

G. C. ALLEN

MAY 21, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

## REPORT

[To accompany S. 2188]

The Committee on Claims, to whom was referred the bill (S. 2188) for the relief of G. C. Allen, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

In line 5, after the word "appropriated" insert "and in full settlement against the Government."

In line 6, strike out the figures "\$3,000" and insert in lieu thereof "\$1,000."

Attached herewith is Senate Report No. 702, which is made a part of this report.

[Senate Report No. 702, Sixty-ninth Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 2188) for the relief of G. C. Allen, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

In line 4, after the word "pay," insert a comma and add the following: "out of any money in the Treasury not otherwise appropriated."

In line 5, strike out the figures "\$10,000" and insert the figures "\$3,000."

On the afternoon of April 14, 1925, the claimant, a resident of Hot Springs, Ark., and an employee of Wilson & Co. of that city, was carrying the mail of the company to the post office. He had reached the top steps of the post-office building and was just ready to enter the building when a large, heavy iron scroll, weighing approximately 800 pounds, which hung in the arch over the door, fell upon him, breaking his right leg, painfully bruising the muscles and bone of his left leg, and severely injuring his back.

The facts are more fully set forth in the following correspondence, which is appended hereto and made a part of this report.

TREASURY DEPARTMENT,  
Washington, January 21, 1926.

CHAIRMAN COMMITTEE ON CLAIMS,  
United States Senate.

SIR: This department is in receipt of your letter of the 9th instant to the Postmaster General, transmitting a copy of bill (S. 2188) for the relief of G. C. Allen on account of the injuries alleged to have been sustained April 14, 1925, at the entrance of the Federal Building at Hot Springs, Ark.

In response to your request, there are inclosed copies of all papers containing the facts in the case as disclosed by the records of this department. The department is not prepared to state whether the extent of the alleged injuries warrant the payment of as large an amount as \$10,000, as provided for in said bill, nor is the department inclined to submit any recommendation in connection with the claim.

Respectfully,

A. W. MELLON,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT,  
*Hot Springs, Ark., April 14, 1925.*

The SUPERVISING ARCHITECT,  
*Treasury Department, Washington, D. C.*

MY DEAR SIR: The heavy iron grate over the front door entrance to lobby of post office, this building, fell this afternoon, hitting a man, breaking his right leg and inflicting other minor injuries.

The man was removed to St. Joseph's Hospital and given prompt medical attention. The injured man is a resident of this city, an employee of the Wilson Packing Co.

Respectfully yours,

CARY JOHNSON, *Custodian.*

APRIL 22, 1925.

CUSTODIAN POST OFFICE, HOT SPRINGS,  
*Hot Springs, Ark.*

SIR: The receipt is acknowledged of your letter of the 14th instant, reporting that the iron grate over the front door entrance to the lobby of the building in your custody fell on a patron of the post office, breaking his right leg and inflicting other injuries.

In accordance with circular letter No. 171 of February 16, 1925, you will please submit here a report in detail of this accident accompanied by written statements from witnesses, if any.

It will also be appreciated if you will make every endeavor possible to avoid preventable accidents in and around the building in your custody.

Respectfully,

MCKENZIE MOSS, *Assistant Secretary.*

TREASURY DEPARTMENT,  
*Hot Springs, Ark., April 28, 1925.*

ASSISTANT SECRETARY, TREASURY DEPARTMENT,  
*Washington, D. C.*

DEAR SIR: In accordance with instructions contained in your letter of April 22, with reference to the accident which occurred at this building recently, I submit the following report:

About 3.30 o'clock p. m. on Tuesday, April 14, the iron grate over the front door entrance to the lobby of this building fell on Mr. George C. Allen, an employee of the Wilson Packing Co., of this city, breaking his right leg and inflicting other injuries.

An ambulance was called and Mr. Allen was taken to St. Joseph's Hospital and given prompt medical attention.

Examination discloses that this grate was not securely fastened in the transom. The bottom of the grate was resting on two blocks of wood, about 2 by 2 by 6 inches; that the grate was not bolted to the blocks or to the frame of the transom; neither were the blocks nailed to the bottom of the transom frame. The top of the grate was held in place by a small steel pin projecting through the wooden transom frame or casing.

I am inclosing herewith written statements from two men who witnessed the accident, also statement from the attending physician.

Respectfully,

CARY JOHNSON, *Custodian.*

HOT SPRINGS, ARK., April 25, 1925.

Mr. CAREY JOHNSON,  
Postmaster Hot Springs National Park, Ark.

DEAR MR. JOHNSON: At your request I am writing you regarding the condition of Mr. George C. Allen, injured April 14.

He has a fracture of the right femur  $3\frac{1}{4}$  inches above the knee, with several abrasions along the same thigh and leg; slight abrasions left knee and leg; and there were some bruises of the muscles of the back in the lumbar region.

