

Public Law 755

CHAPTER 1173

AN ACT

August 31, 1954
[H. R. 8915]

To amend the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes."

District of Co-
lumbia,
Municipal Court
of Appeals.

Administrative
agency orders or
decisions.
Review.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes," approved April 1, 1942 (ch. 207, 56 Stat. 190; sec. 11-772, D. C. Code, 1951 edition), be, and it is hereby amended by adding to section 7 of said Act the following new paragraphs:

"(e) The Municipal Court of Appeals for the District of Columbia is hereby vested with exclusive jurisdiction to review, in the manner hereinafter provided, the following orders or decisions of administrative agencies of the District of Columbia—

"(1) any decision of the Board of Pharmacy refusing to renew a license to practice pharmacy or refusing to renew a permit to deal in poisons for use in the arts or as insecticides under the provisions of the Act of May 7, 1906 (ch. 2084, 34 Stat. 177), as amended (sec. 2-606, D. C. Code, 1951 edition);

"(2) any decision of the Board of Examiners in Veterinary Medicine revoking or suspending a license to practice veterinary medicine or any branch thereof under the provisions of the Act of February 1, 1907 (ch. 442, 34 Stat. 873; sec. 2-810, D. C. Code, 1951 edition);

"(3) any order of the Commissioners of the District of Columbia or their agent or a decision of the Commissioners denying, revoking, or suspending a motor-vehicle operator's permit under the provisions of the Act of March 3, 1925 (ch. 443, 43 Stat. 1121), as amended (sec. 40-302, D. C. Code, 1951 edition);

"(4) any decision of the Board of Examiners and Registrars of Architects annulling or revoking a certificate to practice architecture under the provisions of the Act of December 13, 1924 (ch. 9, 43 Stat. 717), as amended (sec. 2-1028, D. C. Code, 1951 edition);

"(5) any order of the Commissioners of the District of Columbia denying, revoking or suspending a license for a private employment agency under the provisions of the Act of July 1, 1932 (ch. 366, 47 Stat. 559; sec. 47-2101, D. C. Code, 1951 edition);

"(6) any decision of the Commission on Licensure to Practice the Healing Art in the District of Columbia denying a license or a registration to practice the healing art under the provisions of the Act of February 27, 1929 (ch. 352, 45 Stat. 1338; sec. 2-129, D. C. Code, 1951 edition);

"(7) any decision of the Nurses' Examining Board denying registration or reregistration of a nurse or school of nursing under the provisions of the Act of March 2, 1929 (ch. 540, 45 Stat. 1521; sec. 2-406, D. C. Code, 1951 edition);

"(8) any decision of the Board of Barber Examiners refusing to issue, renew, restore, or revoking a certificate of registration as a registered barber or barber apprentice under the provisions of the Act of June 7, 1938 (ch. 322, 52 Stat. 622; sec. 2-1110, D. C. Code, 1951 edition); and

"(9) any final decision of the Real Estate Commission of the District of Columbia denying an application for license or suspending or revoking a license under the provisions of the Act of August 25, 1937 (ch. 760, 50 Stat. 788; secs. 45-1403 to 1418, D. C. Code, 1951 edition).

"(f) Any person aggrieved by any such decision or order may obtain a review thereof by filing in the Municipal Court of Appeals a written petition for review praying that the decision or order be set aside. The court may by rule prescribe the form and contents of the petition and regulate generally all matters relating to proceedings on such appeals. The petition for review shall be filed in said court within such time as said court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the court upon the agency affected thereby. Within such time as may be fixed by rule of the court such agency shall certify and file in the court the original papers comprising the record or any supplementary record or in the discretion of the agency, certified copies of such papers, and the clerk of the court shall immediately notify the petitioner of the filing thereof. Upon the filing of the petition for review, the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside the decision or order complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require: *Provided, however,* That no application for review or pendency of an appeal shall operate as a stay of the operation of any such decision or order in any case where, under existing law, a stay may not be granted, nor shall such application operate as a stay in any other case unless so ordered by the Commissioners of the District of Columbia or by said court for good cause shown; and for good cause shown and upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court is authorized to take appropriate and necessary action to preserve the status or rights pending conclusion of the review proceedings; that all appeals shall be heard and determined upon the record of proceedings before the appropriate board or agency to be certified to this court in accordance with such rules or instructions as the court may from time to time prescribe, and the review of all decisions or orders by said court shall be limited to such issues of law or fact as are subject to review on appeal under the applicable provisions of existing law, or, if there be no statutory limitation, by such rules of law as define the scope and limitations of review of administrative proceedings, and which rules, by way of elaboration and not limitation, shall include the power of the court—

"(1) so far as necessary to decision and where presented to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any agency action; and

"(2) to hold unlawful and set aside agency action, findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory right; (D) without observance of procedure required by law; (E) unsupported by substantial evidence or facts in the record of the proceedings before the court, or (F) unwarranted by the facts.

In making the foregoing determinations, due account shall be taken of the rule of prejudicial error. Any party aggrieved by any judgment of the Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for

Petition for review.

56 Stat. 196.

the District of Columbia Circuit in accordance with the provisions of section 8 of the Act approved April 1, 1942 (sec. 11-773, D. C. Code, 1951 edition)."

Applicability.

SEC. 2. This Act shall apply only to decisions or orders of the above enumerated agencies rendered or entered on or after the effective date of this Act.

Approved August 31, 1954.

Public Law 756

CHAPTER 1174

AN ACT

August 31, 1954
[H. R. 9115]

To provide that contributions received under Public Law 485, Eightieth Congress, for the construction of a merchant marine chapel shall be invested in Government obligations pending their use for such construction.

Merchant marine chapel funds. Investment. 62 Stat. 172.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds accepted under Public Law 485, Eightieth Congress, as contributions to assist in defraying the cost of construction of the chapel provided for in that Act shall be invested by the Secretary of the Treasury in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States, until such funds are needed for the purpose for which they were contributed. The yield obtained from such investments shall be considered to be a part of such funds.

Approved August 31, 1954.

Public Law 757

CHAPTER 1175

AN ACT

August 31, 1954
[H. R. 9868]

To amend the Merchant Ship Sales Act of 1946 to provide for the charter of passenger ships in the domestic trade.

64 Stat. 309. 50 USC app. 1738 (f).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (f) (1) of the Merchant Ship Sales Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section".

Approved August 31, 1954.

Public Law 758

CHAPTER 1176

AN ACT

August 31, 1954
[H. R. 9988]

For the relief of the Federal Republic of Germany.

German Embassy. Appropriation.

Ante, p. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to enable the Federal Republic of Germany to acquire and maintain a German Embassy in the District of Columbia, there is hereby authorized to be appropriated not to exceed \$300,000.

Approved August 31, 1954.