

[CHAPTER 656]

AN ACT

To permit the United States to be made a party defendant in certain cases.

December 2, 1942  
[H. R. 5578]  
[Public Law 780]

U. S. as party defendant in certain cases.

Government liens on real estate or personal property. Suits to quiet title or foreclose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act entitled "An Act to permit the United States to be made a party defendant in certain cases", approved March 4, 1931, as amended (46 Stat. 1528, U. S. C., title 28, sec. 901), be, and the same is hereby, amended to read as follows:

"SECTION 1. Upon the conditions herein prescribed for the protection of the United States, the consent of the United States is given to be named a party in any suit which is now pending or which may hereafter be brought in any United States district court, including those for the districts of Alaska, Hawaii, and Puerto Rico, and the District Court of the United States for the District of Columbia, and in any State court having jurisdiction of the subject matter, to quiet title to or for the foreclosure of a mortgage or other lien upon real estate or personal property, for the purpose of securing an adjudication touching any mortgage or other lien the United States may have or claim on the premises or personal property involved."

SEC. 2. Section 4 of the Act entitled "An Act to permit the United States to be made a party defendant in certain cases", approved March 4, 1931, as amended (46 Stat. 1529, U. S. C., title 28, sec. 904), is amended to read as follows:

Effect of judicial sale.

"SEC. 4. Except as herein otherwise provided, a judicial sale made in pursuance of a judgment in such a suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the law of the State, Territory, or District in which the land or personal property is situated: *Provided*, That a sale to satisfy a lien inferior to one of the United States, shall be made subject to and without disturbing the lien of the United States, unless the United States, by its attorneys, consents that the property may be sold free of its mortgage or lien and the proceeds divided as the parties may be entitled: *And provided further*, That where a sale of real estate is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien or mortgage and in any case where property is sold to satisfy a first mortgage or first lien held by the United States, the United States may bid at the sale such sum not exceeding the amount of its claim with expenses of sale, as may be directed by the chief of the department, bureau, or other agency of the Government which has charge of the administration of the laws in respect of which the claim of the United States arises."

*Provisos.*  
Lien inferior to that of U. S.

Lien prior to that of U. S.

Foreclosure of Government's lien, etc.

SEC. 3. Section 2 of the Act entitled "An Act to permit the United States to be made a party defendant in certain cases", approved March 4, 1931, as amended (46 Stat. 1528, U. S. C., title 28, sec. 902), is hereby amended to read as follows:

Service of process.

"SEC. 2. Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought, or upon an assistant United States attorney or a clerical employee designated by the United States attorney in writing filed with the clerk of the court in which suit is brought, and by sending copies of the process and bill, by regis-

tered mail, to the Attorney General of the United States at Washington, District of Columbia. The complaint shall set forth with particularity the nature of the interest or lien of the United States on such property. The United States shall have sixty days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur.”

Complaint.

Appearance.

Approved, December 2, 1942.

[CHAPTER 657]

AN ACT

To authorize the Secretary of War to transfer certain land to the Territory of Hawaii.

December 2, 1942  
[H. R. 6013]  
[Public Law 781]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to transfer to the Territory of Hawaii all right, title, and interest of the United States in certain land in Makua Valley, District of Waianae, Island of Oahu, Territory of Hawaii, designated as parcel numbered 1 of the Makua Military Reservation on the map thereof dated March 1933, on file in the office of the Quartermaster General, and described as follows:

Territory of Hawaii.  
Transfer of land.

Beginning at the southeast corner of this tract of land at concrete monument numbered 1, the true azimuth and distance from said point of beginning to United States Coast and Geodetic Survey Triangulation Station “LOLO”, being three hundred and thirty-five degrees twenty-six minutes seven seconds, six thousand five hundred nineteen and eighty-two one-hundredths feet, and running by azimuths measured clockwise from true south:

1. Eighty-four degrees four minutes thirty-five seconds, six hundred and ten feet, to concrete monument numbered 2;

2. One hundred and forty-four degrees fifty-nine minutes no seconds, four hundred and sixty and ten one-hundredths feet, to concrete monument numbered 3;

3. Two hundred and sixty-nine degrees two minutes thirty seconds, eight hundred and thirty-two and eighty-five one-hundredths feet, to concrete monument numbered 4;

4. Three hundred and fifty-three degrees twenty-three minutes no seconds, three hundred and thirty feet, to the point of beginning;

Containing an area of five and ninety-five one-hundredths acres.

*Provided,* That the Secretary of War is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purpose and intent of this Act: *And provided further,* That the War Department reserves the right to remove such material as is needed from the howitzer emplacements, if such removal has not been accomplished prior to the effective date of this Act.

*Provisos.*  
Deviations in description.

Removal of material from howitzer emplacements.

Approved, December 2, 1942.

[CHAPTER 658]

AN ACT

To provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico.

December 2, 1942  
[H. R. 7330]  
[Public Law 782]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of Work Projects is authorized and directed to grant to the State of New Mexico all the right, title, and interest of the United States in and to certain lands in the State of New Mexico, located in sections 28 and 29, township 16 south, range 11 west, New Mexico

New Mexico.  
Conveyance of lands to State.