

Entries under treaties, to engage in trade.

is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him."

Approved, July 6, 1932.

[CHAPTER 441.]

AN ACT

July 7, 1932.
[H. R. 437.]
[Public, No. 267.]

To require a contractor to whom is awarded any contract for public buildings or other public works or for repairs or improvements thereon for the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes.

District of Columbia.
Contractors on public works.
Penal bond to include security for labor and material.

Vol. 30, p. 906.

Rights of persons, etc., furnishing labor, etc.

Payments where bond insufficient.

Action for labor or material furnished.

Jurisdiction.

Provisos.
Commencement of suit.

Creditors limited to single action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for alteration and/or repairs, including painting and decorating, upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond in an amount not less than the contract price, 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 District of Columbia 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 District of Columbia.

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 District of Columbia, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the District of Columbia 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 District of Columbia 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 District of Columbia in the Supreme Court in the District of Columbia, 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: *Provided further*, That where a suit is 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 the registry of said 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 District of Columbia by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *And 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 District of Columbia, for at least three successive weeks, the last publication to be at least three months before the time limited therefor.

Approved, July 7, 1932.

Judgment where bond is inadequate. Payment by surety.

Personal notice to creditors.

Public notice additional.

[CHAPTER 442.]

AN ACT

To amend section 18 of the Act entitled "An Act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes," approved March 3, 1921.

July 7, 1932.
[H. R. 461.]
[Public, No. 268.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Act entitled "An Act to establish standard weights and measures for the district of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes," approved March 3, 1921, be, and the same hereby is, amended by adding thereto a subsection to be known as section 18a to read as follows:

District of Columbia. Standard weights and measures. Vol. 41, p. 1223, amended.

"SEC. 18a. That the standard measure for ice cream, sherbet, and similar frozen food products shall be of the following capacities: One-half pint, pint, quart, half gallon, gallon, two gallons, two and one-half gallons, and multiples of the gallon; and no person shall use in determining the quantity of ice cream kept for sale, offered for sale, or sold in the District of Columbia any measure of other than the foregoing capacities."

Capacities of frozen food containers modified.

Approved, July 7, 1932.

[CHAPTER 443.]

AN ACT

Making appropriations for the Department of Agriculture for the fiscal year ending, June 30, 1933, and for other purposes.

July 7, 1932.
[H. R. 7912.]
[Public, No. 269.]

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 for the fiscal year ending June 30, 1933, namely:

Department of Agriculture appropriations, fiscal year 1933.

OFFICE OF THE SECRETARY

Secretary's office.

SALARIES

For Secretary of Agriculture, \$15,000; Assistant Secretary, and for other personal services in the District of Columbia, including \$7,294 for extra labor and emergency employments, and for personal

Secretary, Assistant, office and field personnel, extra labor, etc.