
LUTHER CHITTY AND SUSIE CHITTY

MAY 11, 1942.—Committed to the Committee of the Whole House and ordered
to be printed

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

REPORT

[To accompany H. R. 1740]

The Committee on Claims, to whom was referred the bill (H. R. 1740) for the relief of Luther Chitty and Susie Chitty, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 6, strike out the figures "\$2,060.30" insert in lieu thereof the figures "\$1,020.70".

The purpose of the proposed legislation is to pay to Luther Chitty the sum of \$1,020.70, and to Susie Chitty, the sum of \$5,000, on account of personal injuries and property damage sustained when the automobile in which they were riding was struck on August 24, 1938, near West Salem, Wis., by a truck operated in connection with the Civilian Conservation Corps.

According to the files and investigation of the Department of Agriculture, it is disclosed that a preponderance of the evidence establishes negligence on the part of the Civilian Conservation Corps enrollee, who was operating the Government truck which collided with a 1938 Plymouth sedan being driven by Mrs. Susie Chitty, and owned by her husband, Luther Chitty; that the accident was caused through the negligence of the enrollee in failing to maintain a proper look-out to the rear before attempting to execute a left-hand turn into the entrance of Civilian Conservation Corps Camp Wis-17; that he operated the Government-owned vehicle so as to confuse Mrs. Chitty in that he first drove to the right shoulder of the highway while traveling east, stopped the vehicle, placed it in low gear, and started to execute the left turn; that Mrs. Chitty attempted to drive around the Government vehicle without success; that she ran into a guard-rail near the camp entrance, causing considerable damage to the vehicle she was driving, and personal injuries to herself; that as a result of the accident, Mrs. Susie Chitty sustained severe personal

injuries consisting of compound comminuted fracture of the pelvis, lacerated punctured wound of the left hip which prevents free movement of the leg and hip. She is at present suffering a permanent partial disability due to a sacroiliac strain, which, according to Drs. Ralph H. Carpenter, Carl Schultz, and C. J. Stover, will be of a permanent character; that the fracture of the pelvis bone has mended.

The Department of Agriculture, in report dated December 9, 1941, after reporting on the facts of the case, recommends as follows: "It is suggested, therefore, that bill H. R. 1740 be amended so as to reduce the proposed award to Mr. Chitty to \$1,020.70, and that the proposed award to Mrs. Chitty of \$5,000 be given further consideration by the Committee on Claims." Your committee concur in the recommendation of the Department as to the award to Mr. Chitty, namely \$1,020.70. It has carefully considered disability sustained to Mrs. Chitty, and is of the opinion that the award of \$5,000 asked in H. R. 1740 is reasonable, and therefore, that same should be allowed. Appended hereto is the report of the Department of Agriculture, together with other pertinent evidence.

DEPARTMENT OF AGRICULTURE,
Washington, December 9, 1941.

Hon. DAN R. MCGEHEE,
Chairman, Committee on Claims, House of Representatives.

DEAR Mr. MCGEHEE: In compliance with your request of October 10, 1941, there are enclosed all papers on file in this Department pertaining to the Automotive accident which occurred on date of August 24, 1938, near West Salem, Wis., out of which the claims of Mr. Luther Chitty and Mrs. Susie Chitty of Muncie, Ind., arose. We are now prepared to make our recommendations as to the merit of bill H. R. 1740 introduced by the Honorable Raymond S. Springer.

A preponderance of the evidence establishes negligence on the part of Archie Mitchell, the Civilian Conservation Corps enrollee who was operating the Government-owned Reo stake-bodied truck which collided with a 1938 Plymouth sedan being driven by Mrs. Susie Chitty and owned by her husband, Luther Chitty. The enrollee failed to establish a proper look-out to the rear before attempting to execute a left turn into the entrance of Civilian Conservation Corps camp Wis-17. He operated the Government-owned vehicle so as to confuse Mrs. Chitty in that he first drove onto the right shoulder of the highway while traveling east, stopped the vehicle, placed it in low gear and started to execute the left turn. Mrs. Chitty attempted to drive around the Government vehicle without success. She ran into a guard rail near the camp entrance, causing considerable damage to the vehicle she was driving and personal injuries to herself.

