

## OWNER OF SCOW "65H"

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FEBRUARY 7, 1927.—Committed to the Committee of the Whole House and ordered to be printed

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

### REPORT

[To accompany H. R. 12625]

The Committee on Claims, to whom was referred the bill (H. R. 12625) for the relief of the owner of scow *65H*, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Page 2, at the end of line 9, strike out the colon and add "except that no interest shall be allowed on any claim:".

Attached herewith is the report from the Secretary of the Navy, which is made a part of this report.

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NAVY DEPARTMENT,  
Washington, June 24, 1926.

Hon. CHARLES L. UNDERHILL,  
*Chairman Committee on Claims, House of Representatives,*  
Washington, D. C.

MY DEAR MR. CHAIRMAN: Further replying to your letter of June 5, 1926, requesting a report and recommendation concerning bill H. R. 12625, for the relief of the owner of scow *65H*, a copy of which was inclosed, I have now the honor to advise you as follows:

The purpose of bill H. R. 12625 is to confer jurisdiction on the United States Court for the Eastern District of New York to hear and determine the claim of the Bouker Contracting Co., owner of the scow *65H*, which arose out of damages sustained by the scow as a result of swells caused by United States Navy destroyer *Broome*, when passing the New York, New Haven & Hartford Railroad dock at Oak Point, East River, N. Y., on December 11, 1919.

The facts and circumstances relating to the damages to scow *65H*, according to the records in the Navy Department, are in substance as follows:

The U. S. S. *Broome* is a destroyer of approximately 1,250 gross tons, 310 feet long, 30 feet beam, and 12 feet mean draught, and was assigned to Destroyer Division 26, of the Atlantic Fleet. Under orders from the Navy Department the vessels had been undergoing 4-hour endurance trials at 15, 20, 25, 30, and 35 knots. The trials of 15 and 20 knots had been satisfactorily completed.

On December 11, 1919, the U. S. S. *Broome* left Newport for Guantanamo, Cuba, with orders to stop at New York for a draft of men. While passing through Long Island Sound, the speed maintained was 35 knots, but after passing Whitestone at about 5.02 p. m. the speed was reduced to 20 knots and during the remainder of the passage through East River her speed did not exceed 20 knots.

When passing the dock of the New York, New Haven & Hartford Railroad Co. at Oak Point, East River, N. Y., the wash following the U. S. S. *Broome*, going southwest at a speed of about 14 knots after having just slowed down from about 20 knots, caused damages to the scow 65H to the extent of \$4,167.10, as set out in the claim of the Bouker Contracting Co.

The *Broome* caused damages to a number of vessels lying at points along her course to Long Island Sound and East River. These damages were investigated by a naval officer by order of the commandant of the third naval district, who took much testimony and reached the following conclusions:

"That the damages aforesaid were caused by the stern wave from the U. S. S. *Broome*, and that this stern wave was the result of maintaining a speed too great for a vessel of this type in such shallow and restricted waters as those in question."

The findings of the investigating officer were approved by the convening authority and by the Navy Department.

There was a joint survey of the damages sustained by the scow 65H, which estimated the cost of the repairs at \$5,000. According to the bill of the Bouker Contracting Co., the actual cost of the repairs was \$3,807.95. Towing, demurrage, and other incidentals increased the claim to \$4,167.10.

While it was considered that the claim of the Bouker Contracting Co. is reasonable and just, the Navy Department is without authority to pay it or to adjust it, and refer it to the Congress for payment under any existing law.

The bill was referred to the Director of the Bureau of the Budget, who, under date of June 21, 1926, informed the Navy Department that the enactment of the proposed legislation will not be in conflict with the financial program of the President. Accordingly, the Navy Department recommends the enactment of bill H. R. 12625.

Sincerely yours,

CURTIS D. WILBUR,  
Secretary of the Navy.