

Terms.
First division.

Second division.

Third division.
Deputy clerks.

Deputy marshals.

last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint three deputies, one of whom shall reside and keep his office at Fort Scott, one at Wichita, and the other at Salina, and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott and the marshal shall also appoint a deputy, who shall reside and keep his office at Kansas City."

Approved, September 6, 1916.

September 6, 1916.

[H. R. 15158.]

[Public, No. 258.]

CHAP. 448.—An Act To amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court.

Judicial Code.
Amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two hundred and thirty of an Act to codify, revise, and amend the laws relating to the judiciary, approved March third, nineteen hundred and eleven, known as the Judicial Code, be, and it hereby is, amended so as to read as follows:

Supreme Court.
Terms.
Vol. 36, p. 1156,
amended.

"SEC. 230. The Supreme Court shall hold at the seat of government one term annually, commencing on the first Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business."

Writs of error.
Vol. 36, p. 1156; Vol.
38, p. 790.

SEC. 2. That section two hundred and thirty-seven of the Judicial Code, as amended by "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," approved December twenty-third, nineteen hundred and fourteen, be, and it hereby is, amended so so as to read as follows:

Writs of error from
State courts.
Vol. 36, p. 1156,
amended.

"SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the same to the court from which it was removed by the writ.

Certiorari to State
courts in causes affect-
ing validity of treaty,
law, etc., of United
States.
Vol. 38, p. 790,
amended.

"It shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is in favor of their validity; or where is drawn

in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under the United States, and the decision is either in favor of or against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority."

SEC. 3. That section four of "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," approved January twenty-eighth, nineteen hundred and fifteen, be, and it hereby is, amended so as to read as follows:

"SEC. 4. That judgments and decrees of the circuit courts of appeals in all proceedings and causes arising under 'An Act to establish a uniform system of bankruptcy throughout the United States,' approved July first, eighteen hundred and ninety-eight, and in all controversies arising in such proceedings and causes; also, in all causes arising under 'An Act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April twenty-second, nineteen hundred and eight; also, in all causes arising under 'An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon,' approved March fourth, nineteen hundred and seven; also, in all causes arising under 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' approved March second, eighteen hundred and ninety-three; and, also, in all causes arising under any amendment or supplement to any one of the aforementioned Acts which has been heretofore or may hereafter be enacted, shall be final, save only that it shall be competent for the Supreme Court to require by certiorari, upon the petition of any party thereto, that the proceeding, case, or controversy be certified to it for review and determination, with the same power and authority and with like effect as if taken to that court by appeal or writ of error."

SEC. 4. That no court having power to review a judgment or decree rendered or passed by another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out, but when such mistake or error occurs it shall disregard the same and take the action which would be appropriate if the proper appellate procedure had been followed.

SEC. 5. That no judgment or decree rendered or passed by the Supreme Court of the Philippine Islands more than sixty days after the approval of this Act shall be reviewed by the Supreme Court upon writ of error or appeal; but it shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error or appeal, any cause wherein, after such sixty days, the Supreme Court of the Philippine Islands may render or pass a judgment or decree which would be subject to review under existing laws.

SEC. 6. That no writ of error, appeal, or writ of certiorari intended to bring up any cause for review by the Supreme Court shall be allowed or entertained unless duly applied for within three months after entry of the judgment or decree complained of: *Provided*, That writs of certiorari addressed to the Supreme Court of the Philippine Islands may be granted if application therefor be made within six months.

Circuit courts of appeals.
Vol. 36, p. 1134; Vol. 38, p. 804.

Finality of decisions.
Bankruptcy proceedings.
Vol. 38, p. 804, amended.

Injuries to railroad employees.
Vol. 35, p. 65; Vol. 36, p. 291.

Railroad eighteen-hour Act.
Vol. 34, p. 1415.

Railway safety appliances acts.
Vol. 27, p. 531; Vol. 32, p. 943.

Certiorari from Supreme Court allowed.

Appellate courts.
Dismissal by, solely for mistake in procedure, forbidden.

Supreme Court.
Writs of error and appeals from Philippine supreme court to, not allowed hereafter.
Ante, p. 555.

Certiorari continued.

Time limit for bringing causes for review.

Proviso.
Exception.

Effect.
Temporary continu-
ances.

SEC. 7. That this Act shall take effect thirty days after its approval, but it shall not apply to nor affect any writ of error, appeal, or writ of certiorari theretofore duly applied for. The right of review under existing laws in respect of judgments and decrees entered before this Act takes effect shall remain unaffected for the period of six months thereafter, but at the end of that time such right shall cease.

Approved, September 6, 1916.

September 7, 1916.
[S. 5407.]

[Public, No. 259.]

CHAP. 450.—An Act Authorizing and directing the Secretary of the Treasury to extend the time of payment of the amount due the Government by the city of Augusta, Georgia.

Augusta, Ga.
Time extended for
payment for former
public building by.
Vol. 36, p. 1365.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the provisions of the Act of March fourth, nineteen hundred and eleven, making appropriations for the sundry civil expenses of the Government as relates to the United States post office and courthouse at the city of Augusta, Georgia, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to extend the time of payment of the amount due the Government by the city of Augusta for a period of five years, with interest from the date of the passage of this Act at the rate of four per centum per annum, the Government of the United States retaining title to the property until payment in full is made by the city, but delivering possession and use of the property, without rental or other charges, to the city of Augusta pending such payment.

Approved, September 7, 1916.

September 7, 1916.
[H. R. 15455.]

[Public, No. 260.]

CHAP. 451.—An Act To establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

Shipping Act, 1916.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act:

Meaning of terms.
"Common carrier by
water in foreign com-
merce."

The term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade: *Provided*, That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce."

Proviso.
Ocean tramps not in-
cluded.

"Common carrier by
water in interstate com-
merce."

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

"Common carrier by
water."

The term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce on the high seas or the Great Lakes on regular routes from port to port.

"Other person sub-
ject to this Act."

The term "other person subject to this Act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.