H. R. 1740 proposes an appropriation in the sum of \$2,060.30 to Mr. Luther Chitty and \$5,000 to Mrs. Susie Chitty. It is believed that the proposed payments are somewhat excessive. In an affidavit subscribed to by Mr. Chitty on date of May 23, 1941, the expenditures outlined amount to the sum of \$620.70, which included payments to various doctors who treated Mrs. Chitty, the St. Francis Hospital, La Crosse, Wis., two sums of money on repair bills for which Mrs. Chitty was liable under the terms of a collision-type policy carried with the Farm Bureau Mutual Insurance Co. of Indiana, Inc., and expenses for returning Mrs. Chitty from St. Francis Hospital to her home. Mr. Chitty has stated that it was necessary for him to hire domestic help because of the inability of Mrs. Chitty to perform her household duties. A supplemental investigation was conducted by Mr. W. S. Federspiel, an employee of the Soil Conservation Service. He interviewed several acquaintances of Mr. and Mrs. Chitty and determined that Mrs. Chitty was totally disabled from date of the accident on August 24, 1938, until approximately June of 1939. During this period, Mrs. Chitty's mother and sister performed the domestic work in the household. It is probable that they were not reimbursed but were given room and board. From date of June 1940 to April 1941, a Mrs. Dragoo was employed once a week to perform the housework, such as washing clothes and cleaning house. She was reimbursed for her services at the rate of \$1 per week for 7 months and for the remaining period was given sufficient milk for her five children. Just compensation for these expenditures would approximate \$400. We recommend, therefore, that a total award of \$1,020.70 be made to Mr. Chitty in lieu of \$2,060.30.

Mrs. Susie Chitty sustained severe personal injuries in the accident for which she should be compensated. The doctors who attended her have furnished statements regarding her physical condition immediately after the accident, the treatment rendered her from the date she was hospitalized and after she returned home. She is at present suffering a permanent partial disability due to a sacroiliac strain which, according to Drs. Ralph H. Carpenter, Carl Schultz, and C. J. Stover, will be of a permanent character. She also suffered a fracture of the pelvic bone which has mended.

The measure of damages in personal-injury cases involving pain and suffering is always difficult to determine. In a case where there are more facts upon which to base such a determination than are present in the file of the case in question, the task becomes relatively easier. Judged by similar bills for private relief, the proposed award of \$5,000 to Mrs. Chitty in this instance seems excessive. However, this Department is in no better position to evaluate her pain and suffering than the Committee on Claims; therefore, whatever amount is finally determined to be equitable by the committee will be satisfactory to this Department.

It is suggested, therefore, that bill H. R. 1740 be amended so as to reduce the proposed award to Mr. Chitty to \$1,020.70 and that the proposed award to Mrs. Chitty of \$5,000 be given further consideration by the Committee on Claims.

Sincerely yours,

GROVER B. HILL, *Assistant Secretary.*

(Enclosures.)

STATE OF INDIANA,

Delaware County, ss:

Susie Chitty, being first duly sworn, upon her oath says: That she is one and the same Susie Chitty who was involved in a motor accident on August 24, 1938, at about 3 p. m., approximately 2 miles west of West Salem, Wis., at which time she was driving an automobile belonging to her husband, Luther Chitty, eastward on Highway No. 16, following a truck of the United States, which truck pulled off the highway on the south side, stopped, then without warning started up turning directly to the left across said highway and running into and against the car driven by affiant, injuring her left hip, breaking her pelvic bone, bruising and lacerating her generally;

