

said Waterfront Street to corner numbered 4, a point on the northwest boundary line of said United States survey numbered 1474, tract A, identical with the northwest boundary line of said United States reserve for public common and the northwest boundary line of said Pioneers Home tract; from which corner the northeast corner of the Harbor Store Building, same being property of the Sitka Cold Storage Company, bears south thirty-one degrees six minutes east sixteen and five-tenths feet distant, thence south exactly thirty-five degrees west thirty-six and fifty one-hundredths feet along and identical with said northwest boundary (13-14) line of said United States survey numbered 1474, tract A; northwest boundary (7-6) line United States reserve for public common and northwest boundary line Pioneers Home tract to corner numbered 5, meander corner, at line of mean high tide on east shore of Sitka Harbor identical with corner numbered 14, meander corner said United States survey numbered 1474, tract A, and corner numbered 6, meander corner, said United States reserve for public common, and with a meander corner of said Pioneers Home tract, thence with meanders, along the east shore of Sitka Harbor, identical with the meander line of said United States survey numbered 1474, tract A, of said United States reserve for public common and of said Pioneers Home tract, under the said Harbor Store Building and the Sitka Cold Storage Company building A, south thirty-seven degrees nineteen minutes east fifty-seven and nine one-hundredths feet, south twenty degrees twenty-three minutes west forty-three and forty-three one-hundredths feet, south eighty-two degrees fifty-six minutes west thirty-one and fifty-six one-hundredths feet, south seventy degrees seven minutes west exactly twenty-nine feet, south fifteen degrees fifty-one minutes east nineteen and thirty-seven one-hundredths feet, south two degrees fifty-one minutes east thirty-six and seventeen one-hundredths feet, south seventy-six degrees fifty-one minutes east fourteen and fifty-nine one-hundredths feet, to corner numbered 6, meander corner, identical with corner numbered 5, meander corner of said United States reserve for public common, and with corner numbered 5, meander corner, of said United States Forest Service reserve, and with corner of the said Pioneers Home tract; thence north exactly sixty degrees east one hundred and thirty-two and forty-four one-hundredths feet along the 5-1 boundary line of the said United States Forest Service reserve, identical with the 5-4 boundary line of the said United States reserve for public common, and a boundary of the said Pioneers Home tract, and parallel to, and three and five-tenths feet south of the south side of, the Sitka Cold Storage Company building A to corner numbered 1, the place of beginning, containing four-hundred-and-seventy-two one-thousandths acre.

Approved, August 16, 1937.

[CHAPTER 657]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

August 16, 1937
[H. R. 5969]
[Public, No. 302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as approved July 1, 1898, and

Bankruptcy Act of
1898, amendment.
30 Stat. 544.

Acts amendatory thereof and supplementary thereto be, and they are hereby, amended by adding thereto a new chapter, to be designated "chapter X", to be and read as follows:

"CHAPTER X

"ADDITIONAL JURISDICTION

Additional jurisdiction.

Compositions of indebtedness of taxing agencies, etc.

Agricultural improvement districts.

Sewer, paving, etc., districts.

Highway, etc., districts.

Public-school districts.

Port, navigation, etc., districts.

Municipalities.

Proviso.
Separability provision.

"SEC. 81. This Act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness of, or authorized by, any of the taxing agencies or instrumentalities hereinafter named, payable (a) out of assessments or taxes, or both, levied against and constituting liens upon property in any of said taxing agencies or instrumentalities, or (b) out of property acquired by foreclosure of any such assessments or taxes or both, or (c) out of income derived by such taxing agencies or instrumentalities from the sale of water or power or both, or (d) from any combination thereof; (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement districts such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts such as port, navigation, or other similar districts, organized or created for the purpose of constructing, improving, maintaining, and operating ports and port facilities; or (6) any city, town, village, borough, township, or other municipality: *Provided, however,* That if any provision of this chapter, or the application thereof to any such taxing agency or district or class thereof or to any circumstance, is held invalid, the remainder of the chapter, or the application of such provision to any other or different taxing agency or district or class thereof or to any other or different circumstances, shall not be affected by such holding.

