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252.	Tenure and salaries of judges.
253.	Duties of chief judge.
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## HISTORICAL AND REVISION NOTES

The "Board of General Appraisers" was designated "United States Customs Court" by act May 28, 1926, ch. 411, § 1, 44 Stat. 669. General provisions concerning such court were incorporated in section 1518 of title 19, U.S.C., 1940 ed., Customs Duties, until amended by act October 10, 1940, ch. 843, § 1, 54 Stat. 1101, adding a new section to the Judicial Code of 1911, when they were transferred to section 296 of title 28, U.S.C., 1940 ed. They are retained in title 28 by this revision.

In this connection former Congressman Walter Chandler said, "Among the major subjects needing study and revision are special courts, such as the Customs Court, which should be fitted into the judicial system." (See U.S. Law Weekly, Nov. 7, 1939.)

## HISTORY OF COURT

The United States Customs Court [now Court of International Trade] as "constituted on June 17, 1930", consisted of nine members as provided by act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972, which established the Board of General Appraisers, designated the "United States Customs Court" by act May 28, 1926, ch. 411, § 1, 44 Stat. 669.

Provisions similar to these were contained in act Sept. 21, 1922, ch. 356, title IV, § 518, 42 Stat. 972. That section was superseded by section 518 of the Tariff Act of 1930, and was repealed by section 651 (a)(1) of said 1930 act.

The sentence in the former first paragraph as to sitting in a case previously participated in, is from act Aug. 5, 1909, ch. 6, § 28, 36 Stat. 98, which combined and amended Customs Administrative Act June 10, 1890, ch. 407, § 12, 26 Stat. 136, and section 31, as added by act May 27, 1908, ch. 205, 35 Stat. 406. Section 12 of the act of 1890 was expressly saved from repeal by act Sept. 21, 1922, ch. 356, title IV, § 643, 42 Stat. 989, and prior acts, but its provisions, other than the sentence above mentioned, were omitted from the Code.

Provisions for the review of decisions of Boards of General Appraisers by the Circuit Courts, made by section 15 of the Customs Administrative Act of June 10, 1890, ch. 407, were superseded by provisions for such review by the Court of Customs Appeals created by section 29 added to that act by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6. The provisions of said new section 29 were incorporated in and superseded by chapter 8 of the Judicial Code of March 3, 1911, incorporated into the Code as former chapter 8 of Title 28, Judicial Code and Judiciary.

R.S. § 2608 provided for the appointment of four appraisers of merchandise, to be employed in visiting ports of entry under the direction of the Secretary of the Treasury, and to assist in the appraisal of merchandise as might be deemed necessary by the Secretary to protect and insure uniformity in the collection of the revenue from customs. It was repealed by act June 10, 1890, ch. 407, § 29, 26 Stat. 141.

R.S. § 2609 provided for the appointment of merchant appraisers. R.S. § 2610 made every merchant refusing to serve as such appraiser liable to a penalty. Both sections were superseded by the provisions relating to appraisers and appraisements of the Customs Administrative Act of June 10, 1890, ch. 407, 26 Stat. 131, and subsequent acts, and were repealed by act Sept. 21, 1922, ch. 356, title IV, § 642, 42 Stat. 989.

R.S. § 2945, which contained a provision similar to that of R.S. § 2610, was repealed, without mention of section 2610, by said Customs Administrative Act of June 10, 1890, ch. 407, § 29, 26 Stat. 141, and was again repealed by section 642 of act Sept. 21, 1922.

R.S. § 2725, which prescribed the compensation of merchant appraisers, and section 2726, which prescribed the salary of the general appraiser at New York, were superseded by the provisions relating to general appraisers and appraisers made by the Customs Administrative Act of June 10, 1890, ch. 407, §§ 12, 13, 26 Stat. 136, as amended by the Payne-Aldrich Act of Aug. 5, 1909, ch. 6, § 28.

R.S. § 2727 fixed the salary of the four general appraisers at the sum of \$2,500 a year each, and their actual traveling expenses. It was repealed by act Feb. 27, 1877, ch. 69, 19 Stat. 246.

## AMENDMENTS

1996—Pub. L. 104-317, title V, § 501(b)(3), Oct. 19, 1996, 110 Stat. 3856, substituted "Duties of chief judge" for "Duties of chief judge; precedence of judges" in item 253 and added item 258.

1980—Pub. L. 96-417, title V, § 501(2), Oct. 10, 1980, 94 Stat. 1742, substituted "COURT OF INTERNATIONAL TRADE" for "CUSTOMS COURT" in chapter heading.

1970—Pub. L. 91-271, title I, § 123(a), June 2, 1970, 84 Stat. 282, substituted "Single-judge trial" for "Divisions; powers and assignments" in item 254 and "Three-judge trials" for "Publication of decisions" in item 255 and added items 256 and 257.

## § 251. Appointment and number of judges; offices

(a) The President shall appoint, by and with the advice and consent of the Senate, nine judges who shall constitute a court of record to be known as the United States Court of International Trade. Not more than five of such judges shall be from the same political party. The court is a court established under article III of the Constitution of the United States.

(b) The offices of the Court of International Trade shall be located in New York, New York.

(June 25, 1948, ch. 646, 62 Stat. 899; July 14, 1956, ch. 589, § 1, 70 Stat. 532; Pub. L. 96-417, title I, § 101, Oct. 10, 1980, 94 Stat. 1727; Pub. L. 104-317, title V, § 501(b)(1), Oct. 19, 1996, 110 Stat. 3856.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 296 (Mar. 3, 1911, ch. 231, § 187(a), as added Oct. 10, 1940, ch. 843, § 1, 54 Stat. 1101).

This section contains only a part of section 296 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in sections 252, 253, 254, 455, 1581, 2071, 2639, and 2640 of this title.

The provision that vacancies should be filled by appointment of the President and confirmed by the Senate was omitted as unnecessary in view of the language of the revised section.

Words "a court of record known as" were added. (See Reviser's Note under section 171 of this title.)

The term "chief judge" was substituted for "presiding judge." (See reviser's note under section 136 of this title.)

The provisions of such section 296 of title 28, U.S.C., 1940 ed., relating to assignment and powers of retired judges were omitted as covered by sections 294 and 296 of this title.

Changes in phraseology were made.

## AMENDMENTS

1996—Subsecs. (b), (c). Pub. L. 104-317 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: "The President shall designate one of the judges of the Court of International Trade who is less than seventy years of age to serve as chief judge. The chief judge shall continue to serve as chief judge until he reaches the age of seventy years and another judge is designated as chief judge by the President. After the designation of another judge to serve as