

AMENDMENTS OF
GENERAL ORDERS IN BANKRUPTCY
AND THE OFFICIAL FORMS

ORDER

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GENERAL ORDERS IN BANKRUPTCY
AND THE OFFICIAL FORMS

PROMULGATED BY THE
SUPREME COURT OF THE UNITED STATES

JUNE 23, 1947

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No. 185. *Cambridge v. New York*, June 23, 1947.

No. 186. *George v. United States*, June 23, 1947.

No. 501. *Director General of Customs and Excise v. United States*, June 23, 1947. The motion for leave to file a petition for rehearing was granted. 333 U. S. 425.

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No. 187. *Maryland v. United States*, June 23, 1947. Mr. Justice Frankfurter took no part in the consideration of this application. 333 U. S. 426.

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No. 188. *Hill Packing Co. v. City of New York*

No. 188. *Hill Packing Co. v. City of New York*, June 23, 1947. Mr. Justice Douglas took no part in the consideration of these applications.

No. 189. *Smith v. United States*, June 23, 1947. Mr. Justice Frankfurter took no part in the consideration of this application. Mr. Justice Murphy took the opinion the petition for rehearing should be granted.

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ORDER

IT IS ORDERED, on this 23d day of June, 1947, that General Orders Nos. 1, 10, 13, 24, 26, 27, 35 (4), 46, 50 (12) and 56 and Forms in Bankruptcy Nos. 1, 12, 15, 17, 46, 47, 59, 70, 71, and 72 be, and they are hereby, amended and established to read as hereinafter set forth.

IT IS FURTHER ORDERED that this order shall take effect on Tuesday, July 1, 1947, and shall govern all proceedings then pending to which its provisions are applicable except to the extent that in the opinion of the court its application to such proceedings would not be practicable or work injustice, in which event the General Orders and Forms in Bankruptcy heretofore established shall apply.

GENERAL ORDER No. 1

DOCKETS

The clerk shall keep a docket, in which the cases shall be entered and numbered in the order in which they are commenced. It shall contain a memorandum of the filing of the petition and of the action of the court thereon; of the reference of the case, if any reference is made, to the referee; of the transmission by the referee to the clerk of all bonds, orders and reports, and of the referee's certified record of the proceedings; and of all proceedings in the case except those duly entered on the referee's docket. The clerk's docket shall be arranged in a manner convenient for reference, and shall at all times be open

to public inspection. If the proceeding is brought under sections 75 or 77, or under Chapters IX, X, XI, XII, or XIII, of the Act, the docket shall so indicate.

The referee, in all cases referred to him shall keep a docket of all proceedings before him substantially in the manner indicated by Form No. 70. Such docket shall at all times be open to public inspection. The original referee's docket or a certified copy thereof shall be transmitted to the clerk for preservation by him when the case is closed.

GENERAL ORDER 10

INDEMNITY FOR EXPENSES

Before incurring any expense in procuring the attendance of witnesses or in perpetuating testimony, the clerk, marshal, or referee may require, from the bankrupt, debtor, or other person in whose behalf the duty is to be performed, indemnity for such expense. Money advanced for this purpose by the bankrupt, debtor, or other person shall be repaid him out of the estate as part of the cost of administering the same.

GENERAL ORDER 13

APPOINTMENT AND REMOVAL OF TRUSTEE

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

GENERAL ORDER 24

LIST OF PROVED CLAIMS AND INTERESTS

The person with whom proofs of claim or of interest are filed shall maintain open to inspection a list of the claims and interests proved against the estate, with the names and addresses of the owners thereof, as given by them. The list of claims or of interests shall be maintained substantially in the manner indicated by Form

No. 71. The original list or a certified copy thereof shall be transmitted to the clerk for preservation by him when the case is closed.

GENERAL ORDER 26

ACCOUNTS OF REFEREE

Every referee shall maintain, substantially in the manner indicated by Form No. 46, a cash book or a record in which he shall keep an accurate and itemized account showing (1) all moneys received by him in his official capacity as referee in bankruptcy and the case number of the proceeding to which each receipt is credited; and (2) the disposition made of such moneys, showing the case number of the proceeding, if any, on account of which each sum is disbursed. All moneys received as aforesaid shall be deposited forthwith to the credit of the referee in his official capacity in a depository designated by the court for the purpose, and shall be disbursed only by checks signed by the referee in his official capacity. Within thirty days after the expiration of each six months period ending June thirtieth and December thirty-first of each year, each referee shall submit to the district court a report substantially in the manner indicated by Form No. 47 containing (1) a financial statement showing all moneys received and disbursed in his official capacity as referee in bankruptcy during the period covered by the report; (2) an analysis of the unexpended balance in his official account at the end of the period; (3) a statement showing the number of cases handled during the period; and (4) a list of the proceedings referred to him which have remained open for more than eighteen months, giving the reasons in each instance why they have not been closed. The statements so submitted shall be in duplicate and verified; and one copy shall be transmitted by the clerk, forthwith upon its receipt, to the Administrative Office of the United States Courts.

GENERAL ORDER 27

REVIEW BY JUDGE

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

GENERAL ORDER 35

PARAGRAPH 4

(4) The petition in a voluntary proceeding under Chapters I to VII or Chapter XIII of the Act may be accepted for filing by the clerk if accompanied by a verified petition of the bankrupt or debtor stating that the petitioner is without and cannot obtain the money with which to pay the filing fees in full at the time of filing. Such petition shall state the facts showing the necessity for the payment of the filing fees in installments and shall set forth the terms upon which the petitioner proposes to pay the filing fees.

a. At the first meeting of creditors or any adjournment thereof, the court after hearing and examination of the bankrupt or debtor, shall enter an order fixing the amount and date of payment of such installments. The final installment shall be payable not more than six months after the date of filing of the original petition; provided, however, that for cause shown the court may extend the time of payment of any installment for a period not to exceed three months.

b. Upon the failure of a bankrupt or debtor to pay any installment as ordered, the court may dismiss the proceeding for failure to pay costs as provided in Section 59g of the Act. If a proceeding is dismissed or closed without the payment of the filing fees in full, the amount collected in installments, including any payment made at the time the original petition is filed, shall be divided between the clerk, the referees' salary fund, the referees' expense fund and the trustee, if any,

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in the same proportion as such filing fees would be distributed if paid in full.

c. No proceedings upon the discharge of a bankrupt or debtor shall be instituted until the filing fees are paid in full.

GENERAL ORDER 46

BANKING INSTITUTION AS CUSTODIAN, RECEIVER OR
TRUSTEE

(Abrogated, Feb. 13, 1939, 305 U. S. following p. 676)

GENERAL ORDER 50

PARAGRAPH 12

PROCEEDINGS UNDER SECTION 75 OF THE ACT

(12) The twenty-five dollar fees of the conciliation commissioner, and the fees and expenses of the supervisory conciliation commissioner, shall be payable out of appropriated funds in accordance with such instructions as may be issued from time to time by the Director of the Administrative Office of the United States Courts.

GENERAL ORDER 56

RULES BY COURTS OF BANKRUPTCY

Each court of bankruptcy, by action of a majority of the judges thereof, may from time to time make and amend rules governing its practice in proceedings under the Act not inconsistent with the Act or with these general orders. Copies of rules and amendments so made by any court of bankruptcy shall, upon their promulgation, be furnished to the Supreme Court of the United States and the Administrative Office of the United States Courts.