

[CHAPTER 114.]

AN ACT

May 15, 1935.
[S. 1616.]
[Public, No. 60.]

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 and supplementary thereto.

Bankruptcy Act of 1898 amendments. Vol. 30, p. 547; Vol. 47, p. 47. U. S. C., p. 321. Involuntary bankruptcy; who may be adjudged.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b), as amended and supplemented, of section 4 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, is amended to read as follows:

"(b) Any natural person, except a wage earner or a farmer, any unincorporated company, and any moneyed, business, or commercial corporation (except a municipal, railroad, insurance or banking corporation, or a building and loan association) owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this Act.

Liability of officers, etc., of corporation.

"The bankruptcy of a corporation or association shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

Vol. 47, p. 1469. U. S. C., p. 333.

SEC. 2. That subsection (1) of section 74 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended and supplemented, is amended to read as follows:

Trustee; when may be appointed.

(1) If (1) the debtor shall fail to comply with any of the terms required of him for the protection of and indemnity against loss by the estate; or (2) the debtor has failed to make the required deposit in case of a composition; or (3) the debtor's proposal has not been accepted by the creditors; or (4) confirmation has been denied; or (5) without sufficient reason the debtor defaults in any payment required to be made under the terms of an extension proposal when the court has retained jurisdiction of the debtor or his property, the court may appoint the trustee nominated by the creditors at the first meeting, and if the creditors shall have failed to so nominate, may appoint any other qualified person as trustee to liquidate the estate. The court shall in addition adjudge the debtor a bankrupt if satisfied that he commenced or prolonged the proceeding for the purpose of delaying creditors and avoiding an adjudication in bankruptcy, or if the confirmation of his proposal has been denied. No order of liquidation or adjudication shall be entered in any proceeding under this section instituted by or against a wage earner or a farmer unless the wage earner or farmer consents."

Nomination by creditors.

Vol. 47, p. 1473. U. S. C., p. 336.

SEC. 3. That subsection (r) of section 75 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended and supplemented, is amended to read as follows:

Term "farmer" construed.

"(r) For the purposes of this section, section 4 (b), and section 74, the term 'farmer' includes not only an individual who is primarily bona fide personally engaged in producing products of the soil, but also any individual who is primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or the production of poultry products or livestock products in their unmanufactured state, or the principal part of whose income is derived from any one or more of the foregoing operations, and includes the personal representative of a deceased farmer; and a farmer shall be deemed a resident of any county in which such operations occur."

Approved, May 15, 1935.

[CHAPTER 115.]

AN ACT

To give proper recognition to the distinguished services of Colonel William L. Keller.

May 15, 1935.
[S. 2024.]
[Public, No. 61.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the outstanding service and contribution made to the science of medicine and surgery by Colonel William L. Keller, Medical Corps, United States Army, and to provide that his mature professional judgment and long experience may continue to remain available to the public service, the President is hereby authorized to designate the said Colonel William L. Keller, upon his retirement from the active list, as Consultant in Surgery at the United States Army Medical Center (Walter Reed Hospital), Washington, District of Columbia: *Provided*, That such designation shall be subject to the said Colonel William L. Keller's acceptance and terminable at his pleasure; and it is further provided that he shall be entitled to the full active-duty pay and allowances of the grade held by him at the time of his retirement.

Colonel William L. Keller.
May be designated Consultant in Surgery at Walter Reed Hospital.

Proviso.
Optional acceptance.

Pay and allowances.

Approved, May 15, 1935.

[CHAPTER 131.]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes.

May 17, 1935.
[H. R. 6718.]
[Public, No. 62.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, namely:

Department of Agriculture, Farm Credit Administration appropriations, fiscal year, 1936.

TITLE I—DEPARTMENT OF AGRICULTURE

Title I—Department of Agriculture.

OFFICE OF THE SECRETARY

Secretary's office.

SALARIES

For the Secretary of Agriculture, Under Secretary of Agriculture, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, \$584,712: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act as amended and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation

Secretary, Under Secretary, Assistant, and other personal services.

Provisos.
Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U. S. C., p. 85.

When only one position in grade.

Restriction not applicable to clerical-mechanical service.
No reduction in fixed salaries.