Public Law 542 CHAPTER 329

May 28, 1956
[H. R. 7186]

AN ACT

To provide for the review and determination of claims for the return of lands, in the Territory of Hawaii, conveyed to the Government during World War II by organizations composed of persons of Japanese ancestry.

Hawaii.
Claims, World War II.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any organization or group made up of persons of Japanese ancestry, which, prior to World War II, held lands, with or without improvements, in the Territory of Hawaii for eleemosynary purposes and which lands were conveyed by such organization or group during World War II to the Territory of Hawaii or any political subdivision thereof, may, notwithstanding any other provision of law pertaining to statutory limitations of actions or laches, make a claim for the return thereof. Such claim shall be made within two years after the date of approval of this Act by filing a verified petition in the circuit court of the Territory in which the property was situated at the time the same was originally conveyed to the Territory or its political subdivision.

Publication of notice.

SEC. 2. The Governor of the Territory shall, within sixty days after the date of approval of this Act, cause to be published at least once a week for a period of three weeks in a newspaper of general circulation in the Territory a notice stating in general terms the purpose of this Act, the period in which claims may be filed, and where such claims may be filed.

Circuit courts.
Applicability of rules, etc.

SEC. 3. The rules of the circuit court of the Territory of Hawaii pertaining to civil procedure, including rules relating to appeals, shall be applicable to the proceedings authorized by this Act. All court costs and fees, both in the circuit and appellate courts, shall be assessed and paid in the same manner as in civil cases. The courts shall advance on their dockets and expedite the disposition of all claims filed therein pursuant to this Act. The Attorney General of Hawaii may intervene in any proceeding instituted under the provisions of this Act.

Procedures for claimants.

SEC. 4. The petition shall allege and it shall be shown—

(a) that during World War II a conveyance of lands, with or without improvements, was made to the Territory of Hawaii, or a political subdivision thereof, by an organization or group made up of persons of Japanese ancestry theretofore holding such property for eleemosynary purposes;

(b) that such conveyance was made without monetary consideration other than the assumption of mortgages or other encumbrances, or was made upon a nominal consideration;

(c) that such conveyance was not lawfully authorized under the laws, constitution, bylaws or the like governing the same, or alternatively that such conveyance was made or procured in such a manner as to cause such conveyance to be voidable;

(d) that the petitioner is, or the petitioners are, the real parties in interest, and that no assignment or transfer of the claim, or of any part thereof or interest therein, has been made except as stated in the petition;

(e) that the return of the property is sought for the purpose of resuming the eleemosynary use for which the property was held prior to the conveyance to the Territory or a political subdivision thereof, or alternatively, if the petitioner does not intend to resume the eleemosynary use of the property for which it was held prior to the conveyance to the Territory or political subdivision thereof, the petitioner shall indicate in its petition

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whether there are some other purposes for its seeking the return of the property and what disposition it intends to make of the property, if the same is returned; and

(f) that the respondents named in the petition include and constitute the grantee or grantees and their successors in title, if any, who received the original conveyance and all other persons or Government bodies having or claiming any interest therein or occupancy thereof; and all such respondents shall be personally served with the petition.

Hearing and determination of claims.

SEC. 5. If the allegations required by section 4 hereof are contained in the petition, the circuit court shall hear and determine the claim as a court of equity, without a jury, and may, in the exercise of its sound discretion and within the principles hereinafter set forth, either direct the return of the property to the petitioner, if the allegations of the petition are sustained, or make such other order as it shall deem appropriate.

Principles of equity.

SEC. 6. In the disposition and determination of such claims, the circuit court shall, in addition to the general principles of equity, be governed by the following principles:

(a) In case of an assignment or transfer of a claim, or any part thereof or interest therein, the claim, or so much thereof as is involved in the assignment or transfer, shall be denied and disallowed unless it shall be shown that the assignment or transfer was made for a good and sufficient reason without any motive of speculation.