"DEFINITION

Definitions.

"Petitioner."

"Security."

"Creditor."

U. S. agency holding securities, etc., deemed a creditor.

"SEC. 82. The following terms as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

"That the term 'petitioner' shall include any taxing agency or instrumentality referred to in section 81 of this chapter.

"The term 'security' shall include bonds, notes, judgments, claims, and demands, liquidated or unliquidated, and other evidences of indebtedness, either secured or unsecured, and certificates of beneficial interest in property.

"The term 'creditor' means the holder of a security or securities.

"Any agency of the United States holding securities acquired pursuant to contract with any petitioner under this chapter shall be deemed a creditor in the amount of the full face value thereof.

"The term 'security affected by the plan' means a security as to which the rights of its holder are proposed to be adjusted or modified materially by the consummation of a composition agreement.

"The singular number includes the plural and the masculine gender the feminine.

"COMPOSITIONS"

"SEC. 83. (a) Any petitioner may file a petition hereunder stating that the petitioner is insolvent or unable to meet its debts as they mature and that it desires to effect a plan for the composition of its debts. The petition shall be filed with the court in whose territorial jurisdiction the petitioner or the major part thereof is located, and, in the case of any unincorporated tax or special-assessment district having no officials of its own, the petition may be filed by its governing authority or the board or body having authority to levy taxes or assessments to meet the obligations to be affected by the plan of composition. The petition shall be accompanied by payment to the clerk of a filing fee of \$100, which shall be in lieu of the fees required to be collected by the clerk under other applicable chapters of the Uniform Bankruptcy Act of 1898, as amended. The petition shall state that a plan of composition has been prepared, is filed and submitted with the petition, and that creditors of the petitioner owning not less than 51 per centum in amount of the securities affected by the plan (excluding, however, any such securities owned, held, or controlled by the petitioner), have accepted it in writing. There shall be filed with the petition a list of all known creditors of the petitioner, together with their addresses so far as known to petitioner, and description of their respective securities showing separately those who have accepted the plan of composition, together with their separate addresses, the contents of which list shall not constitute admissions by the petitioner in a proceeding under this chapter or otherwise. Upon the filing of such a petition the judge shall enter an order either approving it as properly filed under this chapter, if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing it, if not so satisfied.

"The 'plan of composition', within the meaning of this chapter, may include provisions modifying or altering the rights of creditors generally, or of any class of them, secured or unsecured, either through issuance of new securities of any character, or otherwise, and may contain such other provisions and agreements not inconsistent with this chapter as the parties may desire.

"No creditor shall be deemed to be affected by any plan of composition unless the same shall affect his interest materially, and in case any controversy shall arise as to whether any creditor or class of creditors shall or shall not be affected, the issue shall be determined by the judge, after hearing, upon notice to the parties interested.

"For all purposes of this chapter any creditor may act in person or by an attorney or a duly authorized agent or committee. Where any committee, organization, group, or individual shall assume to act for or on behalf of creditors, such committee, organization, group, or individual shall first file with the court in which the proceeding is pending a list of the creditors represented by such committee, organization, group, or individual, giving the name and address of each such creditor, together with a statement of the amount, class, and character of the security held by him, and attach thereto copies of the instrument or instruments in writing signed by the owners of the bonds showing their authority, and shall file with the list a copy of the contract or agreement entered into between such committee,

"Security affected by the plan."

Number and gender.

Compositions.

Petition for composition of debts.

Filing fee.

Contents of petition; plan to accompany; acceptance by majority of creditors.

List of known creditors to be filed.

Court order approving or dismissing petition.

"Plan of composition", provisions.

Class of creditors affected.

Creditor may act in person or by agent, etc.

Group representation; requirements.

