

C. TISDALL CO. ET AL.

FEBRUARY 24, 1927.—Committed to the Committee of the Whole House and ordered to be printed

Mr. WINTER, from the Committee on War Claims, submitted the following

REPORT

[To accompany H. R. 13279]

The Committee on War Claims, to whom was referred the bill (H. R. 13279) for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr., having considered the same, report thereon with a recommendation that it do pass with the following amendments:

In line 5 strike out the figures "\$1,469.64" and insert in lieu thereof the figures "\$1,037.65".

In line 6 strike out the figures "\$187.01" and insert in lieu thereof the figures "\$146.45".

In line 10 strike out the figures "\$211.85" and insert in lieu thereof the figures "\$151.85".

The facts in this case are fully set forth in a letter from the Secretary of the Navy addressed to the chairman of the Committee on War Claims under date of January 13, 1927, which is appended hereto and made a part of this report.

A bill with similar facts was passed in the Sixty-eighth Congress, second session, the report of which contains a letter from the Secretary of the Navy in which he strongly recommends favorable action on the bill. The report containing the above-mentioned letter is appended hereto.

NAVY DEPARTMENT,
Washington, January 13, 1927.

The CHAIRMAN COMMITTEE ON WAR CLAIMS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of December 8, 1926, inclosing bill (H. R. 13279) for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward

A. Brown Co., and Giles P. Dunn, jr., and requesting the views and recommendations of the Navy Department thereon, I have the honor to inform you as follows:

This is one of a number of bills that have been introduced in the present Congress where supplies were delivered to the messes of vessels whose crews were receiving an allowance in lieu of subsistence and where the commanding officer of the vessel was responsible for payment. Efforts to have commanding officers settle the accounts have not been successful, probably due to the fact that the officers are no longer in the service.

The cost of the legislation proposed in favor of the C. Tisdall Co. is stated in the bill to be \$1,469.64. Claims to this amount have been filed with the Navy Department, but two items are of disputed validity, as follows:

S. P. 1189 (*Cero*), \$67.29; delivery October, 1917. Under date of April 10, 1920, this account was forwarded to the former commanding officer, Arthur Kitchnig, Chief Quartermaster U. S. N. R. F., 127 Riverside Drive, New York City. He replied under date of October 1, 1920, that the bill had been paid, and that receipt from the Tisdall Co. had been placed in the property book of S. P. 1189. The *Cero* with all records was burned and sunk October 21, 1918.

S. C. 167, \$364.70; delivery December, 1918, to April, 1919. The log of the S. C. 167 shows that this vessel was at Newport during the period in question, but contains no record of receipt of supplies listed. There is no record of receipt of a pay roll summary or other returns from this vessel during the period the bill was incurred.

The total of the items of claim filed with the Navy Department is \$1,469.64, as stated in the bill. Deducting the sum of the disputed items (\$67.29 and \$364.70) \$431.99 from this sum, there remains \$1,037.65 as the value of goods shown by the Navy Department records to have been delivered by the C. Tisdall Co. to various naval vessels.

The cost of the legislation proposed in favor of Herbert W. Smith is stated in the bill to be \$187.01. Three items of claim have been filed with the Navy Department, as follows: Delivered to the U. S. S. *Blakeley* in February, 1918, \$33.62; delivered to the U. S. S. *Perkins* in May, 1917, \$7.24; and delivered to the U. S. S. *Helenita* in November, 1917, \$146.15.

The claim of \$33.62 for the U. S. S. *Blakeley* was settled in the General Accounting Office. No record is found of any supplies having been delivered to the U. S. S. *Perkins* by this claimant. The claim for supplies to the U. S. S. *Helenita* was sent to the General Accounting Office for settlement on June 7, 1921. In view of these facts, the amount of the claim should be reduced from \$187.01 to \$146.15, as the value of goods delivered by Herbert W. Smith to vessels of the Navy and not known to have been paid for.

The cost of the legislation proposed in favor of Newman Bros. is stated in the bill to be \$114.25. The records of the Navy Department show that goods of this value were delivered to naval vessels by these claimants.

