



Sixty-Fourth Congress, Session I
Chapter 448 — 39 Stat. 726 — Public, No. 258 (H.R. 15158)
September 6, 1916

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.

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:

“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.”

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:

“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.

“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.

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.