Compensation; approval by court.

Procedure when petition approved.

Notice to creditors.

Publication of notice; copy to each creditor.

Answer by creditor controverting allegations; objections.

Extension of hearing.

Decision on issues presented.

Proviso. Payment of claim holders without preference.

Preferential, etc., holders.

Reference to special master for consideration.

organization, group, or individual and the creditors represented by it or them, which contract shall disclose all compensation to be received, directly or indirectly, by such committee, organization, group, or individual, which agreed compensation shall be subject to modification and approval by the court.

"(b) Upon approving the petition as properly filed, or at any time thereafter, the judge shall enter an order fixing a time and place for a hearing on the petition, which shall be held within ninety days from the date of said order, and shall provide in the order that notice shall be given to creditors of the filing of the petition and its approval as being properly filed, and of the time and place for the hearing. The judge shall prescribe the form of the notice, which shall specify the manner in which claims and interests of creditors shall be filed or evidenced, on or before the date fixed for the hearing. The notice shall be published at least once a week for three successive weeks in at least one newspaper of general circulation published within the jurisdiction of the court, and in such other paper or papers having a general circulation among bond dealers and bondholders as may be designated by the court, and the judge may require that it may be published in such other publication as he may deem proper. The judge shall require that a copy of the notice be mailed, postage prepaid, to each creditor of the petitioner named in the petition at the address of such creditor given in the petition, or, if no address is given in the petition for any creditor and the address of such creditor cannot with reasonable diligence be ascertained, then a copy of the notice shall be mailed, postage prepaid, to such creditor addressed to him as the judge may prescribe. All expense of giving notice as herein provided shall be paid by the petitioner. The notice shall be first published, and the mailing of copies thereof shall be completed at least sixty days before the date fixed for the hearing.

"At any time not less than ten days prior to the time fixed for the hearing, any creditor of the petitioner affected by the plan may file an answer to the petition controverting any of the material allegations therein and setting up any objection he may have to the plan of composition. The judge may continue the hearing from time to time if the percentage of creditors required herein for the confirmation of the plan shall not have accepted the plan in writing, or if for any reason satisfactory to the judge the hearing is not completed on the date fixed therefor. At the hearing, or a continuance thereof, the judge shall decide the issues presented and unless the material allegations of the petition are sustained, shall dismiss the proceeding. If, however, the material allegations of the petition are sustained, the judge shall classify the creditors according to the nature of their respective claims and interests: *Provided, however,* That the holders of all claims, regardless of the manner in which they are evidenced, which are payable without preference out of funds derived from the same source or sources shall be of one class. The holders of claims for the payment of which specific property or revenues are pledged, or which are otherwise given preference as provided by law, shall accordingly constitute a separate class or classes of creditors.

"At the hearing, or a continuance thereof, the judge may refer any matters to a special master for consideration, the taking of testimony, and a report upon special issues, and may allow reasonable compensation for the services performed by such special master, and the actual and necessary expenses incurred in connection with the

proceeding, including compensation for services rendered and expenses incurred in obtaining the deposit of securities and the preparation of the plan, whether such work may have been done by the petitioner or by committees or other representatives of creditors, and may allow reasonable compensation for the attorneys or agents of any of the foregoing, and may apportion the amount so determined among the parties to the proceeding as may be just: *Provided, however,* That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the petitioner or paid from any revenues, property, or funds of the petitioner except in the manner and in such sums, if any, as may be provided for in the plan of composition. An appeal may be taken from any order making such determination or award to the United States Circuit Court of Appeals for the circuit in which the proceeding under this chapter is pending, independently of other appeals which may be taken in the proceeding, and such appeal shall be heard summarily.

"On thirty days' notice by any creditor to petitioner, the judge, if he finds that the proceeding has not been prosecuted with reasonable diligence, or that it is unlikely that the plan will be accepted by said proportion of creditors, may dismiss the proceeding.

