

Calendar No. 714

69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 707

CUSTER ELECTRIC LIGHT, HEAT & POWER CO., CUSTER, S. DAK.

APRIL 29, 1926.—Ordered to be printed

Mr. NYE, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 3659]

The Committee on Claims, to whom was referred the bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 171, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 171, Sixty-ninth Congress, first session]

The Committee on Claims to whom was referred the bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak. having considered the same, report thereon with a recommendation that it do pass with the following amendment:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$124.94 to the Custer Electric Light, Heat, and Power Company, of Custer, South Dakota, as compensation for the total destruction of a motor and starting switch used by the Government at its seed extractory in Custer, South Dakota."

STATEMENT OF FACTS

From the records in this case it appears that the Custer Electric Light, Heat & Power Co. installed in a building occupied by the Forest Service an electric motor and starting switch for trial in place of the gasoline engine previously used. This installation was made with an informal understanding that the Forest Service would pay for the electricity consumed and that the motor would be either purchased by the Forest Service or returned to the power company in first-class condition, ordinary wear and tear excepted. On December 12, 1923, the building in which the motor was installed was burned and its contents destroyed. The origin of the fire is not clear, but it is apparent that it was not caused by negligence on the part of any employee of the Forest Service. The

installation of this motor by the company and its use by the Government officers in the seed-extracting plant effected a considerable saving in time and money. Apparently the only reason that formal negotiations had not been entered into for the purchase of this motor was the lack of funds available for use on that national forest to purchase equipment. In view of the accidental destruction of the motor and starting switch while in the custody of the Government officers, the department feels that there is an obligation due to pay the company the sum of \$124.92, the amount stated in the bill.

DEPARTMENT OF AGRICULTURE,
Washington, January 11, 1926.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims, House of Representatives.

DEAR MR. UNDERHILL: Reference is made to your request of December 21 for a report on the bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.

Under date of January 12, 1925, the department submitted to your Committee on Claims a report on H. R. 10400, which was a bill identical with the one now before the department, and, in accordance with the request made at that time, copies were sent of all the correspondence bearing upon the case.

From the records in this case it appears that the Custer Electric Light, Heat & Power Co. installed in a building occupied by the Forest Service an electric motor and starting switch for trial in place of the gasoline engine previously used. This installation was made with an informal understanding that the Forest Service would pay for the electricity consumed and that the motor would be either purchased by the Forest Service or returned to the power company in first-class condition, ordinary wear and tear excepted. On December 12, 1923, the building in which the motor was installed was burned and its contents destroyed. The origin of the fire is not clear, but it is apparent that it was not caused by negligence on the part of any employee of the Forest Service.

The installation of this motor by the company and its use by the Government officers in the seed-extracting plant effected a considerable saving in time and money. In view of the accidental destruction of the motor and starting switch while in the custody of the Government officers the department feels that there is an obligation due to pay the company the sum of \$124.92, the amount stated in the bill.

Sincerely yours,

R. W. DUNLAP, *Acting Secretary.*

JANUARY 14, 1926.

Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of January 13, 1926, with the advice that the legislation proposed is not in conflict with the financial program of the President.