LEWIS H. FRANCKE AND BLANCHE F. SHELLEY

MARCH 2 (calendar day, MARCH 3), 1927.—Ordered to be printed

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

REPORT

[To accompany H. R. 1564]

The Committee on Claims, to whom was referred the bill (H. R. 1564) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington, 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. 2137, Sixty-ninth Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 2137, Sixty-ninth Congress, second session]

The Committee on Claims, to whom was referred the bill (H. R. 1564) for the relief of Lewis H. Francke and Blanche F. Shelley, the sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington in the United States Army, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof as follows:

“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 compensation against the Government, the sum of $3,453.88, to Lewis H. Francke and Blanche F. Shelley, of Louisville, Kentucky, the sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington, formerly clerk, Medical Department at large, United States Army, and who died intestate on March 1, 1919, for the loss of personal property belonging to the said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States.”

STATEMENT OF FACTS

The purpose of this measure is to compensate the estate of George A. Francke, deceased, alias Ralph K. Warrington (who assumed the name of “Ralph K. Warrington” at the time of his enlistment in the United States Army, and who subsequently continued to be known under this name in the records of the War Department for more than 20 years and up to the date of his death, at which time
he was serving as a civilian employee of the War Department), for the loss of personal property belonging to said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States who under his duties was authorized to receive and take possession of said property.

The decedent died intestate on March 1, 1919, while serving on the United States Army transport Sherman, and investigations made by the Inspector General's Department of the War Department disclose that a portion of his effects in due course came into the hands of a dishonest Government clerk, who converted them to his own use, and later, when being pressed in reference thereto, committed suicide May 2, 1921. The Inspector General's Department as a result of its investigations found that the effects of the deceased, which should have been forwarded to the War Department for the benefit of the estate of the deceased, included (besides certain tangibles not now in question) negotiable valuables as follows:

United States currency, $142.63; United States Treasury check, $500; United States Liberty bonds, third loan, coupon, $1,000; Philippine currency, 5,750.51 pesos.

A portion of these valuables were found and forwarded, together with certain tangibles, to The Adjutant General for transmittal to the General Accounting Office for proper disposition, as follows:

United States Treasury check, $500; Philippine currency, 1,850.51 pesos.

Presumably they were sent to the General Accounting Office and through that channel reached the representatives of the estate of the deceased.

The net loss of valuables, as found by the inspector, is as follows: United States currency, $142.63; United States coupon bonds, $1,000; Philippine currency, 3,900 pesos.

Valuing the United States bonds at par and the Philippine currency at 2 pesos to the dollar, the loss to Warrington's estate would be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States currency</td>
<td>$142.63</td>
</tr>
<tr>
<td>United States bonds</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Interest at the rate of 4½ per cent, as provided on face of bonds</td>
<td>361.25</td>
</tr>
<tr>
<td>Philippine currency, in dollars</td>
<td>1,950.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,453.88</td>
</tr>
</tbody>
</table>

WAR DEPARTMENT,  
Washington, March 31, 1926.

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

MY DEAR MR. UNDERHILL: I received your letter of the 22d instant, with which you inclosed a copy of the bill (H. R. 1564, 69th Cong., 1st sess.) for the relief of the heirs of Ralph K. Warrington.

The records of this office show that the Secretary of War wrote to the chairman of your committee relative to similar bills for the relief of the beneficiaries of this bill on April 29, 1922, and April 12, 1924, and I inclose herewith copies of those letters. Attention is invited to the fact that in both cases the department called attention to what appeared to be an error in the amount of compensation proposed and expressed the opinion that if the amount were corrected the proposed legislation would be meritorious. I am of that opinion at this time.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3 of Circular No. 49 of that bureau, and the director advises that if amended as suggested this requested legislation will not be in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, Secretary of War.
the Surgeon General and an expression of opinion by the Judge Advocate General. I also inclose a copy of a memorandum by the Judge Advocate General of April 29, 1922, and a copy of my letter of April 29, 1922, to you on the same subject. In that letter I stated that it appeared that there was an error in the amount of compensation provided by the bill, which should be reduced to $3,092.63 plus the amount of interest coupons on Liberty bonds which shall become due up to the time the estate is indemnified, and I expressed the opinion that if this correction were made the proposed legislation would be meritorious. I am still of that opinion.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3-a of Circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

Sincerely yours,

JOHN W. WEEKS, Secretary of War.

WAR DEPARTMENT, Washington April 29, 1922.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR CONGRESSMAN: I return herewith your letter of April 11, 1922, relating to the bill (H. R. 11186) for the relief of Lewis H. Francke and Blanche F. Shelley, to which there has been attached a report of the Surgeon General and a memorandum on the subject by the Judge Advocate General. I also inclose copies of the papers relating to the claim on file in the department.

It appears that there is an error in the amount of compensation provided by the bill which should be reduced to $3,092.63 plus the amount of interest coupons on Liberty bonds which shall have become due up to the time the estate is indemnified. If this correction is made I am of the opinion that the bill is meritorious.

