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March 3, 1915.
[H. R. 4545.]
[Public, No. 278.]

CHAP. 90.—An Act To amend an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven.

Judicial Code.
Vol. 36, p. 1164, amended.

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 codify, revise, and amend the laws relating to the judiciary," approved March third, nineteen hundred and eleven, be, and the same is hereby, amended by inserting after section two hundred and seventy-four thereof three new sections, to be numbered, respectively, two hundred and seventy-four a, two hundred and seventy-four b, and two hundred and seventy-four c, reading as follows:

Suits at law or in equity.
Correction if erroneously brought.

"SEC. 274a. That in case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment, if preserved, shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

Amendment of pleadings.

Acceptance of testimony.

Equitable defenses.
Admissions of, in actions at law.

"SEC. 274b. That in all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require.

Procedure.

Jurisdiction from diverse citzenship.
Amendment of defective pleadings admitted.

"SEC. 274c. That where, in any suit brought in or removed from any State court to any district of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal."

Approved, March 3, 1915.

March 3, 1915.
[H. R. 12919.]
[Public, No. 279.]

CHAP. 91.—An Act To amend an Act entitled "An Act to provide for an enlarged homestead."

Public lands.
Enlarged homesteads.
Vol. 35, p. 639; Vol. 36, p. 532; Vol. 37, p. 666, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections three and four of the Act entitled "An Act to provide for an enlarged homestead," approved February nineteenth, nineteen hundred and nine, and of an Act entitled "An Act to provide for an enlarged homestead," approved June seventeenth, nineteen hundred and ten, as amended by an Act approved February eleventh, nineteen hundred and thirteen, be, and the same are hereby, amended to read as follows: