

Public Law 873

CHAPTER 824

AN ACT

To incorporate the National Music Council.

August 1, 1956
[H. R. 8110]National Music
Council.
Incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Stanley Adams, New York, New York; Irl Allison, Austin, Texas; Leon Barzin, New York, New York; Marion Bauer, New York, New York; Edwine Behre, New York, New York; Thomas H. Belviso, Pelham Manor, New York; Robert Russell Bennett, New York, New York; Duane Branigan, Champaign, Illinois; Howard C. Bronson, Hague, Virginia; John Brownlee, New York, New York; L. Perkins Bull, Glencoe, Illinois; Earl Campbell, Washington, District of Columbia; Leon Carson, New York, New York; Robert A. Choate, Boston, Massachusetts; James Francis Cooke, Philadelphia, Pennsylvania; Paul Creston, Yonkers, New York; Kathleen Davison, Des Moines, Iowa; Norman Dello Joio, New York, New York; Vera Wardner Dougan, Beloit, Wisconsin; Walter G. Douglas, New York, New York; Deane Edwards, Rye, New York; S. Lewis Elmer, New York, New York; Herman Finkelstein, New York, New York; Charles Warren Fox, Rochester, New York; Arthur Flagler Fultz, Boston, Massachusetts;

Percy Walter Gatz, White Plains, New York; Karl Geiringer, Boston, Massachusetts; Ira Gershwin, Beverly Hills, California; Ray Green, New York, New York; Vernon Hammond, Philadelphia, Pennsylvania; Howard Hanson, Rochester, New York; Otto A. Harbach, New York, New York; Ernest E. Harris, New York, New York; Arthur A. Hauser, Berwyn, Pennsylvania; Carl Haverlin, New York, New York; Patrick Hayes, Washington, District of Columbia; Frank W. Hill, Cedar Falls, Iowa; Mark M. Horblit, Boston, Massachusetts; Edwin Hughes, New York, New York; Edna Wallace Johnston, Winter Park, Florida; Archie N. Jones, Austin, Texas; S. Turner Jones, Baldwin, New York; Arthur Judson, New York, New York; Harrison Keller, Boston, Massachusetts; Ruth Kemper, New York, New York; Raymond Kendall, Los Angeles, California; Richard Korn, New York, New York; Olga Koussevitzky, Lenox, Massachusetts; Otto Luening, New York, New York; Mae MacKenzie, Pittsburgh, Pennsylvania;

Joseph E. Maddy, Ann Arbor, Michigan; Donald F. Malin, Boston, Massachusetts; Marie Marti, Detroit, Michigan; Jane R. Mayer, New York, New York; Charles Mayer, New York, New York; Peter Menin, New York, New York; Ada Holding Miller, Providence, Rhode Island; Howard Mitchell, Washington, District of Columbia; Dmitri Mitropoulos, New York, New York; Douglas Moore, New York, New York; Harold C. Morris, New York, New York; Carol Morse, New York, New York; Walter W. Naumburg, New York, New York; Herman Neuman, New York, New York, Geoffrey O'Hara, Pawling, New York; Ralph Sylvester Peer, New York, New York; Gustave Reese, New York, New York; Claire R. Reis, New York, New York; Cornelia B. Rogers, New York, New York; Willard Rhodes, New York, New York; James Sample, Erie, Pennsylvania; William A. Schroeder, New York, New York; Elie Siegmeister, Great Neck, New York; Izler Soloman, Peekskill, New York; Sigmund Spaeth, New York, New York;

Harold Spivacke, Washington, District of Columbia; Marshall Stearns, New York, New York; William Richard Steinway, New York, New York; Paul Swarm, Decatur, Illinois; Bernard U. Taylor, New York, New York; Anthony Ralph Teta, New Haven, Connecticut; Charles A. Wall, New York, New York; Sidney William Watten-

berg, New York, New York; Eleanor Hale Wilson, Seattle Washington; Philip Wyman, Cincinnati, Ohio; and their associates and successors, are hereby created a body corporate by the name of National Music Council (hereinafter referred to as the "Corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

SEC. 2. A majority of the persons named in the first section of this Act, or their successors, are hereby authorized to meet to complete the organization of the Corporation by the adoption of a constitution and bylaws, by the election of officers, and by doing all things necessary to carry into effect the provisions of this Act.

Adoption of constitution and bylaws.

SEC. 3. The objects and purposes of the Corporation shall be—

Purposes.

