final orders of the National Labor Relations Board;

(10) Cease and desist orders under section 193 of title 7;

(11) Orders of the Securities and Exchange Commission;

(12) Orders to cease and desist from violating section 1599 of title 7;

(13) Wage orders of the Administrator of the Wage and Hour Division of the Department of Labor under section 208 of title 29;

(14) Orders under sections 81r and 1641 of title 19, U. S. C., 1940 ed., Customs Duties.

The courts of appeals also have jurisdiction to enforce:

(1) Orders of the Interstate Commerce Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Board of Governors of the Federal Reserve System, and the Federal Trade Commission, based on violations of the antitrust laws or unfair or deceptive acts, methods, or practices in commerce;

(2) Final orders of the National Labor Relations Board;

(3) Orders to cease and desist from violating section 1599 of title 7.

The Court of Appeals for the District of Columbia also has jurisdiction to review orders of the Post Office Depart-

ment under section 576 of title 39 relating to discriminations in sending second-class publications by freight; Maritime Commission orders denying transfer to foreign registry of vessels under subsidy contract; sugar allotment orders; decisions of the Federal Communications Commission granting or refusing applications for construction permits for radio stations, or for radio station licenses, or for renewal or modification of radio station licenses, or suspending any radio operator's license.

Changes were made in phraseology.

AMENDMENTS

1958—Pub. L. 85-508 amended section to eliminate provisions which gave the courts of appeals jurisdiction of appeals from the District Court for the Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1951—Act Oct. 31, 1951, amended section by inserting a reference to the District Court of Guam.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-508 as effective upon the admission of Alaska into the Union, see note set out under section 81A of this title.

CROSS REFERENCES

Agricultural compositions and extensions, appellate jurisdiction, see section 203 (n) of Title 11, Bankruptcy.

Arrangements for debtors, appellate jurisdiction, see section 716 of Title 11, Bankruptcy.

Bankruptcy cases generally, appellate jurisdiction, see section 47 of Title 11, Bankruptcy.

Copyrights, review of orders, judgments, or decrees, see section 114 of Title 17, Copyrights.

Corporate reorganizations, appellate jurisdiction, see section 521 of Title 11, Bankruptcy.

Criminal cases, direct appeals to Supreme Court, and appeals to courts of appeals, see section 3731 of Title 18, Crimes and Criminal Procedure.

Direct appeals to Supreme Court, see sections 1252 and 1253 of this title.

Prize cases, allowance of appeal, see section 7680 of Title 10, Armed Forces.

Railroad reorganizations, appellate jurisdiction, see section 205 of Title 11, Bankruptcy.

Real property arrangements, appellate jurisdiction, see section 816 of Title 11, Bankruptcy.

Time for appeal, see section 2107 of this title.

Tort claims cases, appellate jurisdiction of Court of Claims, see section 1504 of this title.

Trade-mark actions, appellate jurisdiction, see section 1121 of Title 15, Commerce and Trade.

Vesting and liquidation of Bulgarian, Hungarian, and Rumanian property, final orders or decrees of district courts of the United States reviewable as provided in this section, see section 1631e of Title 22, Foreign Relations and Intercourse.

Wage earners' plans, appellate jurisdiction, see section 1016 of Title 11, Bankruptcy.

FEDERAL RULES OF CIVIL PROCEDURE

Procedure on appeal, see rules 73-76, Appendix to this title.

FEDERAL RULES OF CRIMINAL PROCEDURE

Procedure on appeal, see rules 37-39 and 46 (a) (2), Title 18, Crimes and Criminal Procedure.

§ 1292. Interlocutory decisions.

(a) The courts of appeals shall have jurisdiction of appeals from:

(1) Interlocutory orders of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2) Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to

take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3) Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed;

(4) Judgments in civil actions for patent infringement which are final except for accounting.

