

JOHN CAMERON HENRY

MAY 10, 1948.—Ordered to be printed

Mr. WILEY, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4672]

The Committee on the Judiciary, to whom was referred the bill (H. R. 4672) for the relief of John Cameron Henry, having considered same, do now report the bill favorably to the Senate without amendment, and recommend that the bill do pass.

STATEMENT

The facts in this case are fully set forth below in extracts from the House report:

The proposed legislation was transmitted to the Speaker of the House of Representatives by the Comptroller General of the United States and referred to the committee for consideration. The bill having been given careful consideration your committee recommend favorable consideration to the bill.

The letter from the Comptroller General is self-explanatory and is as follows:

GENERAL ACCOUNTING OFFICE,
Washington, November 26, 1947.

The Congress:

Pursuant to the act of April 10, 1928 (45 Stat. 413), I have the honor to submit the following report and recommendation concerning the claim of John Cameron Henry, 279 College Street, Macon, Ga., formerly a private, United States Army, for payment of an amount representing \$461, Canadian currency, due him incident to his service as an enlisted man in the Canadian Army, which amount was paid to this Government by the Government of the Dominion of Canada for his credit.

From the record before this Office it appears that the amount in question, together with amounts due from the Canadian Government to other enlisted men in the United States Army for prior service in the Canadian Army, was paid to this Government by Dominion of Canada letter of credit dated October 30, 1942, for the credit of the individuals concerned. The Canadian Army Overseas Acquittance Roll, which contained the names of the individuals entitled to such payments, listed the said John Cameron Henry as "J. C. Henry," and apparently without attempting to obtain more positive identification the amount properly due him as erroneously paid by the United States Army finance officer handling such funds to one Corp. James C. Henry. While it thus appears that the said John C. Henry is entitled to the amount in question, payment thereof may not be made since there is no appropriation or fund available therefor.

Action has been initiated toward effecting recoupment of the erroneous payment in question. However, since the rightful payee was not at fault it would appear inequitable to make payment to him contingent upon possible collection from the erroneous payee or to require him to await payment until such time as the erroneous payment might be recouped. Furthermore, while it may be that Mr. Henry technically has a valid claim against the Canadian Government for the amount due him, if such claim were recognized the Canadian Government would have at least an equitable claim against the United States in view of the apparent negligence of United States officers in making payment to the wrong individual. Accordingly, under the circumstances, I recommend to the Congress that an appropriation be made to permit payment of the amount in question.

The amount due Mr. Henry was \$461, Canadian currency, and was paid to this Government in British pounds which at the then current conversion rate amounted to £103 2s. 8d., which, converted into United States dollars, amounted to \$416.14.

If the Congress should agree with my recommendation in this matter, it is suggested that the enactment of a statute in substantially the following terms will accomplish the purpose:

"Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of John Cameron Henry, formerly a private, United States Army, for payment of the amount due him incident to his service in the Canadian Army which was paid to the United States by the Government of the Dominion of Canada October 30, 1942, for his credit but which was erroneously paid by a United States finance officer to another individual of a similar name, and to allow in full and final settlement of the claim not to exceed \$416.14. There is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, the sum of \$416.14, or so much thereof as may be necessary, for the payment of the claim."

Respectfully submitted,

FRANK L. YATES,
Acting Comptroller General of the United States.