He is resting comfortably now at St. Joseph's Hospital.

Very truly yours,

A. H. TRIBBLE.

HOT SPRINGS, ARK., April 27, 1925.

On the afternoon of Tuesday, April 14, 1925, I was going up the steps in front of the post office, and when about halfway up I saw the grate over the front door entrance to the post office fall out, strike a man, knocking him down, and rendering him unconscious. This man was just a few feet in front of me.

I did not know this man at the time, but later learned that his name was George Allen, a resident of Hot Springs.

A. B. SEARS.

HOT SPRINGS, ARK., April 25, 1925.

To: Whom it may concern.

Subject: Accident to Mr. Allen.

This is to certify that I, the undersigned, an employee of Wilson & Co., was present on the 14th day of April, 1925, at post office at the time the steel arch fell from over the post-office door, striking Mr. G. C. Allen, also an employee of this company, as he was in the act of entering the post office to mail letters for the company; that I saw the said arch fall, and upon reaching Mr. Allen found his right leg to be broken, and also that he had suffered other minor injuries, the extent of which I am not able to state.

This is the net facts as I saw them.

L. J. BURTON.

MALVERN, ARK., August 24, 1925.

UNITED STATES TREASURY DEPARTMENT,  
Washington, D. C.

DEAR SIR: I submit herewith claim of Mr. George C. Allen, 130 Liberty Street, Hot Springs, Ark., for personal injuries sustained by him on the 14th day of April, 1925, when a large iron scroll fell from over the door of the post office in Hot Springs, striking him on the legs and knocked him to the floor, breaking one leg, injuring the other, and severely injuring his back.

The post-office building at Hot Springs is a Federal building, and it is our information that Government buildings come under your supervision. However, we prepared the claim in duplicate and made it out against both your department and the Post Office Department, and I am also submitting the other copy to that department.

My connection with the matter is more in the nature of a friend than that of an attorney, since I am doing this at the instance of Mr. Allen and a number of his friends and relatives who reside here in Malvern.

In my opinion, he has a just claim, and favorable action should be taken to reimburse him for the expense he has been out and incurred in connection with his injury, and also to pay him a reasonable amount as damages to compensate him in a measure for the injury he sustained and the suffering he has had to undergo on account of it.

If this claim comes under your jurisdiction, please advise me at once what further proof you desire in support of it before an adjustment can be had. If it does not come within the jurisdiction of your department, please advise what department I should take it up with and refer this letter and the claim we inclose herewith to that department.

Thanking you in advance for your courtesy in this matter, I am

Yours very truly,

JOHN L. McCLELLAN.

## CLAIM

George C. Allen, 130 Liberty Street, Hot Springs, Ark., v. Post Office Department and Treasury Department of the United States

Comes George C. Allen and files herewith his claim for damages on account of personal injuries sustained by him on the 14th day of April, 1925, and in support thereof submits the following statement:

I am 29 years old, live in Hot Springs, Ark., and reside at the address given above. I am now and was on the 14th day of April, 1925, employed by Wilson & Co., located at 114 Valley and Garden Streets, Hot Springs. On the date mentioned, at about 3.20 o'clock p. m., while in line of duty in my employment, I was carrying the company's mail to the post office in Hot Springs to post. I had reached the top steps of the post office building and was just ready to enter the building when a large, heavy iron scroll, weighing perhaps 800 pounds, which hung in the arch over the post-office door, fell, striking me on both legs at a point some 3 or 4 inches above the knees, breaking my right leg, completely separating the bone at that point above my knee, and painfully bruising the muscles and bone in my left leg, also severely injuring my back.

I was carried in an ambulance immediately to St. Joseph's Hospital in Hot Springs, where I remained until May 7, when I was discharged from the hospital. Dr. Albert H. Tribble, of Hot Springs, and his assistant attended me and gave me medical treatment. On the 28th of April it was discovered that there was an interposition of the muscles between the fragments of bone in my right leg, which prevented perfect apposition, and it was necessary to operate on my leg, which the doctors did.

I returned to my work for Wilson & Co. on July 18 and worked part time until the 10th of August, when I began working full time again. I hold the position of cashier with this company. I am at work in this capacity now and draw a salary of \$28 per week, which is the amount I was receiving at the time I was injured.

It is my opinion that I am permanently injured. I still have to use a crutch, and it appears that my right leg is approximately one-fourth inch shorter than my left.

I have incurred the following expense in connection with my injury:

Doctor bill to Dr. Albert H. Tribble, \$160; Dr. Chas. H. Nims, X-ray pictures, \$25; St. Joseph's Hospital and nurse, \$163.85; Gross Mortuary, ambulance, \$10; drugs at A. C. Jennings, \$10.50; rent of invalid chair from Poe Furniture Co., \$4; total, \$373.35.