(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however*, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order. (June 25, 1948, ch. 646, 62 Stat. 929; Oct. 31, 1951, ch. 655, § 49, 65 Stat. 727; July 7, 1958, Pub. L. 85-508, § 12 (e), 72 Stat. 348; Sept. 2, 1958, Pub. L. 85-919, 72 Stat. 1770.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., §§ 225 (b), 227, 227a, and section 61 of title 7 of the Canal Zone Code (Mar. 3, 1911, ch. 231, §§ 128, 129, 36 Stat. 1133, 1134; Feb. 13, 1925, ch. 229, § 1, 43 Stat. 937; Feb. 28, 1927, ch. 228, 44 Stat. 1261; Apr. 3, 1928, ch. 102, 44 Stat. 233; May 20, 1928, ch. 347, § 13 (a), 44 Stat. 587; Apr. 11, 1928, ch. 354, § 1, 45 Stat. 422; May 17, 1932, ch. 190, 47 Stat. 158).

Section consolidates sections 225 (b), 227 and part of 227a of title 28, U. S. C., 1940 ed., with necessary changes in phraseology to effect the consolidation.

The second paragraph of section 225 (b) of title 28, U. S. C., 1940 ed., relating to review of decisions of the district courts, under section 9 of the Railway Labor Act (section 159 of title 45), was omitted as covered by section 1291 of this title.

Words in section 227 of title 28, U. S. C., 1940 ed., "or decree," after "interlocutory order," were deleted, in view of Rule 65 of the Federal Rules of Civil Procedure, using only the word "order."

Provisions of sections 227 and 227a of title 28, U. S. C., 1940 ed., relating to stay of proceedings pending appeal were omitted as superseded by Federal Rules of Civil Procedure, Rule 73.

Provisions of section 227 of title 28, U. S. C., 1940 ed., requiring an additional bond by the district court as a condition of appeal were omitted in view of Federal Rules of Civil Procedure, Rule 73.

Words in section 227 of title 28, U. S. C., 1940 ed., "and sections 346 and 347 of this title shall apply to such cases in the circuit courts of appeals as to other cases therein," at the end of the first sentence of section 227 of title 28, U. S. C., 1940 ed., were deleted as fully covered by section 1254 of this title, applicable to any case in a court of appeals. Other procedural provisions of said section 227 were omitted as covered by section 2101 et seq. of this title.

In subsection (3), which is based on section 227a of title 28, U. S. C., 1940 ed., words "civil actions" were substituted for "suits in equity" and word "judgments" was substituted for "decree," in view of Rules 2 and 54 of the Federal Rules of Civil Procedure.

The provision of sections 227 and 227a of title 28, U. S. C., 1940 ed., that appeal must be taken within thirty days after entry of order, decree or judgment is incorporated in section 2107 of this title.

The provisions of section 227a of title 28, U. S. C., 1940 ed., relating to stay of proceedings pending appeal, were omitted as superseded by Rule 73 of the Federal Rules of Civil Procedure.

The district courts for the districts of Hawaii and Puerto Rico are embraced in the term "district courts of the United States." (See definitive section 451 of this title.) Consequently the specific reference in section 225 of title 28, U. S. C., 1940 ed., to "the United States district courts for Hawaii" was omitted.

The District Court for the District of Puerto Rico is not enumerated in section 225 (b) of title 28, U. S. C., 1940 ed., nevertheless subsection (2) of the revised section does not except such court. Thus in conformity with the last sentence of section 864, title 48, U. S. C., 1940 ed. For distribution of said section 864, see Distribution Table.

Section 61 of title 7 of the Canal Zone Code is also incorporated in sections 1292 and 1295 of this title.

AMENDMENTS

1958—Subsec. (a), formerly entire section, so designated by Pub. L. 85-919.

Subsec. (a) (1) amended by Pub. L. 85-508 to eliminate the District Court for the Territory of Alaska. See section 81A of this title which establishes a United States District Court for the State of Alaska.

Subsec. (b) added by Pub. L. 85-919.

1951—Par. (1) amended by act Oct. 31, 1951, which inserted a reference to the District Court of Guam.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-508 as effective upon the admission of Alaska into the Union, see note set out under section 81A of this title.

CROSS REFERENCES

Bankruptcy cases, appellate jurisdiction of courts of appeals, and time for appeal, see sections 47 and 48 of Title 11, Bankruptcy.

Direct review in Supreme Court, see sections 1252 and 1253 of this title, and section 3731 of Title 18, Crimes and Criminal Procedure.

Time for appeal, see section 2107 of this title.

Vesting and liquidation of Bulgarian, Hungarian, and Rumanian property, final orders or decrees of district courts of the United States reviewable as provided in this section, see section 1631e of Title 22, Foreign Relations and Intercourse.