That she was taken to the St. Francis Hospital at LaCrosse, Wis., where she remained, because of said injuries from August 24, 1938, until November 12, 1938, being treated during said time by Drs. Wakefield and Goedeke of West Salem, Wis.; that she was then removed to her home in Delaware County, Ind., where she has been treated by Drs. Schultz, Carpenter, Clauser and Stover, all of Muncie, Ind.; that treatments so given have been caused solely by the injuries received by affiant as aforesaid; that affiant's health has been impaired by said injuries; that she suffered severe pain and still suffers pain as a result of said injuries; that she is extremely nervous as a result of said injuries; that she is physically unable to perform her usual duties and work as a housewife and farm woman; that her injuries are permanent and that she will never fully recover her health; that prior to receiving said injuries she was well, healthy and physically strong;

That in compliance with instructions of officials of United States Department of Agriculture, Soil Conservation Service, affiant filed a document designated as "Standard Form No. 28, approved by the President June 10, 1927," with said Department office at Eau Claire, Wis., in 1939, the exact day and month not now being known to her, but being about August 8, 1939; that said document was returned to her in November 1939, together with blank forms of said document, and with a letter advising her that if she wished to press her claim further, said documents should be presented to her Congressman or Senator, because of the fact that more than 1 year had elapsed after the date of the accident; that she then consulted attorneys of Muncie, Ind., who, after some correspondence with Hon. Raymond S. Springer, Representative in Congress for the Tenth District of Indiana, filed Form No. 28 with said Representative who introduced a bill for her relief, which bill is now pending in the Congress; that her claim for relief does not include doctor bills, hospital bills, or property damage of any kind but is for her physical injuries, health impairment, shock, pain, and suffering.

That this affidavit is made by her for the purpose of clarifying her said claim and as requested by United States Department of Agriculture, Soil Conservation Department.

SUSIE CHITTY.

Subscribed and sworn to before me this 23d day of May 1941.

[SEAL]

HELEN HEVLAND FRURIP,

My commission expires June 28, 1944.

Notary Public.

STATE OF INDIANA,
Delaware County, ss:

Luther Chitty, being first duly sworn, upon his oath says that he is one and the same Luther Chitty who was involved in a motor accident on August 24, 1938, at about 3 p. m., approximately 2 miles west of West Salem, Wis., at which time he was the owner of and riding in a 1938 Plymouth sedan, which was then and there being driven upon Highway No. 16 by his wife, Susie Chitty, and in an easterly direction following a truck belonging to the United States, which truck pulled off the highway on the south side, stopped, then, without warning, started up turning directly to the left across said highway and running into and against the car of this affiant, injuring the wife of this affiant and damaging the automobile of this affiant. That affiant's said car was then traveling at a rate of speed approximating 45 miles an hour. That the front wheel of said truck struck the right rear wheel of affiant's car with sufficient force that said car was thrown over against some posts at the entrance to the Civilian Conservation Corps camp.

That by reason of said accident affiant's wife was taken to the St. Francis Hospital at La Crosse, Wis., where she remained from August 24, 1938, until November 12, 1938, being treated during said time by Drs. Wakefield and Goedecke, of West Salem, Wis. That affiant became liable for hospital bills and doctor bills in Wisconsin as follows: St. Francis Hospital, \$285.25, upon which he has paid the sum of \$200, leaving a balance due and owing of \$85.25; to Drs. Wakefield and Goedecke, the sum of \$200, upon which amount nothing has been paid but for the payment of which affiant is liable and which amount affiant now owes.

That affiant caused his said automobile to be repaired, which repairs were as follows: Weiss Auto Paint Shop, La Crosse, Wis., \$30.50; Rodgers-Yohey Body Corporation, Muncie, Ind., \$151.75. That affiant was insured with the Farm Bureau Mutual Insurance Co. of Indiana, Inc., for 80 percent of said cost of repairs and that affiant paid the sum of \$36.44 upon said repair bills.

That on the 11th day of November 1938 affiant drove from his home in Delaware County, Ind., to the St. Francis Hospital in La Crosse, Wis., returning on November 12, 1938. That he had in his said automobile an automobile bed extending across the top of the seats of said automobile, upon which bed and in said automobile he returned his injured wife to his home in Delaware County, Ind. That affiant expended approximately \$24 in making said trip and returning his said wife, as aforesaid.

