conferred on a Secretary as well as on a commissioner. But [it] is not judicial in either case, in the sense in which judicial power is granted by the Constitution to the courts of the United States."[62]

Review of Legislative Courts by Supreme Court.—Chief Justice Taney's view, which would have been expressed in *Gordon*,[63] that the judgments of legislative courts could never be reviewed by the Supreme Court, was tacitly rejected in *De Groot v. United States*,[64] in which the Court took jurisdiction from a final judgment of the Court of Claims. Since the decision in this case, the authority of the Court to exercise appellate jurisdiction over legislative courts has turned not upon the nature or status of such courts but rather upon the nature of the proceeding before the lower court and the finality of its judgment. The Supreme Court will neither review the administrative proceedings of legislative courts nor entertain appeals from the advisory or interlocutory decrees of such a body.[65] But, in proceedings before a legislative court that are judicial in nature, admit of a final judgment, and involve the performance of judicial functions and therefore the exercise of judicial power, the Court may be vested with appellate jurisdiction.[66]

The "Public Rights" Distinction.—A major delineation of the distinction between Article I courts and Article III courts appears in *Murray's Lessee v. Hoboken Land & Improvement Co.*[67] At issue was a summary procedure, without benefit of the courts, for the collection by the United States of moneys claimed to be due from one of its own customs collectors. It was argued that the assessment and collection was a judicial act carried out by nonjudicial officers and was thus invalid under Article III. Accepting that the acts complained of were judicial, the Court nonetheless sustained the act by distinguishing between any act, "which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty," which,

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[62] 54 U.S. at 48.

[63] The opinion in Gordon v. United States, 69 U.S. (2 Wall.) 561 (1864), had originally been prepared by Chief Justice Taney, but, following his death and reargument of the case, the Court issued the cited opinion. The Court later directed the publishing of Taney's original opinion at 117 U.S. 697. *See also* United States v. Jones, 119 U.S. 477, 478 (1886), in which the Court noted that the official report of Chief Justice Chase's *Gordon* opinion and the Court's own record showed differences and quoted the record.

[64] 72 U.S. (5 Wall.) 419 (1867). *See also* United States v. Jones, 119 U.S. 477 (1886).

[65] *E.g.*, Postum Cereal Co. v. California Fig Nut Co., 272 U.S. 693 (1927); Federal Radio Comm'n v. General Elec. Co., 281 U.S. 464 (1930); D. C. Court of Appeals v. Feldman, 460 U.S. 462 (1983). *See* Glidden Co. v. Zdanok, 370 U.S. 530, 576, 577–579 (1962).

[66] Pope v. United States, 323 U.S. 1, 14 (1944); D. C. Court of Appeals v. Feldman, 460 U.S. 462 (1983).

[67] 59 U.S. (18 How.) 272 (1856).