Writes in aid of jurisdiction, power to issue, see section 1651 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Effect of rule 73 on former section 227 of this title, from which this section was partly derived, see note by Advisory Committee under rule 73, Appendix to this title.

Procedure on, and time for, appeal, see rules 73-76.

Stay of proceedings on appeal, see rules 62 and 73.

§ 1293. Final decisions of Puerto Rico and Hawaii Supreme Courts.

The courts of appeals for the First and Ninth Circuits shall have jurisdiction of appeals from all final decisions of the supreme courts of Puerto Rico and Hawaii, respectively in all cases involving the Constitution, laws or treaties of the United States or any authority exercised thereunder, in all habeas corpus proceedings, and in all other civil cases where the value in controversy exceeds \$5,000, exclusive of interest and costs. (June 25, 1948, ch. 646, 62 Stat. 929.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 28, U. S. C., 1940 ed., § 225 (a) (Mar. 3, 1911, ch. 231, § 128, 36 Stat. 1133; Jan. 28, 1915, ch. 22, § 2, 38 Stat. 803; Feb. 7, 1925, ch. 150, 43 Stat. 813; Feb. 13, 1925, ch. 299, § 1, 43 Stat. 936; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 158; May 31, 1935, ch. 160, 49 Stat. 313; June 20, 1938, ch. 526, 52 Stat. 779).

This section contains paragraph "Fourth" of section 225 (a) of title 28, U. S. C., 1940 ed. The remainder of such section is incorporated in section 1291 of this title.

Changes were made in phraseology.

§ 1294. Circuits in which decisions reviewable.

Appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

- (1) From a district court of the United States to the court of appeals for the circuit embracing the district;
 - (2) From the United States District Court for the District of the Canal Zone, to the Court of Appeals for the Fifth Circuit;
 - (3) From the District Court of the Virgin Islands, to the Court of Appeals for the Third Circuit;
 - (4) From the Supreme Court of Hawaii, to the Court of Appeals for the Ninth Circuit;
 - (5) From the Supreme Court of Puerto Rico, to the Court of Appeals for the First Circuit.
 - (6) From the District Court of Guam, to the Court of Appeals for the Ninth Circuit.
- (June 25, 1948, ch. 646, 62 Stat. 930; Oct. 31, 1951, ch. 655, § 50 (a), 65 Stat. 727; July 7, 1958, Pub. L. 85-508, § 12 (g), 72 Stat. 348.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 1141 (b) (1) (2) (3) of title 26, U. S. C., 1940 ed., Internal Revenue Code, title 28, U. S. C., 1940 ed., § 225 (d) and sections 645, 864, 865, 1356, and 1392 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions, and section 61 of title 7 of the Canal Zone Code (Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85; Mar. 3, 1911, ch. 231, § 128, 36 Stat. 1133; Aug. 24, 1912, ch. 390, § 9, 37 Stat. 566; Mar. 2, 1917, ch. 145, §§ 42, 43, 39 Stat. 966; Mar. 3, 1917, ch. 171, § 2, 39 Stat. 1132; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006; Feb. 13, 1925, ch. 229, §§ 1, 13, 43 Stat. 936, 942; Feb. 26, 1926, ch. 27, § 1002, 44 Stat. 110; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 156; Feb. 16, 1933, ch. 91, § 3, 47 Stat. 817; May 10, 1934, ch. 277, § 519, 48 Stat. 760; Feb. 10, 1939, ch. 2, § 1141 (b) (1) (2) (3), 53 Stat. 164).

Section consolidates the venue provisions of sections 645, 864, 1356, and 1892 of title 48, U. S. C., 1940 ed., Territories and Insular Possessions with sections 1141 (b) (1) (2) (3) to title 26, U. S. C., 1940 ed., Internal Revenue and sections 225 (d) and 865 of said title 48. Other provisions of said section 864, not incorporated in this section and sections 41 and 119 of this title, were retained in title 48. Other provisions of said section 1356 are incorporated in section 1291 of this title. Other provisions of said section 1392 were also retained in title 48.

Paragraph (3) of section 1141 (b) of title 26, U. S. C., 1940 ed., was omitted as executed. It made such subsection applicable to all decisions of the Board of Tax Appeals (Tax Court) rendered on and after May 10, 1934.