That affiant's said wife was confined to her bed at affiant's home in Delaware County, Ind., for approximately a month, following which time she was able to spend time in a wheelchair, following which she was able to get around the house upon crutches and gradually enabled to walk. That to the best of his remembrance she was not able to get around on crutches until in the month of March 1939 and used said crutches until along in the early summer of 1939. That since the return of affiant's wife to her home she has been treated by Dr. C. J. Stover, of Muncie, Ind.; Dr. E. H. Clauser, of Muncie, Ind.; Dr. Ralph H. Carpenter of Muncie, Ind.; and Dr. C. Schultz, of Muncie, Ind.; that said C. J. Stover is the family physician who prescribed medical treatments and who suggested the examination of affiant's wife by Dr. E. H. Clauser, a surgeon; that Dr. Carpenter is a naprapathic physician and gave infrared, and ultraviolet physiotherapy treatments; that Dr. C. Schultz gave steam bath and massage treatments. That by reason of said treatments affiant incurred medical bills as follows: Dr. Stover, \$10; Dr. Clauser, \$5; Dr. Carpenter, \$30; Dr. Schultz, \$30; all of which bills have been paid by affiant.

That because of the physical condition of affiant's wife, caused by said accident and injuries by her suffered, it was necessary for affiant to employ help in the home to take care of the household duties performed by his said wife prior to said accident. That affiant has no record of the amount of money by him paid for said household help which included cooking, sweeping, making the beds, washing, ironing, and other household work.

That the wife of affiant is not yet physically well and strong and that she suffers some pain, is nervous and is at the present time unable to assist affiant in maintaining their home and farm. That affiant has suffered loss of his wife's services and believes himself entitled to a reasonable recompense therefor.

That in the month of August 1939 affiant filed a document designated as "Standard Form No. 28, approved by the President June 10, 1927" with the United States Department of Agriculture, Soil Conservation Service at Eau Claire, Wis. That said claim was returned to affiant in November 1939 together with a letter advising him that if he desired to pursue his claim further it would be necessary for him to file same with his Congressman or Senator due to the fact that more than 1 year had then elapsed after said accident.

That affiant then consulted an attorney and after some correspondence between said attorney and the Honorable Raymond S. Springer, Representative in Congress for the Tenth District of the State of Indiana, affiant filed a new claim, "Standard Form No. 28," which said claim is the basis, for a bill for relief now pending in Congress and introduced by said Hon. Raymond S. Springer. That in said claim affiant sets forth \$60.30 under the heading of "Property damage," which he intended to include the amount of money by him paid upon the repairs of his said automobile and his expenses from Delaware County, Ind., to La Crosse, Wis., in order to return his wife to her home, as aforesaid.

That in his said claim he listed doctor bills and hospital bills amounting to \$560 which amount affiant actually incurred and upon which he has paid \$275, owing the balance of \$285 as heretofore itemized. That under the clause, "amount of claim," on said form so filed, as aforesaid, affiant has claimed \$2,000 for personal injuries, which said sum includes said doctor bills and hospital expenses paid and unpaid and the remainder is intended to cover his loss occasioned by loss of services of his wife caused by her said injuries and her present physical condition.

That affiant attaches hereto statements and receipts of St. Francis Hospital, La Crosse, Wis.; Drs. Wakefield and Goedecke, of West Salem, Wis.; Dr. Ralph H. Carpenter of Muncie, Ind.; Dr. C. Schultz of Muncie, Ind.; Weiss Auto Paint Shop, LaCrosse, Wis.; Rodgers-Yohey Body Corporation, Muncie, Ind. Affiant further says that this affidavit is made by him for the purpose of clarifying his said claim and as requested by United States Department of Agriculture, Soil Conservation Department.

LUTHER CHITTY.

Subscribed and sworn to before me this 23d day of May 1941.

[SEAL]

HELEN HEVLAND FRURIP,
Notary Public.

My commission expires June 28, 1944.

