

city of Philadelphia, and as well to construct upon the end of said right of way at the Delaware River a wharf or pier, and as well to construct and maintain under said right of way conduits from the said sewage treatment works to the Delaware River: *Provided*, That the exact location of the said right of way and wharf shall be fixed by the Secretary of War and the Secretary of the Navy; that the construction thereof shall be under their supervision; and that the city of Philadelphia shall remove the old earth battery and level the entire portion of the reservation west of the old fort: *Provided further*, That no title or property right whatever to said strip of land or interest therein, by reason of said conveyance, is to pass to the city of Philadelphia, excepting the right of use as above set forth; that the use by the city of Philadelphia of the said strip of land for any other purpose than herein set forth or the failure to maintain and to operate as directed by the Secretary of War or the Secretary of the Navy shall work a forfeiture of the above-recited right; that the said right of easement of the city of Philadelphia may be declared terminated and ended by the Secretary of War of the United States at any time and he may thereupon resume complete possession of such strip of land and all right hereunder shall cease and determine: *And provided further*, That the right is reserved to the United States to occupy the said right of way for military or other governmental purposes.

**Amendment.** SEC. 2. That the right to alter, amend, or repeal this Act is hereby reserved.

Approved, August 23, 1916.

August 23, 1916.  
[H. R. 14299.]  
[Public, No. 231.]

**CHAP. 399.**—An Act To amend section thirty-three of 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. 1097,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section thirty-three of 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 to read as follows:

Removal of causes  
from State courts.  
Suits or prosecutions  
of revenue officers.

“SEC. 33. That when any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, or is commenced against any person holding property or estate by title derived from any such officer and affects the validity of any such revenue law, or against any officer of the courts of the United States for or on account of any act done under color of his office or in the performance of his duties as such officer, or when any civil suit or criminal prosecution is commenced against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the said suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court next to be holden in the district where the same is pending upon the petition of such defendant to said district court and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced or of the United States stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully

Federal court officers.

Officers of Congress.

Petition, etc.

inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or any other process except *capias*, the clerk of the district court shall issue a writ of *certiorari* to the State court requiring it to send to the district court the record and the proceedings in the cause. When it is commenced by *capias* or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of *habeas corpus cum causa*, a duplicate of which shall be delivered to the clerk of the State court or left at his office by the marshal of the district or his deputy or by some other person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of *habeas corpus cum causa*, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the district court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed *de novo* and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non *prosequitur* may be rendered against him, with costs for the defendant."

*Certiorari to State court for record, etc.*

*Capias proceedings.*

*Duty of marshal.*

*Duty of plaintiff.*

Approved, August 23, 1916.

CHAP. 400.—An Act Permitting the Needles and Oatman Bridge Company to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona.

August 23, 1916.  
[H. R. 16914.]

[Public, No. 232.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Needles and Oatman Bridge Company, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River at a point suitable to the interests of navigation at or near the city of Needles, San Bernardino County, State of California, about ten miles north of the existing bridge of the Atchison, Topeka and Santa Fe Railway Company in that vicinity, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Colorado River.  
Needles and Oatman  
Bridge Company may  
bridge, Needles, Cal.

Construction.  
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 23, 1916.