Sincerely yours,

JOHN W. WEEKS, Secretary of War.

[Second indorsement]

WAR DEPARTMENT, April 2, 1924.

To the ASSISTANT AND CHIEF CLERK,
War Department.

H. R. 2371, Sixty-eighth Congress, first session, in reference, is identical in its terms with H. R. 11186, Sixty-seventh Congress, second session, upon which report was made by second indorsement, hence April 17, 1922, to the Secretary of War, as follows:

"1. The bill in reference refers, it is believed, to effects belonging to Ralph K. Warrington, deceased, which after having reached this office were abstracted and wrongfully disposed of. The matter was, upon my request, the subject of a thorough investigation by the Inspector General’s Department. (O. I. G. 333.9, Warrington, R. K.; J. A. G. 123, contracts, Willis Sed; A. G. O. 333.9, Washington, D. C., Misc. Div.) The inspector found that the effects supposed to have reached this office included (besides certain tangibles not now in question) negotiable valuables as follows: $142.63 United States currency; $500 United States Treasury check; $1,000 United States Liberty bonds, third loan, coupon; 5,750.51 pesos, Philippine currency.

"2. A portion of these valuables were found and forwarded, together with certain tangibles, by letter hence dated July 28, 1921, to The Adjutant General, recommending their transmittal to the General Accounting Office for proper disposition, as follows: $500 United States Treasury check, 1,850.51 pesos, Philippine currency. Presumably they were sent to the General Accounting Office, and through that channel reached the representatives of the estate of the deceased.

"3. The net loss of valuables, as found by the inspector (being the difference between those listed in par. 1 hereof and those listed in par. 2 hereof) was accordingly as follows: $142.63 United States currency; $1,000 United States coupon bonds; 3,900 pesos, Philippine currency. Valuing the United States bonds at
par, and the Philippine currency at 2 pesos to the dollar, the loss to Warrington’s estate would be as follows:

<table>
<thead>
<tr>
<th>Currency Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States currency</td>
<td>$1,426.63</td>
</tr>
<tr>
<td>United States bonds</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Philippine currency, in dollars</td>
<td>1,950.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,092.63</strong></td>
</tr>
</tbody>
</table>

4. The bill in reference nevertheless proposes to pay to the estate of the deceased the gross sum of $6,892.64. That amount appears to have been arrived at by assuming that all the pesos enumerated in paragraph 1 were lost (instead of 3,900 pesos only, ignoring the 1,850.51 pesos which were recovered and transmitted en route to the estate), and by counting each peso as equivalent to $1 United States currency. An error of 50 cents under addition United States currency would on the basis assumed produce the total amount designated in the bill. Manifestly that is an unjustifiable amount. The amount allowed should not exceed the total of $3,092.63 specified in paragraph 3 of this indorsement by more than the amount of the coupons due up to the time the estate is indemnified.

5. This office has no authoritative information showing who are the legal heirs of the decedent or to whom payment should be made to indemnify his estate.

6. The papers in the case are, it is believed, on file in the office of the Inspector General. It is recommended that this correspondence be forwarded to him for his action on so much of the request made by the basic letter above as relates to the papers and that a favorable report then be made on the proposed bill on condition that the amount allowed be reduced to approximately $3,092.63.

"M. W. Ireland, "Surgeon General, United States Army."

2. The views expressed in the foregoing report are adhered to and the recommendations therein hereby renewed.

For the Surgeon General:

ROBT. U. PATTERSON,
Lieutenant Colonel, Medical Corps, Executive Officer.

[First indorsement]

WAR DEPARTMENT, April 4, 1924.

To the Judge Advocate General:

Inclosure.

[Second indorsement]

WAR DEPARTMENT, April 11, 1924.

To the Assistant and Chief Clerk,

War Department:

1. A bill similar to the attached draft of House bill 2371, for the relief of the legal heirs of Ralph K. Warrington, was reviewed by the Acting Judge Advocate General on April 29, 1922. A copy of this review contained in a memorandum to the Secretary of War was forwarded to the chairman Committee on Claims together with the department’s records relating to this matter.

2. The Secretary’s letter forwarding these documents to the committee invited attention to the fact that the amount of compensation provided for in the proposed bill, to wit, $6,892.64, was in excess of the value of the property of the deceased, lost while in the Government’s possession and unaccounted for. The correct amount was shown by the Judge Advocate’s memorandum to be $3,092.63, and the Secretary recommended that in the event the bill was passed it should provide for compensation in the latter amount only.

3. Copies of both the Secretary’s letter and the Acting Judge Advocate General’s memorandum are hereto attached, and I am of the opinion that the Secretary’s reply to the present request for information from the committee, dated March 31, 1924, should conform in substance to what has already been said by him on this subject.

W. A. BETHEL,
Judge Advocate General.