INVESTIGATING OFFICER'S NARRATIVE REPORT

1. Accident happened about 3:10 p. m. August 24, 1938, at entrance to the Civilian Conservation Corps camp. I was inspecting trucks with the camp mechanic in the camp yard when we heard the crash. I sent the mechanic to the scene of the accident, while I ran into the office, picked up pencil and paper and immediately proceeded to the scene of the accident.

2. First aid was rendered the injured party, and transportation was furnished to take the injured Mrs. Chitty to the doctor's office in West Salem, and upon his advice she was immediately taken to the St. Francis Hospital in La Crosse.

3. Senior foreman of laborers, Raymon Reit, was assigned the job of making a sketch map and diagram of the accident, and getting information regarding the occupants of the private vehicle.

4. Camp mechanic was assigned the job of keeping traffic in order, and directing other Government vehicles safely into the camp entrance, until the county highway patrol arrived.

5. Evidence showed the private vehicle traveling east had attempted to pass the Government truck traveling east while Government truck was making a left turn off main highway in camp road. Government truck had stopped before completing his left-hand turn, private vehicle right rear fender scraped left front bumper and license on Government truck and then struck the guard rail on left side of road (north side).

6. Tire marks of private vehicle showed same leaving the concrete pavement approximately 117 feet west of the point of glancing off Government truck. No evidence on concrete surface, shale shoulder, or the tires themselves to indicate that brakes had been applied at any time.

7. Damage to Government truck—front license plate and bracket slightly bent. Slight scrape mark on bumper. No other damage. Estimate damage less than \$1.

8. Damage to private vehicle—estimate by camp mechanic:

1 rear fender.....	\$7.25
1 door (front) complete.....	69.50
1 door, shell, rear.....	27.50
1 wheel.....	6.00
1 running board.....	6.50
Labor and painting.....	30.00
Total.....	146.75

9. Private vehicle damaged—Plymouth sedan, 1938.

10. Weather was clear. Road surface was dry. Road has 20-foot wide concrete pavement with a 10-foot shale shoulder on each side, flanked by guard posts and fence except for entrance to camp road and county park entrance opposite camp road.

11. Diagram of accident—attached to Form 27.

12. Estimated speed of Government vehicle—Government vehicle came to a complete stop before making the left turn, and had just started moving in low gear when Government driver heard the enrollees in back of truck holler, so he stopped the truck again before completing the left turn.

13. Estimated speed of private vehicle—judging from statements of witnesses and damages to private vehicle, the private vehicle was traveling about 50 miles per hour.

14. Government driver experienced difficulty in shifting from a high to a lower gear in preparation for turning left in camp entrance. He pulled over to right of road, clear of the pavement, and stopped. Then shifting into low gear, he looked into his mirror, held out his arm for a left turn, and then engaged the clutch. Upon hearing the enrollees yell from the back of the truck he immediately applied his brakes and stopped before his truck was completely off the pavement.

15. Private vehicle driver was evidently confused when Government truck pulled off to right, and then started making a left turn. Private vehicle driver sounded horn not more than 50 feet from the point of collision and attempted to pass the Government truck on the left-hand side between the truck and the guardrail. No effort was made by driver of private vehicle to stop her car to avoid the accident.

16. Government truck inspected daily and weekly and was in good mechanical condition. Copies of last inspection reports attached.

17. Private vehicle, a late model, apparently in good mechanical condition.

18. Government vehicle driver, Enrollee Archie Mitchell does not carry any accident insurance.

19. Owner of private vehicle carries insurance with the Farmers Bureau of Indiana, Indianapolis, Ind. Policy has full coverage including collision.

20. Data regarding Enrollee Driver Archie Mitchell.

(a) Age 21 years.

(b) Height 5 feet and 4 inches.

(c) Weight 120 pounds.

(d) Eyesight 20/20. (NOTE: This was checked by camp doctor after the accident and certificate is attached hereto).

(e) Permit No. 56227 was issued to Enrollee Driver Mitchell on morning of August 24, 1938, the day of the accident.