"(c) Upon entry of the order fixing the time for the hearing, or at any time thereafter, the judge may upon notice enjoin or stay, pending the determination of the matter, the commencement or continuation of suits against the petitioner, or any officer or inhabitant thereof, on account of the securities affected by the plan, or to enforce any lien or to enforce the levy of taxes or assessments for the payment of obligations under any such securities, or any suit or process to levy upon or enforce against any property acquired by the petitioner through foreclosure of any such tax lien or special assessment lien, except where rights have become vested, and may enter an interlocutory decree providing that the plan shall be temporarily operative with respect to all securities affected thereby and that the payment of the principal or interest, or both, of such securities shall be temporarily postponed or extended or otherwise readjusted in the same manner and upon the same terms as if such plan had been finally confirmed and put into effect, and upon the entry of such decree the principal or interest, or both, of such securities which have otherwise become due, or which would otherwise become due, shall not be or become due or payable, and the payment of all such securities shall be postponed during the period in which such decree shall remain in force, but shall not, by any order or decree, in the proceeding or otherwise, interfere with (a) any of the political or governmental powers of the petitioner; or (b) any of the property or revenues of the petitioner necessary for essential governmental purposes; or (c) any income-producing property, unless the plan of composition so provides.

"(d) The plan of composition shall not be confirmed until it has been accepted in writing, by or on behalf of creditors holding at least two-thirds of the aggregate amount of claims of all classes affected by such plan and which have been admitted by the petitioner or allowed by the judge, but excluding claims owned, held, or controlled by the petitioner: *Provided, however,* That it shall not be requisite to the confirmation of the plan that there be such acceptance by any creditor or class of creditors (a) whose claims are not affected by the plan; or (b) if the plan makes provision for the payment of their claims in cash in full; or (c) if provision

Proviso.
Assessment of fees,
etc.

Appeals from orders.

Authority of judge.
Dismissal of proceeding.

Stay of suits, etc.

Enforcement of
assessments, etc.

Temporary operation
of plan on securities
affected.

Readjustment of securities.

Plan of composition.
Acceptance by creditors
before confirmation.

Proviso.
Classes of creditors
from whom acceptance
not required.

is made in the plan for the protection of the interests, claims, or lien of such creditors or class of creditors.

Confirmation of
plan, etc., by court.
Findings required.

"(e) At the conclusion of the hearing, the judge shall make written findings of fact and his conclusions of law thereon, and shall enter an interlocutory decree confirming the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors and does not discriminate unfairly in favor of any creditor or class of creditors; (2) complies with the provisions of this chapter; (3) has been accepted and approved as required by the provisions of subdivision (d) of this section; (4) all amounts to be paid by the petitioner for services or expenses incident to the composition have been fully disclosed and are reasonable; (5) the offer of the plan and its acceptance are in good faith; and (6) the petitioner is authorized by law to take all action necessary to be taken by it to carry out the plan. If not so satisfied, the judge shall enter an order dismissing the proceeding.

Changes and modi-
fications allowed.

Rights and acts of
creditor.

"Before a plan is confirmed, changes and modifications may be made therein, with the approval of the judge after hearing upon such notice to creditors as the judge may direct, subject to the right of any creditor who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor, and if any creditor having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however,* That the plan as changed or modified shall comply with all the provisions of this chapter and shall have been accepted in writing by the petitioner. Either party may appeal from the interlocutory decree as in equity cases. In case said interlocutory decree shall prescribe a time within which any action is to be taken, the running of such time shall be suspended in case of an appeal until final determination thereof. In case said decree is affirmed, the judge may grant such time as he may deem proper for the taking of such action.

Proviso.
Conformity with
provisions of chapter.

Appeal.

Running of time
suspended on appeal.

Confirmatory de-
cree binding upon all
creditors.

