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States for payment; and the sum necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. Payment.

RELIEF FROM LIABILITY. Relief from liability.

That the Secretary of War be, and he is hereby, authorized and directed to release Central University of the State of Kentucky, and A. R. Burnam and John Bennett, sureties, from the payment of five hundred and fifty-six dollars and seventy-two cents for small arms and ordnance stores furnished Central University of the State of Kentucky, which were lost, destroyed, or taken away without fault or negligence of Central University of the State of Kentucky, or the sureties, A. R. Burnam and John Bennett. Central University of Kentucky, etc. Loss of ordnance stores.

That Robert D. McAfee and John Chiatovich be, and they are hereby, released and discharged from all obligation to the United States on account of the official bond executed by them on the fourteenth day of February, eighteen hundred and ninety, as sureties for the late Elias B. Zabriskie, as melter and refiner of the United States mint at Carson City, Nevada. R. D. McAfee and John Chiatovich. Official bond.

That Brigadier-General Wager Swayne be credited with four thousand dollars, which sum was paid over to him by Captain W. B. Armstrong, adjutant-quartermaster, and by said Swayne disbursed on account of the bureau of refugees, freedmen, and abandoned lands. Wager Swayne. Disbursements.

LIMITATION. General limitations.

In case of the death of any claimant, or death or discharge of any executor or administrator of any claimant herein named, then payment of such claim as herein provided shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount to the sum hereby appropriated: *And provided further*, That in all cases where the original claimants were adjudicated bankrupts the payments shall be made to the next of kin instead of to assignees in bankruptcy; but these provisions shall not apply to payments in the cases of the French spoliation claims, which shall be made as heretofore prescribed in this Act: *And provided further*, That wherever under this bill it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, the payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury, and whenever under this bill it is provided that a payment shall be made to a corporation and such corporation has been merged in or consolidated with another corporation, payment shall be made to the corporation with which the consolidation or merger has been made. Legal representatives. *Provisos.* Bond from administrator. Next of kin instead of bankrupts' assignee. Substitution in case of death of executor, etc. Payment to corporations.

Approved, February 24, 1905.

CHAP. 778.—An Act To amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works." February 24, 1905. [H. R. 13626.] [Public, No. 100.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works," approved August thirteenth, Contractors on public works. Protection of persons furnishing material, etc., to.

eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Penal bond to include security for labor, etc. Vol. 28, p. 278, amended.

"That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this Act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

Rights of persons, corporations, etc.

Action on bond for labor or material furnished.

Jurisdiction.

Provisos. Time limit.

Creditors limited to single action.

Judgment where bond is inadequate.

Payment by sureties on bond.

Personal notice to creditors.

Publication of notice.

Approved, February 24, 1905.