The cost of the legislation proposed in favor of Thomas J. Murphy Co., formerly Edward A. Brown Co., is stated in the bill to be \$211.85. Three claims were submitted to the Navy Department aggregating the amount proposed in the bill; one for S. P. 463 (*Yo Ho*) for \$110.99, one for the S. P. 529 (*Kestral*) for \$40.86, and one for S. P. 630 (*Alcalda*) \$60. This last item is for material alleged to have been furnished and delivered in August, 1919. The S. P. 630 (*Alcalda*) was decommissioned on January 10, 1919, and could not have incurred this bill. Deducting \$60 from the amount mentioned in the bill (\$211.85), there remains \$151.85 as the value of goods shown by the records of the Navy Department to have been delivered by this claimant to naval vessels.

The cost of the legislation proposed in favor of Giles P. Dunn, jr., is stated in the bill to be \$619.54. The records of the Navy Department show that goods of this value were delivered to naval vessels by this claimant.

The bill, H. R. 13279, which will, if enacted with the deductions hereinbefore mentioned, cost the Government \$2,069.44, was referred to the Bureau of the Budget with the statement that the Navy Department contemplated reporting the facts to the committee without recommendation as to the enactment of the bill, and under date of January 3, 1927, the Navy Department was informed that this proposed report was not in conflict with the financial program of the President.

The bill H. R. 13279 is therefore returned without recommendation.

Sincerely yours,

CURTIS D. WILBUR, *Secretary of the Navy*

The Committee on War Claims, to whom you referred the bill (S. 1180) entitled "An act for the relief of J. B. Platt," having considered the same, report thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 204, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 204, Sixty-eighth Congress, first session]

The purpose of the bill is to pay to J. B. Platt, of New Castle, Del., the sum of \$170.37 for merchandise furnished to the Reedy Island naval station mess during the months of September and October, 1917, and the months of October, November and December, 1918. The committee has in its possession an itemized account showing that the amount asked for is correct.

The bill has the favorable recommendation of the Secretary of the Navy, the letter of the Secretary being appended hereto and made a part of this report.

NAVY DEPARTMENT,
Washington, February 16, 1924.

The CHAIRMAN COMMITTEE ON CLAIMS,
United States Senate.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of January 3, 1924, inclosing a bill (S. 1180) for the relief of J. B. Platt, and requesting an opinion as to the merits of this bill, the department has the honor to inform you as follows:

The object of this bill is to reimburse J. B. Platt, of New Castle, Del., for merchandise furnished the Reedy Island naval station mess during the year 1918. This station was a small detached one with a frequently changing personnel. The enlisted men attached thereto were given a cash subsistence allowance in lieu of subsistence in kind. From December 31, 1917, to January 4, 1919, Benjamin A. Buxton, then an ensign, United States Naval Reserve Force, was under orders as senior boarding officer at Reedy Island. As such he was charged with the collecting and disbursement of the subsistence money. It appears that he did not settle all bills upon final detachment.

This former officer stated that he had difficulty in collecting the price of the meals from the enlisted men. Some of the bills which he contracted remain unpaid. The department has made repeated efforts to have him take the necessary steps to close out the outstanding obligations of the mess, the bills having been contracted by him and therefore upon his own responsibility. These efforts have resulted only in promises, so far unfilled. In the meantime this officer has been disenrolled and is no longer under naval jurisdiction.

The records of this department fail to disclose any information whatever as to the correctness of the amount (\$170.37) alleged to be due Mr. J. B. Platt.

While the Government is not liable for the disbursements of this mess, having done all the law requires in paying the men their subsistence money, and while Mr. Platt may legally be charged with knowledge as to the extent of the authority of officers with whom he deals, yet in view of the fact that settlement of these disbursements apparently can not be obtained from this former officer, and in further view of the inexperience of Mr. Platt, in dealing with the Government, it seems that he should not be made to stand the loss for food actually received and consumed by enlisted men of the service at a time when all patriotic citizens were assisting in the successful prosecution of the war.

In view of the above, this department recommends favorable action on the bill (S. 1180) subject to the remarks above mentioned as to the correctness of the amount involved.

Sincerely yours,

EDWIN DENBY, *Secretary of the Navy.*

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