

21, 1934, including salaries, travel and subsistence expenses as authorized by law, to be immediately available, \$10,000.

Foreign Service officers, etc.

Losses due to appreciation of foreign currencies.

*Ante*, p. 466.  
*Post*, p. 1060.

Citation of Act.

SEC. 5. For the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes", approved March 26, 1934, and for each and every object and purpose specified therein, to be immediately available, \$7,438,000.

SEC. 6. This Act may be cited as the "Legislative Branch Appropriation Act, 1935."

Approved, May 30, 1934.

[CHAPTER 373.]

AN ACT

Respecting contracts of industrial life insurance in the District of Columbia:

June 4, 1934.  
[S. 195.]  
[Public, No. 269.]

District of Columbia.  
Contracts of industrial life insurance.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That policies of industrial weekly payment life insurance hereafter issued or delivered in the District of Columbia shall be subject to the following conditions, in addition to any others prescribed by law and not inconsistent with the provisions of this Act.

GOOD FAITH

Good faith of insured in determining validity of policy.

SEC. 2. If payment of such a policy shall be refused because of unsound health at or prior to the date of the policy, the good faith of both applicant and insured shall constitute a material element in determining the validity of the policy; and it shall not be held invalid because of unsound health unless the insurer shall prove that, at or before the date of issue of the policy, the insured or applicant had knowledge of, or reason to know, the facts on which the defense is based, or shall prove that the insurance was procured by the insured or applicant in bad faith or with intent to defraud the company, any provision, agreement, condition, warranty,<sup>1</sup> or clause contained in said policy, or endorsed thereon, or added or attached thereto, to the contrary notwithstanding. Proof by the insurer of fraud, intent to deceive, unsound health, bad faith, breach or<sup>1</sup> warranty or condition precedent, or other matter of defense, shall be subject to the provisions of section 657 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, title 5, sec. 183).

Proof of fraud, etc.

D.C. Code, sec. 657.  
Vol. 31, p. 1294.

INCONTESTABILITY

Incontestability of policy on grounds relating to health after two years.

When policy provides shorter period.

SEC. 3. Every such policy shall be incontestable upon any ground relating to health after two years from its date of issue (notwithstanding a longer period may be named therein), provided the insured shall be alive at the end of said period. If the policy by its terms shall be incontestable after a shorter period than herein provided, the terms of the policy with regard to such period of limitation shall govern.

<sup>1</sup> So in original.

## ASSIGNMENT

SEC. 4. Nothing contained in the terms of any such policy shall operate to prevent its valid assignment by the insured; but the company issuing the policy so assigned shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice of such assignment.

Assignment permitted.

Notice to issuing company.

## BENEFICIARY

SEC. 5. Any individual designated with the consent of the insurer, evidenced by the signature of its president or secretary, or designated upon a form furnished by and filed with the insurer, as beneficiary of such a policy shall be entitled to the proceeds of such policy after the death of the insured in priority to all other claimants, and may sue in his own name for such proceeds if payment is refused by the insurer: *Provided*, That upon the expiration of fifteen days after the death of the insured, unless proof of claim in the manner and form required by the Policy, accompanied by the policy for surrender, has theretofore been made by or on behalf of such designated beneficiary, the insurer may pay to any other claimant permitted by the policy. A person specified as one to whom the insured desires payment made, but not formally designated as beneficiary, shall be deemed a beneficiary for the purposes of this section, provided such designation be made in writing and filed with the company during the lifetime of the insured.

Beneficiary; right to proceeds.

*Proviso.*  
Payment of claim.

Beneficiary "specified" but not "designated."

Approved, June 4, 1934.

[CHAPTER 374.]

## AN ACT

To amend an Act entitled "An Act to incorporate the Mount Olivet Cemetery Company in the District of Columbia."

June 4, 1934.  
[S. 1757.]

[Public, No. 270.]

*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 to incorporate the Mount Olivet Cemetery Company in the District of Columbia", approved on the 10th day of June 1862 (12 Stat.L. 426) be, and the same hereby is, amended by adding at the end of section 2 of the said Act of the 10th day of June 1862 the following:

District of Columbia.  
Mount Olivet Cemetery Company.  
Vol. 12, p. 426,  
amended.

"The said corporation may use for burial purposes the tracts of land now owned by it and known, respectively, as the 'Hoover tract', designated for purposes of assessment and taxation as parcel 153/23, fronting on Bladensburg Road and the 'Merten's tract', designated for purposes of assessment and taxation as parcel 153/42, fronting on West Virginia Avenue, the said two tracts having an aggregate area of approximately twelve and twenty-five one-hundredths acres, and all of the provisions of the aforesaid Act of the 10th day of June 1862 shall apply to both of the said tracts with like effect as if the provisions of this Act had been included therein at the time of its enactment: *Provided*, That no part of parcel 153/23 lying within one hundred and twenty feet of Bladensburg Road shall be used for burial purposes; the strip of land hereby exempted from use for burial purposes being the easterly one hundred and twenty feet by full width of said parcel 153/23 fronting on Bladensburg Road."

Additional tracts set aside for burial purposes.  
Description.

*Proviso.*  
Area excluded.

Approved, June 4, 1934.