(f) Enrollee Mitchell was trained for drivers permit in accordance with regional memorandum SCS-261, CCC-251, and regional bulletin SCS-326, CCC-309, Enrollee Mitchell's application for driver's permit showed 11 months previous experience at other Civilian Conservation Corps camps. We are attempting to secure written evidence of this fact at the present time. Enrollee Mitchell was trained by experienced Enrollee Driver Robert Gorman who has been driving over 1 year without an accident. Enrollee Gorman stated that Student Driver Mitchell drove about 250 miles under his supervision during the 2 weeks' training period, and reported that Mitchell was a good driver. Upon completing the training course, Mitchell was given a road test by the camp mechanic, Mr. Jacobson, and passed with an excellent test. Upon completion of his driver training Enrollee Mitchell presented the drivers training certificate (copies attached hereto) signed by the camp mechanic and himself for issuing the driver's permit. Enrollee Mitchell's training included a study of the Wisconsin Driver's License Regulations which includes the instruction for making a proper left turn (a copy attached

hereto). Enrollee Mitchell's training also included instruction by the camp mechanic as to proper procedure for entering the main highway from camp, and for entering the camp road off the main highway.

Additional information will follow.

Respectfully submitted.

R. E. REINKE, *Investigating Officer.*

LA CROSSE, WIS., *April 17, 1941.*

Mrs. Luther (Susie) Chitty, Muncie City, Ind., to St. Francis Hospital, Debtor:

Hospital services from Aug. 24 to Nov. 12; 80 days—rate per day \$2.75	\$220. 00
Dressings	10. 00
Laboratory	3. 00
X-rays	25. 00
Medicine	12. 00
Electric and massage treatments	15. 00
Parcel post	. 25
Total account	285. 25
Credits Aug. 19, 1939	200. 00
Balance due	85. 25

WEST SALEM, WIS., *April 18, 1941.*

Susie Chitty, Muncie, Ind. In account with Drs. Wakefield & Goedecke:
 For professional services to Susie Chitty: Reduction of comminuted compound fracture of pelvis and of ascending ramus, left. Hospital care from Aug. 24 to Nov. 12, 1938, inclusive..... \$200
 To date there have been no payments made on the above bill.

[Duplicate statement]

RALPH H. CARPENTER, D. N.,
Muncie, Ind., August 15, 1939.

Luther Chitty, Muncie, Ind.:

Eighteen naprapathic treatments, \$30. These treatments were given following an automobile accident in Wisconsin, in August 1938.

Paid August 1939.

RALPH H. CARPENTER.

[Statement]

MUNCIE, IND., *August 5, 1939.*

Mr. Luther Chitty, in account with Muncie Sanitarium:

Treatments for Mrs. L. Chitty, \$30. Treatments for fractured pelvic bone as result of automobile accident in August 1938.

Paid in full.

DR. C. SCHULTZ.

LUTHER CHITTY AND SUSIE CHITTY

[Invoice]

WEISS AUTO PAINT SHOP,
La Crosse, Wis., Apr. 30, 1941.Sold to: Mr. Luther Chitty, Muncie, Ind.
Terms: Job done Aug. 25, 1938.

Repair frame.....	\$15. 50
Line up front end.....	5. 50
Repair three wheels.....	6. 50
Adjust worm and sector shaft.....	3. 00
Total (on Plymouth sedan).....	30. 50

Paid Aug. 25, 1938.

R. W. WEISS.

(Paid by Luther Chitty.)

[Invoice]

RODGERS-YOHEY BODY CORPORATION,
Muncie, Ind., September 16, 1938.

Luther Chitty, Route No. 6, Muncie, Ind.

Repairs and replacements to 1938 Plymouth sedan, serial No. 10507862, engine No. P6-65583, as per our estimate Aug. 27, 1938.....	\$151. 75
Paid by cash Sept. 16, 1941.....	30. 35
Paid in full by insurance check Oct. 18, 1938.....	121. 40

LOUIE YOHEY.

Duplicate Apr. 26, 1941.