- (1) to provide the member organizations with a forum for the free discussion of problems affecting national musical life in this country;
- (2) to speak with one voice for music whenever an authoritative expression of opinion is desirable;
- (3) to provide for the interchange of information between the various member organizations;
- (4) to encourage the coordination of efforts of the member organizations, thereby avoiding duplication or conflict;
- (5) to organize exploratory surveys or fact-finding commissions whenever the Corporation shall deem them necessary for the solution of important problems; and
- (6) to encourage the development and appreciation of the art of music and to foster the highest ethical standards in the musical professions and industries.

SEC. 4. The Corporation shall have power—

Powers.

- (1) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (2) to adopt, use, and alter a corporate seal;
- (3) to choose such officers, managers, agents, and employees as the business of the Corporation may require;
- (4) to adopt and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the Corporation is to operate, for the management of its property and the regulation of its affairs;
- (5) to contract and be contracted with;
- (6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects or accomplishing the purposes of the Corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State;
- (7) to transfer and convey real or personal property;
- (8) to borrow money for the purposes of the Corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;
- (9) to use the corporate funds to give prizes, awards, loans, scholarships, and grants to deserving composers, conductors, and others for the purposes set forth in section 3, and for such other purpose as may be determined to be proper by the board of directors;
- (10) to publish a bulletin, magazine, and other publications; and
- (11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the Corporation.

Conduct of activities.

SEC. 5. The activities of the Corporation may be conducted throughout the various States, Territories, and possessions of the United States. The Corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice of service upon the Corporation. The principal office of the Corporation shall be established at such place as the board of directors deems appropriate.

Eligibility for membership.

SEC. 6. Eligibility for membership in the Corporation and the rights and privileges of members, shall, except as provided in this Act, be determined according to the constitution and by-laws of the Corporation. In the conduct of the official business of the Corporation each member shall have one vote.

Executive Committee.

SEC. 7. The Corporation shall be governed by a board of directors, which may be known and referred to as an Executive Committee, composed of not less than ten persons who shall be representative of members of the Corporation or such other persons as shall be selected by the members of the Corporation, and such persons shall be elected by the members of the Corporation annually or at such other regular intervals as may be specified in the by-laws of the Corporation.

Officers.

SEC. 8. The officers of the Corporation shall consist of a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and such assistant officers as the board of directors shall designate. The officers shall perform such duties and have such powers as the by-laws and the board of directors may from time to time prescribe.

Income and assets.

SEC. 9. (a) No part of the income or assets of the Corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the Corporation as provided in section 15 of this Act.

Loans.

(b) The Corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to any officer, director, or employee of the Corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the Corporation for the amount of such loan until the repayment thereof.

Political contributions.

SEC. 10. The Corporation and its members, officers, and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

Liability of Corporation.

SEC. 11. The Corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

Stock; dividends.

SEC. 12. The Corporation shall have no power to issue any shares of stock or to declare or pay any dividends, or to engage in business for pecuniary profit.

Books and records.

SEC. 13. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the Corporation may be inspected by any member, or by his agent or attorney, at any reasonable time.

Annual audits.

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belong-

ing to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit ; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the Corporation to the Congress not later than May 15 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such reports shall not be printed as public documents.

SEC. 15. Upon final dissolution or liquidation of the Corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Corporation shall be used by the board of directors for the purposes stated in section 3 above or be transferred to some recognized educational foundation.

Liquidation of Corporation.

SEC. 16. The Corporation shall have the sole and exclusive right to use the name of National Music Council as representing such Corporation and such seals, emblems, and badges as the Corporation may lawfully adopt.

Name; seals.

SEC. 17. As a condition precedent to the exercise of any power or privilege granted to the Corporation under this Act, the Corporation shall file in the office of the Secretary of State, or in the office of another appropriate officer, in each State and in each Territory or possession of the United States in which the Corporation is doing business, the name and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demand against the Corporation may be served.

Filing of names and addresses.

SEC. 18. The Corporation may acquire the assets of National Music Council, Incorporated, a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation, and upon complying with all laws of the State of New York applicable thereto.

Assets of National Music Council, Inc., acquisition.

SEC. 19. The provisions of this Act shall take effect on the filing in the office of the Clerk of the United States District Court in and for the Southern District of New York of affidavits signed by five of the incorporators named in the first section of this Act to the effect that National Music Council, Incorporated, referred to in section 18 of this Act, has been dissolved in accordance with the laws of the State of New York, but only if such affidavits are filed within three years after the date of the enactment of this Act.

Effective date.

SEC. 20. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Reservation of rights.

Approved August 1, 1956.

Public Law 874

CHAPTER 825

AN ACT

To amend chapter 3 of title 18, United States Code, relating to animals, birds, and fish.

August 1, 1956 [H. R. 11636]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 18, United States Code, is amended by adding the following section :

Title 18, U. S. Code, amendments. 52 Stat. 686.