

Privileges.
Extension of privi-
leges to such officers
heretofore retired.

No increase in prior
retired pay.

General of the Navy, or as Major General Commandant of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such Chief of Naval Operations, Chief of Bureau, Judge Advocate General, or Major General Commandant: *Provided*, That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further*, That no increase provided herein in retired pay shall be held to have accrued prior to the passage of this Act.

Approved, June 22, 1938.

[CHAPTER 575]

AN ACT

June 22, 1938
[H. R. 8046]
[Public, No. 696]

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; and to repeal section 76 thereof and all Acts and parts of Acts inconsistent therewith.

Bankruptcy Act
of 1898, amendments.
30 Stat. 544; 32 Stat.
800; 36 Stat. 842; 47
Stat. 1467; 48 Stat. 911.
11 U. S. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 to 11, inclusive; 14; 15; 17 to 29, inclusive; 31; 32; 34; 35; 37 to 42, inclusive; 44 to 53, inclusive; and 55 to 72, inclusive, of an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, are hereby amended; and sections 12, 13, 73, 74, 77A, and 77B are hereby amended and incorporated as chapters X, XI, XII, XIII, and XIV; said amended sections to read as follows:

Chapter I—Definitions.

Meaning of words
and phrases.

"A person against
whom a petition has
been filed."

"Adjudication."

"Appellate courts."

"Bankrupt."

"Bona-fide pur-
chaser."

"Clerk."

"Conceal."

"Corporation."

"CHAPTER I—DEFINITIONS

"SECTION 1. MEANING OF WORDS AND PHRASES.—The words and phrases used in this Act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows:

"(1) 'A person against whom a petition has been filed' shall include a person who has filed a voluntary petition;

"(2) 'Adjudication' shall mean a decree that a person is a bankrupt;

"(3) 'Appellate courts' shall include the circuit courts of appeals of the United States, the United States Court of Appeals of the District of Columbia, and the Supreme Court of the United States;

"(4) 'Bankrupt' shall include a person against whom an involuntary petition or an application to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt;

"(5) 'Bona-fide purchaser' shall include a bona-fide encumbrancer or pledgee and the transferee, immediate or mediate, of any of them;

"(6) 'Clerk' shall mean the clerk of a court of bankruptcy;

"(7) 'Conceal' shall include secrete, falsify, and mutilate;

"(8) 'Corporation' shall include all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint-stock companies, unincorporated companies and associations, and any business conducted by a trustee or trustees wherein beneficial interest or ownership is evidenced by certificate or other written instrument;

"(9) 'Court' shall mean the judge or the referee of the court of bankruptcy in which the proceedings are pending;

"Court."

"(10) 'Courts of bankruptcy' shall include the district courts of the United States and of the Territories and possessions to which this Act is or may hereafter be applicable, and the District Court of the United States for the District of Columbia;

"Courts of bankruptcy."

"(11) 'Creditor' shall include anyone who owns a debt, demand, or claim provable in bankruptcy, and may include his duly authorized agent, attorney, or proxy;

"Creditor."

"(12) 'Date of adjudication' shall mean the date of entry of the decree of adjudication, or, if such decree is appealed from, then the date when such decree is finally confirmed or the appeal is dismissed;

"Date of adjudication."

"(13) 'Date of bankruptcy', 'time of bankruptcy', 'commencement of proceedings', or 'bankruptcy' with reference to time, shall mean the date when the petition was filed;

"Date of bankruptcy," "time of bankruptcy," "commencement of proceedings," or "bankruptcy" with reference to time.

"(14) 'Debt' shall include any debt, demand, or claim provable in bankruptcy;

"Debt."

"(15) 'Discharge' shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy, except such as are excepted by this Act;

"Discharge."

"(16) 'Document' shall include any book, deed, record, paper, or instrument in writing;

"Document."

"(17) 'Farmer' shall mean an individual personally engaged in farming or tillage of the soil, and shall include an individual personally engaged in dairy farming or in the production of poultry, livestock, or poultry or livestock products in their unmanufactured state, if the principal part of his income is derived from any one or more of such operations;

"Farmer."