The following parties witnessed the accident: T. J. Burton, 127 Blake Street; H. H. Matlock, R. F. D. 1; A. B. Sears, Ward Avenue; and a Mr. Ellison, who operates rooming house on Central Avenue, all of Hot Springs, Ark.

The following persons arrived on the scene of the accident before I was picked up and removed from the place where I fell: Mrs. W. L. Haynes, Violet Street; Archer Cooper, on city police; Mr. (Sonny) Davies, reporter for the Sentinel Record; Fred Cross, Fordyce Street, all of Hot Springs; and also a number of other persons including a number of the post-office employees.

It is my information that the post-office building at Hot Springs is a Federal building. I do not know what caused this iron scroll to fall. I have never made an inspection of the place since the accident, as I have never been in the post office since. It is my information that the postmaster is keeping this scroll, and doubtless valuable information can be obtained from him concerning the conditions which he observed after it fell.

Following the accident I was confined to my bed for 11 weeks, although I was removed from the hospital in less than four weeks from the day of the accident. I was operated on on the 28th of April, and in one week after the operation my leg was placed in a plaster-of-Paris cast and remained in this for six weeks, and it was two weeks after this was removed before I was able to be out of bed. During this time I suffered severe pain constantly and still suffer from this injury considerably, and, in fact, I now have only about one-half of the normal use of my right leg.

In addition to the expenses I have incurred on account of my injury, I consider I have been damaged in the sum of \$10,000, and I therefore respectfully submit



for your prompt, and I trust favorable, consideration my claim in the sum of \$10,373.35.

GEORGE C. ALLEN, *Claimant.*

Subscribed and sworn to before me on this 24th day of August, 1925.

JOHN S. MCCLELLAN, *Notary Public.*

My commission expires September 5, 1927.

This claim is made in duplicate, one copy being sent to the Treasury Department and one to the Post Office Department, Washington, D. C.

SEPTEMBER 1, 1925.

Mr. JOHN L. MCCLELLAN,  
*Attorney at Law, Malvern, Ark.*

SIR: Receipt is acknowledged of your letter of the 24th ultimo, transmitting a claim for damages on account of injuries alleged to have been sustained by Mr. George C. Allen, No. 130 Liberty Street, Hot Springs, Ark., at the United States post office at that place.

No appropriation has been placed at the disposal of the department for paying claims of this character, and in cases where injuries are sustained by individuals while in Federal buildings or on the sites thereof the only relief afforded is by an act of Congress.

While the department regrets the injury to Mr. Allen, you are informed that the department does not take the initiative in obtaining legislation for the payment of such claims.

A copy of this letter has been forwarded to the custodian of said Federal building for his files.

Respectfully,

McKENZIE MOSS, *Assistant Secretary.*

UNITED STATES SENATE,  
December 16, 1925.

SUPERVISING ARCHITECT,  
*Treasury Department, Washington, D. C.*

DEAR SIR: Please advise me if you have had a report of an accident to Mr. G. C. Allen, of Hot Springs, Ark., which happened on April 14, 1925. If so, was claim filed and what was done?

Very truly yours,

T. H. CARAWAY.

DECEMBER 19, 1925.

Hon. THADDEUS H. CARAWAY,  
*United States Senate.*

MY DEAR SENATOR: Acknowledgment is made of your letter of the 16th instant, asking whether the department had received a claim on account of the injury alleged to have been sustained by Mr. G. C. Allen April 14 last, at the Federal building at Hot Springs, Ark., and what was done in the matter.

In reply, you are informed that on August 24, 1925, Mr. John L. McClellan submitted a claim on behalf of Mr. Allen on account of the injury above referred to. Mr. McClellan was informed that the department has no appropriations at its disposal for the payment of claims of this character and that the only relief offered is by an act of Congress; also, that the department does not take the initiative in obtaining legislation for the payment of such claims.

Very truly yours,

McKENZIE MOSS, *Assistant Secretary.*

HOT SPRINGS, ARK., November 24, 1925.

To whom it may concern:

I saw Mr. G. C. Allen on April 14, when he was suffering with a fracture of the right femur about  $3\frac{1}{4}$  inches from the knee. In addition to this, he had several abrasions on the same thigh and leg, slight abrasions left knee and leg, and bruises of the muscles of the back in lumbar region.

There was interposition of muscles between the fragments of bone, preventing perfect apposition, and on April 28 it was necessary to reduce the fracture by open operation under general anesthesia.

Examination of patient to-day shows that he has gotten a good union of the bone, and there is no shortening of the leg. There is some restriction of motion in the knee joint, and when he walks the knee bends backward farther than normal, due to the injury of the soft tissues—that is, the muscles and ligaments of the knee joint.

As it has been about seven months since the injury, the present condition of the knee joint seems to be permanent.

He was totally disabled from April 14 to July 20 and partially disabled from July 20 to August 10.