Provisions of section 225 (d) of title 28, U. S. C., 1940 ed., for review of the decisions of the United States Court for China were omitted. (See reviser's note under section 411 of this title.)

Subsection (b) rephrases and rearranges the relevant provisions of section 1141 (b) (1) (2) (3) of title 26, U. S. C., 1940 ed.

Specific reference to the United States district courts for the districts of Hawaii, Puerto Rico and District of Columbia was omitted as unnecessary, these courts being embraced in the definition of "a district court of the United States" contained in section 451 of this title.

Administrative orders, referred to in reviser's note under section 1291 of this title, are reviewable and enforceable in the following circuits:

ORDERS REVIEWABLE

- (1) Alcoholic permit orders—in the District of Columbia or in the circuit where the applicant or permittee resides or has his principal place of business;
- (2) Antitrust and unfair trade orders—in the circuit where unlawful act occurred or petitioner resides or carries on business;
- (3) Bridge alteration; cost orders—in the circuit where bridge is wholly or partly located;

(4) Civil aeronautics orders—in the District of Columbia or circuit where petitioner resides or has his principal place of business;

(5) Commodity exchange orders—in the circuit where board of trade has its principal place of business or in circuit where petitioner for review of exclusion order carries on business;

(6) Electric and water power orders—in the District of Columbia or circuit where licensee or public utility to which order relates is located or has its principal place of business;

(7) Food, drug and cosmetic orders—in the circuit where person adversely affected resides or has his principal place of business;

(8) Gas orders—in the District of Columbia or circuit where company to which order relates is located or has its principal place of business;

(9) National Labor Relations Board's final orders—in the District of Columbia or circuit where unfair labor practice occurred or violator resides or transacts business;

(10) Packers cease and desist orders—in the circuit where packer has his principal place of business;

(11) Radio license decisions—in the District of Columbia;

(12) Securities and Exchange Commission orders—in the District of Columbia or circuit where petitioner resides or has his principal place of business;

(13) Seed orders—in the circuit where violator resides or has his principal place of business;

(14) Wage orders—in the District of Columbia or circuit where petitioner resides or has his principal place of business;

(15) Foreign Trade Zones Board orders—in the circuit where the Zone is located;

(16) Customhouse broker licenses—in circuit where applicant or licensee resides or has his principal place of business.

ORDERS ENFORCEABLE

(1) Antitrust and unfair trade orders—in the circuit where unlawful act occurred or person allegedly committing unlawful act resides or carries on business;

(2) National Labor Relations Board's final orders—in the circuit where unfair labor practice occurred or violator resides or transacts business;

(3) Seed orders—in the circuit where violator resides or has his principal place of business.

Section 61 of title 7 of the Canal Zone Code is also incorporated in sections 1291 and 1292 of this title.

Changes were made in phraseology.

By Senate amendment, this section was renumbered "1294", and subsec. (b), which related to the Tax Court, was eliminated. Therefore, as finally enacted, section 1141 (b) (1) (2) (3) of Title 26, U. S. C., Internal Revenue Code 1939, was not one of the sources of this section. The Senate amendments also eliminated section 1141 of the Internal Revenue Code 1939 from the schedule of repeals. See Senate Report No. 1559.

AMENDMENTS

1958—Subsec. (2), formerly (3), so redesignated by Pub. L. 85-508, which also repealed former subsec. (2), which provided that appeals from the District Court for the Territory of Alaska or any division thereof should be taken to the Court of Appeals for the Ninth Circuit. See section 81A of this title which establishes a United States District Court for the State of Alaska.

Subsecs. (3)—(6), formerly (4)—(7), so redesignated by Pub. L. 85-508.

1951—Subsec. (7) added by act Oct. 31, 1951.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-508 as effective upon the admission of Alaska into the Union, see note set out under section 81A of this title.

CROSS REFERENCES

Administrative orders, circuits where reviewable and enforceable, see reviser's note for this section.

Jurisdiction of Court of Appeals of First Circuit to review final decisions of Supreme Court of Puerto Rico see section 1293 of this title.

Jurisdiction of Court of Appeals of Ninth Circuit to review final decisions of Supreme Court of Hawaii, see section 1293 of this title.