

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

Salary of Chief Justice increased from \$20,500 to \$25,500 a year, and salaries of associate justices increased from \$20,000 to \$25,000 a year, by act July 31, 1946, ch. 704, §1, 60 Stat. 716.

Salary of Chief Justice increased from \$15,000 to \$20,500 a year, and salaries of associate justices increased from \$14,500 to \$20,000 a year, by act Dec. 13, 1926, ch. 6, §1, 44 Stat. 919.

Salary of Chief Justice set at \$15,000 a year and salaries of associate justices set at \$14,500 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, §1, 36 Stat. 1152.

**§ 6. Records of former court of appeals**

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept until deposited with the National Archives of the United States in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 870; Oct. 25, 1951, ch. 562, §4(7), 65 Stat. 640.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §329 (Mar. 3, 1911, ch. 231, §222, 36 Stat. 1153).

In a letter dated August 8, 1944, the clerk of the Supreme Court advised that many of the early records mentioned in this section were destroyed by fire. Others are on file in the Clerk's office.

Minor changes in phraseology were made.

AMENDMENTS

1951—Act Oct. 25, 1951, inserted "until deposited with the National Archives of the United States" in first sentence.

**CHAPTER 3—COURTS OF APPEALS**

- Sec. 41. Number and composition of circuits.
- 42. Allotment of Supreme Court justices to circuits.
- 43. Creation and composition of courts.
- 44. Appointment, tenure, residence and salary of circuit judges.
- 45. Chief judges; precedence of judges.
- 46. Assignment of judges; panels; hearings; quorum.
- 47. Disqualification of trial judge to hear appeal.
- 48. Terms of court.
- 49. Assignment of judges to division to appoint independent counsels.

AMENDMENTS

1983—Pub. L. 97-409, §2(b)(2), Jan. 3, 1983, 96 Stat. 2039, substituted "independent counsels" for "special prosecutors" in item 49.

1978—Pub. L. 95-521, title VI, §602(b), Oct. 26, 1978, 92 Stat. 1874, added item 49.

Pub. L. 95-486, §5(c), Oct. 20, 1978, 92 Stat. 1633, substituted "panels" for "divisions" in item 46.

**§ 41. Number and composition of circuits**

The thirteen judicial circuits of the United States are constituted as follows:

Circuits	Composition
District of Columbia .....	District of Columbia.
First .....	Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.
Second .....	Connecticut, New York, Vermont.
Third .....	Delaware, New Jersey, Pennsylvania, Virgin Islands.
Fourth .....	Maryland, North Carolina, South Carolina, Virginia, West Virginia.
Fifth .....	District of the Canal Zone, Louisiana, Mississippi, Texas.
Sixth .....	Kentucky, Michigan, Ohio, Tennessee.
Seventh .....	Illinois, Indiana, Wisconsin.
Eighth .....	Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
Ninth .....	Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, Hawaii.
Tenth .....	Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.
Eleventh .....	Alabama, Florida, Georgia.
Federal .....	All Federal judicial districts.

(June 25, 1948, ch. 646, 62 Stat. 870; Oct. 31, 1951, ch. 655, §34, 65 Stat. 723; Pub. L. 96-452, §2, Oct. 14, 1980, 94 Stat. 1994; Pub. L. 97-164, title I, §101, Apr. 2, 1982, 96 Stat. 25.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C. 1940 ed., §211, and section 864 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 12, 1900, ch. 191, §35, 31 Stat. 85; Mar. 3, 1911, ch. 231, §116, 36 Stat. 1131; Jan. 28, 1915, ch. 22, §§1, 2, 38 Stat. 803; Mar. 2, 1917, ch. 145, §42, 39 Stat. 966; Feb. 13, 1925, ch. 229, §§1, 13, 43 Stat. 936, 942; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Feb. 28, 1929, ch. 363, §1, 45 Stat. 1346; May 17, 1932, ch. 190, 47 Stat. 158).

Form of section was simplified.

The District of Columbia was added as a separate circuit. This is in accord with the decision of the Supreme Court of the United States which held the Court of Appeals for the District of Columbia to be a circuit court of appeals within the Transfer Act of Sept. 14, 1922, ch. 305, 42 Stat. 837, incorporated in the Judicial Code as §238(a), but repealed by act Feb. 13, 1925, ch. 229, §13, 43 Stat. 942. (See *Swift and Co. v. U.S.*, 1928, 48 S.Ct. 311, 276 U.S. 311, 72 L.Ed. 587.)

In recognizing the District of Columbia as a separate circuit, the Supreme Court recently used this language: " \* \* \* the eleven circuits forming the single federal judiciary \* \* \*". *Comm'r. v. Bedford's Estate*, 65 S.Ct. 1157, at page 1160, 325 U.S. 283, 89 L.Ed. 611.

See section 17 of title 28, U.S.C., 1940 ed., providing, "For the purposes of sections 17-23 of this title, the District of Columbia shall be deemed to be a judicial circuit \* \* \*", and act Dec. 23, 1944, ch. 724, 58 Stat. 925, which amended section 215 of title 28, U.S.C., 1940 ed., incorporated in section 42 of this title. Such amendment provided that for the purposes of said section 215 "the District of Columbia shall be deemed to be a judicial circuit."

Many other acts of Congress have recognized the District of Columbia as a separate circuit. (See the following acts; Aug. 24, 1937, ch. 754, 50 Stat. 751; Feb. 11, 1938, ch. 25, 52 Stat. 28; Aug. 5, 1939, ch. 433, 53 Stat. 1204; Aug. 7, 1939, ch. 501, 53 Stat. 1223; Dec. 29, 1942, ch. 835,