A. H. TRIBBLE, M. D.

STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, this day personally appeared Miss Nettie Kilgore, who, being by me duly sworn, upon oath says:

On April 14, 1925, at about 3.30 p. m., I saw Mr. G. C. Allen lying on the top step of the post-office building at Hot Springs, Ark., after having been knocked down by a large iron decoration which had fallen from over the front door of the building. His right leg was broken above the knee and there were several cuts and bruises on other parts of his body; he was picked up and placed in a Gross ambulance.

NETTIE KILGORE.

Subscribed and sworn to before me this 13th day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires April 25, 1929.

A STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, this day personally appeared, T. J. Burton, who, being by me duly sworn, upon oath says:

On April 14, 1925, I saw Mr. G. C. Allen entering the front door of the post office building at Hot Springs, Ark. As he reached the top step a large iron decoration fell from over the door, knocking him down, breaking his right leg above the knee, and inflicting several cuts and bruises on other parts of his body. He was taken from the steps and placed in an ambulance which left with him for St. Joseph Hospital.

T. J. BURTON.

Subscribed and sworn to before me this 23d day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires, April 25, 1929.

STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, this day personally appeared H. R. Hollenbeck, who, being by me duly sworn, upon oath, says:

On April 14, 1925, at about 3.30 p. m., our ambulance was called to the post-office building at Hot Springs, Ark., where we took Mr. G. C. Allen from the top step of the aforesaid building, where he had been seriously injured by having been struck by a heavy piece of iron decoration, which had fallen from over the front door of the said building. His right leg was broken above the knee, and he had several other cuts and bruises on other parts of his body.

H. R. HOLLENBECK.

Subscribed and sworn to by me this 23d day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires April 25, 1929.

STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, this day personally appeared H. H. Matlock, who, being by me duly sworn, upon oath says:

On April 14, 1925, I saw Mr. G. C. Allen entering the front door of the post-office building at Hot Springs, Ark. As he reached the top steps a large iron decoration fell from over the door, knocking him down, breaking his right leg above the knee, and inflicting several cuts and bruises on other parts of his body. He was taken from the steps and placed in an ambulance which left with him for St. Joseph's Hospital.

H. H. MATLOCK.

Subscribed and sworn to before me this 22d day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires April 25, 1929.

STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, the day personally appeared Walter M. Ebel, who, being by me duly sworn, upon oath says:

On April 14, 1925, at about 3.30 p. m., I saw Mr. G. C. Allen lying on the top step of the post-office building at Hot Springs, Ark., after having been knocked down by a large iron decoration which had fallen from over the front door of the building. His right leg was broken above the knee and there were several cuts and bruises on other parts of his body. He was picked up and placed in a Gross ambulance.

WALTER M. EBEL.

Subscribed and sworn to before me this 2d day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires April 25, 1929.

STATE OF ARKANSAS, *County of Garland:*

Before me, John Keirse, a notary public in and for the county and State aforesaid, this day personally appeared A. J. Elliston, who being by me duly sworn, and upon oath says:

On April 14, 1925, I saw Mr. G. C. Allen entering the front door of the post-office building at Hot Springs, Ark. As he reached the top step a large iron decoration fell from over the door, knocking him down, breaking his right leg above the knee, and inflicting several cuts and bruises on other parts of his body. He was taken from the steps and placed in an ambulance, which left with him for St. Joseph Hospital.

A. J. ELLISTON.

Subscribed and sworn to before me this 13th day of November, 1925.

[SEAL.]

JOHN KEIRSEY, *Notary Public.*

My commission expires April 25, 1929.

HOT SPRINGS, ARK., *March 16, 1926.**To whom it may concern:*

I saw Mr. G. C. Allen on April 14, 1925, when he was suffering with a fracture of the right femur about  $3\frac{1}{4}$  inches from the knee. In addition to this he had several abrasions on the same thigh and leg, slight abrasions left knee and leg, and bruises of the muscles of the back in lumbar region.

There was interposition of muscle between the fragments of bone, preventing perfect apposition, and on April 28, 1925, it was necessary to reduce the fracture by open operation under general anesthesia.

Examination of patient to-day shows that he has gotten a good union of the bone and there is no shortening of the leg. There is some restriction of motion in the knee joint and when he walks the knee bends backward farther than normal,

due to the injury of the soft tissues—that is, the muscles and ligaments of the knee joint.

As it has been about 11 months since the injury, the present condition of the knee joint seems to be permanent.

He was totally disabled from April 14 to July 20, and partially disabled from July 20 to August 10, 1925.

A. H. TRIBBLE, M. D.

Subscribed and sworn to before me this 16th day of March, 1926.

[SEAL.]

N. WIER SHELTON (formerly N. WIER),  
Notary Public.

My commission expires February 25, 1929.

