

J. J. McINTOSH

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

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

## REPORT

[To accompany H. R. 5329]

The Committee on Claims, to whom was referred the bill (H. R. 5329) for the relief of J. J. McIntosh, 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. 1985, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1985, 77th Cong., 2nd sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5329) for the relief of J. J. McIntosh, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Line 6, strike out the figures "\$400" and insert in lieu thereof "\$300".

The purpose of the proposed legislation is to pay to Mr. J. J. McIntosh of Biloxi, Miss., the sum of \$300 for property damage sustained as result of an automobile accident which occurred on April 12, 1940, near Leakesville, Miss., while the car was being used on official business.

## STATEMENT OF FACTS

Mr. J. J. McIntosh was appointed on April 9, 1940, as census enumerator for district No. 21 of the sixth supervisor's district of Mississippi. Following a meeting on census business on the evening of April 12, Mr. McIntosh was returning to his home about midnight, when his automobile was run into by a drunken driver, resulting in the complete demolition of his car. As a result of the accident, Mr. McIntosh was injured and his claim for disability was approved by the United States Employees' Compensation Commission. There is no provision under the Employees' Compensation Act that allows the Commission to pay for property damage. The Department of Commerce, in report dated December 5, 1941, calls attention of the committee to the list price of the automobile destroyed, which was \$250, and recommended the enactment of the legislation in whatever amount Congress, in its discretion, may deem appropriate. Your committee,

after carefully reviewing the file, finds that Mr. McIntosh expended the sum of \$400 in buying another automobile to replace the one that was destroyed, and is of the opinion that the amount of adequate compensation would be \$300, in view of the exceptionally good condition that his car was in immediately prior to the accident. It is recommended that the bill, as amended, do pass.

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, December 5, 1941.

Hon. DAN R. McGEHEE,  
*Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: In your letter of July 18, 1941, you enclosed a copy of H. R. 5329, a bill for the relief of J. J. McIntosh, and requested the views of the Department with respect to this proposed legislation, together with copies of papers in the Department's files material to the facts and a decision on the bill.

Mr. J. J. McIntosh of Bexley, Miss., was appointed on April 9, 1940, as a census enumerator for district No. 21-8 of the sixth supervisor's district of Mississippi. Following a meeting on census business on the evening of April 12, 1940, at Leakesville, Miss., Mr. McIntosh was returning to his home about midnight when his automobile was run into by a drunken driver, resulting in the complete demolition of Mr. McIntosh's car. As a result of the accident Mr. McIntosh himself was injured, and a claim for \$144.44 on account of disability from April 15 to June 17, 1940, was approved by the United States Employees' Compensation Commission (case No. 705799).

This bill has been introduced because of the fact that under existing law there is no way Mr. McIntosh can be compensated for the loss of his automobile except through the enactment of legislation. The Department believes that Mr. McIntosh's claim is a meritorious one and is therefore in favor of the enactment of a bill to compensate him for his loss.

It is noted that under the terms of the bill Mr. McIntosh would be paid \$400 on account of the damage to his automobile resulting from the above-described accident. It appears, however, from information which has come to the Department, that Mr. McIntosh's car was a 1933 model Chevrolet coach. After the accident Mr. McIntosh traded in the automobile in its demolished state for another automobile. He was allowed \$40 for the damaged automobile and paid \$400 in addition for the other automobile. A tax record on the Chevrolet after it had been repaired, dated October 31, 1940, states that the market value of the car was \$150, and the list price was \$250. It would appear, therefore, that the amount sought to be recovered through this legislation may be in excess of the loss actually sustained by Mr. McIntosh. The Department believes, therefore, that the committee will wish to give careful consideration to the amount to be appropriated by the bill.

There are enclosed copies of papers in our file which may be of assistance to the committee in its consideration of this matter.

Sincerely yours,

WAYNE C. TAYLOR,  
*Acting Secretary of Commerce.*

THOMAS SERVICE STATION,  
*Lucaledale, Miss., July 28, 1941.*

Hon. WM. M. COLMER,  
*Washington, D. C.*

DEAR MR. COLMER: With reference to the enclosed letter addressed by you to Mr. J. J. McIntosh: The car referred to was traded in to us by Mr. McIntosh. It was practically a total wreck. Mr. McIntosh paid \$400 for a car to replace this wreck.

Hoping this is the information that you desire, we are

Yours very truly,

THOMAS SERVICE STATION,  
By G. M. THOMAS.

BEXLEY, MISS., July 22, 1940.

Mr. W. L. AUSTIN,  
Director of the Census, Washington, D. C.

DEAR SIR: I want to ask you one question and to do so will write you a short history of the case. The census enumerator for this district, No. 21-8, of the sixth supervisor's district of Mississippi fell down on the job and I was appointed to take his place. I accepted under the promise of 8 hours per day and no night work. I received my supplies on April 9. On April 12 I received a card calling me to meet Mr. Lovitt in Leakesville at 8 p. m. Leakesville is 12 miles from my home. I met Mr. Lovitt and worked until 11:30 p. m. Just east of Leakesville the road is built up from 6 to 20 feet for a distance of more than a quarter mile. On this high dump I met a drunken Negro driving a car and could not get out of his way. I came within 18 inches of driving off the dump trying to dodge him but could not do so. My car was a total wreck—cost \$400.60 to replace it. I came very near being killed—was hurt in over a dozen places—my left knee and right wrist being the worst. I was unable to work for 9 weeks. All the above facts easily verified. The sheriff of Green County is one witness to the condition of the Negro and the position of the cars.

All this came about by Mr. Lovitt trying to work day and night in his rush for miles and hours.

My knee and wrist will give me trouble as long as I try to use them which I hope will be for 56 more years.

The question I would like you to answer, Can I get pay for my loss in above case? If so, where do I file claim?

Thanking you in advance,

Yours very truly,

J. J. MCINTOSH.



Mr. J. J. Mahoney  
Dear Mr. Mahoney:  
I have your letter of the 12th and am glad to hear that you are well and hope you will continue to be so. I am well at present and hope these few lines will find you all the same. I have not much news to write at present but I will write again in a few days. I have not much news to write at present but I will write again in a few days. I have not much news to write at present but I will write again in a few days.

I am, Sir, your obedient servant,  
J. J. Mahoney