(b) If the allegations of the petition are proved, and if the property is then being used by the Territory or a political subdivision thereof, the court may direct that the property be retained for a reasonable time so as to allow the Territory or political subdivision thereof using the property to obtain other accommodations. The use of the property during such period of time shall be without charge to the Territory or political subdivision thereof, as the case may be.

(c) If an eminent domain proceeding for the condemnation of the property, or any part thereof, for public use is brought by the Territory or political subdivision within the time so allowed by the court, in such eminent domain proceeding, the property shall be valued and the proceeding shall be heard and determined in all respects as if filed upon the date of the original conveyance and as if an order had been made letting the Government into possession on said date: *Provided*, That at its option, the Territory or political subdivision may bring eminent domain proceedings for condemnation of the property or part thereof required for public use without invoking the preceding provisions of this sentence: *Provided further*, That in the event the Territory or political subdivision shall have discharged encumbrances upon the property for which it is entitled to reimbursement as provided by subsection (e), the same may be made a setoff in any eminent domain proceeding brought for condemnation of the property or part thereof required for public use.

(d) No vested rights or interest of any person, whether held in fee simple or for a term of years or otherwise, shall be impaired by the disposition of any such claim. If the property has been sold, the court may direct payment by the Territory or political subdivision thereof to the persons who would have been entitled to the return of the property had it not been sold. Such payment shall not exceed the consideration received for the property, and such payment shall be without interest.

(e) In respect of property which has been improved during the tenure of the Territory or political subdivision thereof, either by the making of new improvements or by betterment of the property in any

form, it shall be a condition to the granting of the claim that the Territory or political subdivision thereof be reimbursed, without interest, for such improvements.

(f) In respect of mortgages, tax liens, or other encumbrances upon the property at the time of the original conveyance, which by reason of the conveyance were assumed or have been discharged, it shall be a condition to the granting of the claim that the Territory or political subdivision thereof be relieved of the obligations so assumed, and to the extent that the same shall have been discharged, that the Territory or political subdivision thereof, as the case may be, be reimbursed without interest therefor.

(g) The court shall not make any pecuniary award to any petitioner for rents or damages or for any other cause, and the redress of petitioners shall be confined to the return or proper disposition of the property according to the principles herein set forth, except as stated in paragraph (d) of this subsection.

Appropriations.

SEC. 7. The Territory of Hawaii may appropriate funds for the purpose of carrying out the provisions of this Act.

Exercise of eminent domain.

SEC. 8. Nothing contained in this Act shall preclude the Territory of Hawaii from exercising the power of eminent domain.

Approved May 28, 1956.

Public Law 543 — CHAPTER 330

May 28, 1956
[H. R. 5047]

AN ACT

To increase the compensation of trustees in bankruptcy.

Bankruptcy.
Trustees' compensation.
30 Stat. 557.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 48 (c) of the Bankruptcy Act of July 1, 1898, as amended (11 U. S. C. 76 (c) (1)), is further amended to read as follows:

"(1) NORMAL ADMINISTRATION.—When the trustee does not conduct the business of the bankrupt, such sum as the court may allow, but in no event to exceed 10 per centum on the first $500 or less, 6 per centum on moneys in excess of $500 and not more than $1,500, 3 per centum on moneys in excess of $1,500 and not more than $10,000, 2 per centum on moneys in excess of $10,000 and not more than $25,000, and 1 per centum on moneys in excess of $25,000, upon all moneys disbursed or turned over by them to any persons, including lienholders: *Provided, however*, That in any case, after the trustee has paid all expenses of administration and has realized upon all available assets, the maximum compensation allowable to him hereunder does not exceed $150, the court may of its own motion allow the trustee a fee which with the commissions, if any, paid or to be paid him shall not exceed $150."

SEC. 2. The provisions of this Act shall apply to all cases in which the petition initiating the proceeding under the Bankruptcy Act is filed subsequent to the date of the enactment of this Act.

Approved May 28, 1956.

Public Law 544 — CHAPTER 331

May 28, 1956
[H. R. 9257]

AN ACT

To amend title 18 of the United States Code, so as to provide for the punishment of persons who assist in the attempted escape of persons in Federal custody.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 752