"(f) If an interlocutory decree confirming the plan is entered as herein provided, the plan and said decree of confirmation shall become and be binding upon all creditors affected by the plan, if within the time prescribed in the interlocutory decree, or such additional time as the judge may allow, the money, securities, or other consideration to be delivered to the creditors under the terms of the plan shall have been deposited with the court or such disbursing agent as the court may appoint or shall otherwise be made available for the creditors. And thereupon the court shall enter a final decree determining that the petitioner has made available for the creditors affected by the plan the consideration provided for therein and is discharged from all debts and liabilities dealt with in the plan except as provided therein, and that the plan is binding upon all creditors affected by it, whether secured or unsecured, and whether or not their claims have been filed or evidenced, and, if filed or evidenced, whether or not allowed, including creditors who have not, as well as those who have, accepted it.

Certified copy of
decree or order as
evidence of jurisdic-
tion of court.

Order directing
property transfer, ef-
fect of.

"(g) A certified copy of the final decree, or of any other decree or order entered by the court or the judge thereof, in a proceeding under this chapter, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and the fact that the decree or order was made. A certified copy of an order providing for the transfer of any property dealt with by the plan shall be evidence of the trans-

fer of title accordingly and, if recorded as conveyances are recorded, shall impart the same notice that a deed, if recorded, would impart.

"(h) This chapter shall not be construed as to modify or repeal any prior, existing statute relating to the refinancing or readjustment of indebtedness of municipalities, political subdivisions, or districts: *Provided, however,* That the initiation of proceedings or the filing of a petition under section 80 shall not constitute a bar to the same taxing agency or instrumentality initiating a new proceeding under section 81 thereof.

"(i) Nothing contained in this chapter shall be construed to limit or impair the power of any State to control, by legislation or otherwise, any municipality or any political subdivision of or in such State in the exercise of its political or governmental powers, including expenditures therefor.

Provisions not to affect existing law, etc.

Proviso.
Initiating, etc., proceedings; effect of.

State control over political subdivisions not impaired.

"TERMINATION OF JURISDICTION

"SEC. 84. Jurisdiction conferred on any court by section 81 shall not be exercised by such court after June 30, 1940, except in respect of any proceeding initiated by filing a petition under section 83 (a) on or prior to June 30, 1940."

Approved, August 16, 1937.

Termination of jurisdiction.

[CHAPTER 658]

AN ACT

Authorizing the Secretary of Commerce to accept title to a certain parcel of land at Gaithersburg, Maryland.

August 16, 1937
[H. R. 6145]
[Public, No. 303]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized and empowered to accept, on behalf of the United States, title, by deed from the heirs at law of Ignatius T. and Elizabeth M. Fulks (pursuant to the leasehold interest created by a contract of April 1, 1899, between the said Ignatius T. and Elizabeth M. Fulks and the Superintendent of the United States Coast and Geodetic Survey), to the following-described property situated and lying in Gaithersburg, Montgomery County, Maryland, to wit: Beginning at a stone planted in the ground at the intersection of the lines of the lands of the said Ignatius T. Fulks, Vandelia Owen, and Philemon M. Smith, and running thence south forty-six degrees thirty minutes west three hundred feet; thence south forty-three degrees thirty minutes east two hundred and seventy feet; thence north forty-six degrees thirty minutes east four hundred and forty-four and six-tenths feet; thence north seventy-one degrees forty minutes west fifty-three and five-tenths feet to a stone; still north seventy-one degrees forty minutes west two hundred and fifty-two and eight-tenths feet to the place of beginning, containing two and three hundred and seven one-thousandths acres of land, more or less; together with all the improvements thereon, and the rights and appurtenances thereto belonging or appertaining, including the present right-of-way from the entrance of the property to the Frederick Road.

Gaithersburg, Md.
Acceptance of title to certain land in, authorized.

Description.

Acquisition of the title to said property under this Act shall be without expense to the United States, except the expense of conveying and the expense of making an abstract of title to said property.

Restriction on expense.

Approved, August 16, 1937.