

INTERIOR AND WAR DEPARTMENTS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

RECORDS OF JUDGMENTS RENDERED AGAINST THE GOVERN-
MENT BY THE UNITED STATES DISTRICT COURTS

APRIL 20, 1926.—Referred to the Committee on Appropriations and ordered to
be printed

THE WHITE HOUSE,
Washington, April 20, 1926.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by the United States district courts under the provisions of the act of March 3, 1887 (24 Stat. 505), as amended by section 297 of the act of March 3, 1911 (36 Stat. 1168), as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Department of the Interior.....	\$1, 160. 00
Under the War Department.....	9, 148. 60
Total.....	10, 308. 60

The necessity for the appropriation asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose conclusions and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, April 19, 1926.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by the United States district courts under the provisions of the act of March 3, 1887 (24 Stat. 505), as amended by section 297 of the act of March 3, 1911 (36 Stat. 1168), as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Department of the Interior.....	\$1, 160. 00
Under the War Department.....	9, 148. 60
Total.....	10, 308. 60

For the payment of these judgments there is required an appropriation of \$10,308.60, including costs, together with such sum as may be necessary to pay interest at 4 per cent per annum from the date thereof until the time the appropriation is made, with the proviso that these judgments shall not be paid until the right of appeal shall have expired.

Since the foregoing are obligations of the Government lawfully imposed, and which (subject to the reserved right of appeal) must be paid, an appropriation for that purpose is necessary at this time.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

DEPARTMENT OF JUSTICE,
Washington, March 4, 1926.

The SECRETARY OF THE TREASURY.

SIR: I am transmitting herewith judgment in the case of Leonie Nohl Van Pelt v. United States, which was rendered in the District Court of the United States for the Western District of Washington, Northern Division, in a suit wherein the petitioner sought to recover the amount of salary due her for services rendered as a teacher in the Alaska schools at Nicolli, Alaska. The petitioner was employed as a teacher by the Bureau of Education of the Department of the Interior.

As this suit was instituted pursuant to section 24, paragraph 20, of the Judicial Code, it is assumed that the judgment should bear interest from the date of rendition down to the date of appropriation by Congress, in accordance with the Tucker Act procedure.

Respectfully,

HERMAN J. GALLOWAY,
Assistant Attorney General
(For the Attorney General).

United States District Court for the Western District of Washington, Northern Division

No. 2306

Name: Leonie Nohl Van Pelt.

Judgment: \$1,160.

Costs: None.

Date of judgment: December 18, 1925.

Nature of claim: Action to recover amount of salary as teacher for the Bureau of Education, Department of the Interior.

Final decree: Now, therefore, it is hereby ordered, adjudged, and decreed that the plaintiff, Leonie Nohl Van Pelt, do have and recover and hereby is awarded judgment against the above named defendant, the United States of America in the sum of \$1,160, with interest thereon at the rate of 4 per cent per annum from the date of this judgment until payment thereof.

DEPARTMENT OF JUSTICE,
Washington, March 4, 1926.

The SECRETARY OF THE TREASURY.

SIR: I am transmitting herewith judgment in the case of the Atlantic Refining Co. v. United States, which was rendered in the United States District Court for the Eastern District of Pennsylvania, in a suit wherein the petitioner sought to recover the balance due on a contract for oil and gasoline which it sold and delivered to the Quartermaster Corps of the United States Army for the Army transport *Northern Pacific*.

As this suit was instituted pursuant to section 24, paragraph 20, of the Judicial Code, it is assumed that the judgment should bear interest from the date of rendition down to the date of appropriation by Congress, in accordance with Tucker Act procedure.

The court in the original judgment, dated July 9, 1925, erroneously allowed interest at 6 per cent. The attention of the parties was called to this matter, and by mutual consent the judgment was modified and amended so that interest at the rate of 4 per cent was allowed thereon in accordance with the provisions of the Tucker Act.

Respectfully,

HERMAN J. GALLOWAY,
Assistant Attorney General
(For the Attorney General).

United States District Court for the Eastern District of Pennsylvania

No. 2152

Name: Atlantic Refining Co.

Judgment: \$7,261.87.

Costs: None.

Date of judgment: July 9, 1925.

Nature of claim: Action to recover amount due for oil and gasoline furnished the Quartermaster Corps, United States Army, for the U. S. transport *Northern Pacific*.

Final decree: And now, July 9, 1925, in accordance with the opinion of the court and by præcipe, filed judgment in the sum of \$7,261.87, is hereby entered in favor of the plaintiff and against the defendant, with interest thereon at the rate of 4 per cent per annum from the date of this judgment until payment thereof.

IN RE WILLIAM H. PEARSON v. UNITED STATES

DEPARTMENT OF JUSTICE,
Washington, March 30, 1926.

The SECRETARY OF THE TREASURY.

SIR: I am transmitting herewith judgment in the case of William H. Pearson, which was rendered in the United States District Court for the Eastern District of Virginia, in a suit wherein the petitioner sought to recover damages to his property.

This suit was instituted pursuant to section 24, paragraph 20, of the Judicial Code. It is assumed that the judgment should bear interest from the date of rendition down to the date of appropriation by Congress in accordance with the Tucker Act procedure.

Mr. James E. Heath, Law Building, Norfolk, Va., is the attorney of record for the petitioner in this case.

Respectfully,

HERMAN J. GALLOWAY,
Assistant Attorney General
(For the Attorney General).

United States District Court for the Eastern District of Virginia

No. 2245

Name: William H. Pearson.

Judgment: \$1,850.

Costs: \$36.73.

Date of judgment: January 28, 1926.

Nature of claim: Action to recover amount due as damages for injury to property.

Final decree: It is therefore considered by the court that the plaintiff do recover of the defendant the sum of \$1,850, with interest thereon at the rate of 4 per cent per annum from the date of this judgment until payment thereof.