

69TH CONGRESS }  
1st Session }

HOUSE OF REPRESENTATIVES

} REPORT  
No. 836

## RUSSELL W. SIMPSON

APRIL 12, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

### REPORT

[To accompany H. R. 6586]

The Committee on Claims, to whom was referred the bill (H. R. 8586) for the relief of Russell W. Simpson, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

In line 6, strike out the figures "\$5,833.11" and insert "\$2,500."

The full facts are stated in the following letter of the Secretary of War, which is made a part of this report:

WAR DEPARTMENT,  
Washington, January 26, 1926.

HON. CHARLES L. UNDERHILL,  
Chairman Committee on Claims,  
House of Representatives.

MY DEAR MR. UNDERHILL: Further reference is made to your letter of the 12th instant, inclosing a copy of a bill (H. R. 6586) for the relief of Russell W. Simpson in the sum of \$5,833.11, being the amount of damages suffered by him as the result of a collision caused by an Army Air Service airplane with an airplane piloted by the said Russell W. Simpson at Langin Field, Moundsville, W. Va., on or about October 2, 1924.

This accident was investigated by a board of officers, which, after careful consideration of the facts in the case and personal inspection of the damaged machines, came to the following conclusions:

#### "FINDINGS

"The findings of the board are that the Government-owned DH-4B, airplane No. 63536, operated by First Lieut. Charles B. De Shields, Air Service, from causes which could not be determined, swerved in taking off and crashed into the civilian airplane operated by R. W. Simpson who was in no way to blame for the accident. The board further finds that the civilian airplane of R. W. Simpson was damaged to the extent of \$2,500. The damage in money value to the DH-4B, airplane No. 63536 could not be determined until this plane is shipped to a depot for overhaul. The accident was not caused through the negligence of the officer or any agent of the United States Government.

## "RECOMMENDATIONS"

"The board recommends that the Secretary of War (if it can be done legally), authorize the Air Service to ship the civilian airplane of R. W. Simpson to Fairfield air intermediate depot and that the necessary repairs be made at that point to put the airplane in first-class flying condition; that the work can be done much more economically at an Air Service repair depot than at a civilian plant; or that if the Secretary of War does not authorize the repair of the above-mentioned civilian airplane at an Air Service repair depot that the Secretary of War recommend that the sum of \$2,500 to be paid to R. W. Simpson of Westbury, Long Island, N. Y., be included in the annual bill for relief of civilians who have been damaged in excess of \$250."

A copy of the proceedings of the board is inclosed for your information.

In view of the foregoing it is believed that the case merits legislative relief. However, as to the amount, I prefer to submit the facts in the case to Congress for determination.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

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