

JOHN M. DAVIES AND C. A. SUGDEN

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

COMMUNICATION FROM THE SECRETARY OF WAR, SUBMITTING AN ESTIMATE OF APPROPRIATION IN THE SUM OF \$334.20, TO PAY CLAIMS WHICH HE HAS ADJUSTED AND WHICH REQUIRE AN APPROPRIATION FOR THEIR PAYMENT

APRIL 26, 1926.—Referred to the Committee on Appropriations and ordered to be printed

THE WHITE HOUSE,
Washington, April 24, 1926.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress a communication from the Secretary of War, submitting an estimate of appropriation in the sum of \$334.20, to pay claims which he has adjusted under the provisions of the act of December 28, 1922 (42 Stat. 1066), and which require an appropriation for their payment.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, April 23, 1926.

SIR: I have the honor to submit herewith for your consideration a communication from the Secretary of War, submitting an estimate of appropriation in the sum of \$334.20, to pay claims for damages to or loss of privately owned property, which he has considered, ascertained, adjusted, and determined under the provisions of the act of December 28, 1922 (42 Stat. 1066).

In accordance with the provisions of the act above cited, I recommend that this estimate be transmitted to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

WAR DEPARTMENT,
Washington, April 12, 1926,

The DIRECTOR OF THE BUREAU OF THE BUDGET.

SIR: In accordance with the provisions of the act of Congress of December 28, 1922, this department has considered, ascertained, adjusted, and determined the following claims accruing after April 6, 1917, on account of damage to and loss of privately owned property, caused by the negligence of officers or employees of the Government acting within the scope of their employment. Each of the following claims was presented by the claimant within one year from the date of accruing.

1. *Davies, John M., first lieutenant, Air Service.*—Lieutenant Davies was the owner of certain property destroyed at Langley Field, Va., on October 25, 1922, by steam escaping in his quarters while he was on leave of absence. A board of officers was convened at Langley Field, Va., for the purpose of investigating and determining the amount of damage and placing the responsibility therefor, and it developed that a former occupant of the quarters requested that the radiator on the northeast wall of the north bedroom be left out in order that the space be made available for a bed. This radiator was left out and when Lieutenant Davies moved in the open steam connection was covered by a bed. On or about noon of October 25, the steam was turned on; however, before so doing a personal inspection was made by the utilities officer of all quarters known to be vacant; Lieutenant Davies departed on leave during the morning of October 25, and this fact was not known to the utilities officer. The damage to personal property was estimated at \$294.75, but due to the complexities of the case it was impossible for the board to place the responsibility for the damage upon any particular individual. A board of officers convened in the office of the Chief of Finance reviewed this claim and recommended that Lieutenant Davies be reimbursed in the amount of \$296.70, said amount being the balance after deduction of \$59.05 for depreciation due to service and \$17 salvage value was made from the claim of \$372.75.

The loss was the result of negligence on the part of an employee of the Government in leaving an open steam connection and the claim is accordingly certified under the provisions of the act of December 28, 1922.

Lieutenant Davies has signified his willingness to accept the amount of \$296.70 in full settlement of his claim.

2. *Sugden, C. A., first lieutenant, Coast Artillery, Officers' Reserve Corps.*—Lieutenant Sugden was the owner of an automobile which was parked on Dosier Avenue, near Eleventh Street, Fort Eustis, Va., on July 1, 1924, when a Government truck driven by Pvt. William L. Lyons, 6335285, Service Battery, Fifty-second Coast Artillery, collided with it, causing damages to the amount of \$37.50. The accident was investigated by a board of officers which found that the

Army driver was responsible for the collision in that he was aware of the unserviceability of the truck, and notwithstanding this he handled his truck in a manner which in the opinion of the board was careless and reckless driving, and it was recommended that the amount of \$40 be deducted from the pay of Private Lyons and reimbursement made to the claimant. However, Private Lyons was dishonorably discharged before collection of the amount could be made. Upon reconsideration it was recommended that the claim be settled by the United States in the amount of \$37.50 (the actual cost of repairs), and is therefore certified under the provisions of the act of December 28, 1922.

Lieutenant Sugden has signified his willingness to accept the amount of \$37.50 in full settlement of his claim.

In all, \$334.20.

Respectfully,

DWIGHT F. DAVIS,
Secretary of War.