"(18) 'Holiday' shall include New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Armistice Day, Christmas Day, and any day appointed as a holiday or as a day of public fasting or thanksgiving by the President or the Congress of the United States, or by the Governor or the Legislature of the State in which the proceeding under this Act is filed or pending;

"Holiday."

"(19) A person shall be deemed insolvent within the provisions of this Act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, shall not at a fair valuation be sufficient in amount to pay his debts;

Insolvency.

"(20) 'Judge' shall mean a judge of a court of bankruptcy, not including the referee;

"Judge."

"(21) 'Oath' shall include affirmation;

"Oath."

"(22) 'Officer' shall include clerk, marshal, receiver, custodian, referee, and trustee, and the imposing of a duty upon, or the forbidding of an act by, any officer shall include his successor and any person authorized by law to perform the duties of such officer;

"Officer."

"(23) 'Persons' shall include corporations, except where otherwise specified, and officers, partnerships, and women, and when used with reference to the commission of acts which are forbidden under this Act shall include persons who are participants in the forbidden acts, and the agents, officers, and members of the board of directors or trustees or of other similar controlling bodies of corporations;

"Persons."

"(24) 'Petition' shall mean a document filed in a court of bankruptcy or with a clerk thereof by a debtor praying for the benefits of this Act, or by creditors alleging the commission of an act of bankruptcy by a debtor therein named;

"Petition."

"To record."	"(25) 'To record' shall include to register or to file for record or registration;
"Referee."	"(26) 'Referee' shall mean the referee who has jurisdiction of the case or to whom the case has been referred or anyone acting in his stead;
"Relatives."	"(27) 'Relatives' shall mean persons related by affinity or consanguinity within the third degree as determined by the common law and shall include the spouse;
"Secured creditor."	"(28) 'Secured creditor' shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this Act or who owns such a debt for which some endorser, surety, or other person secondarily liable for the bankrupt has such security upon the bankrupt's assets;
"States."	"(29) 'States' shall include the Territories and possessions to which this Act is or may hereafter be applicable, Alaska, and the District of Columbia;
"Transfer."	"(30) 'Transfer' shall include the sale and every other and different mode, direct or indirect, of disposing of or of parting with property or with an interest therein or with the possession thereof or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, assignment, payment, pledge, mortgage, lien, encumbrance, gift, security, or otherwise;
"Trustee", "receiver."	"(31) 'Trustee' shall include all of the trustees and 'receiver' shall include all of the receivers of an estate;
"Wage earner."	"(32) 'Wage earner' shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding \$1,500 per year;
Gender.	"(33) Words importing the masculine gender may be applied to and include all persons;
Plural number.	"(34) Words importing the plural number may be applied to and mean only a single person or thing; and
Singular number.	"(35) Words importing the singular number may be applied to and mean several persons or things.

Chapter II—Courts
of Bankruptcy.

"CHAPTER II—COURTS OF BANKRUPTCY

Creation of courts
of bankruptcy and
their jurisdiction.

"SEC. 2. CREATION OF COURTS OF BANKRUPTCY AND THEIR JURISDICTION.—a. The courts of the United States hereinbefore defined as courts of bankruptcy are hereby created courts of bankruptcy and are hereby invested, within their respective territorial limits as now established or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in proceedings under this Act, in vacation, in chambers, and during their respective terms, as they are now or may be hereafter held, to—

Powers.

Adjudication of
bankrupts.

"(1) Adjudge persons bankrupt who have had their principal place of business, resided or had their domicile within their respective territorial jurisdictions for the preceding six months, or for a longer portion of the preceding six months than in any other jurisdiction, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States, and have property within their jurisdictions;

Allowance, etc., of
claims.

"(2) Allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates;

Appointment of re-
ceivers or marshals.

"(3) Appoint, upon the application of parties in interest, receivers or the marshals to take charge of the property of bankrupts and to