

ESTATE OF ROBERT LEE WRIGHT—VETO MESSAGE

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1033) ENTITLED "AN ACT CONFERRING JURISDICTION UPON THE COURT OF CLAIMS OF THE UNITED STATES TO HEAR, EXAMINE, ADJUDICATE, AND RENDER JUDGMENT ON THE CLAIM OF THE LEGAL REPRESENTATIVES OF THE ESTATE OF ROBERT LEE WRIGHT"

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OCTOBER 19 (Legislative day, OCTOBER 15), 1942.—Read; referred to the Committee on Claims and ordered to be printed

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*To the Senate:*

I return herewith, without my approval, S. 1033 (77th Cong., 1st sess.), "An act conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representatives of the estate of Robert Lee Wright."

Some years ago Robert Lee Wright brought suit against the United States in the Court of Claims, alleging two distinct causes of action (1) Nonperformance of a contract for compensation for the use of certain inventions relating to projectiles, and (2) infringement of the patents covering such inventions. Before the case was completed Robert Lee Wright died. In 1935 his administratrix, Willie Crockett Wright, the beneficiary under S. 1033, was substituted as party plaintiff and revived the prosecution of the suit. After the proofs were completed, and shortly before the case was submitted to a commissioner of the Court of Claims for report on the facts, plaintiff elected to waive all patent infringement claims and elected to rely solely upon the cause of action based upon contract. The Court of Claims found that plaintiff was not entitled to recover on contract and dismissed the petition.

The purpose of the present enactment is to authorize and direct the Court of Claims, in effect, to reopen and reconsider the former

case, substituting the alleged infringement of the patents as a cause of action.

The administratrix elected in the former suit to rely solely on the cause of action based upon contract, which cause was determined adversely to her claim. The Government should not now, as a result of such voluntary election by the plaintiff, regardless of the motives prompting such election, be required to defeat piecemeal the claims of Mr. Wright's estate. In my opinion the decision of the Court of Claims should, under the circumstances, be accepted as determinative of all the issues, and intervention by the legislative branch of the Government is unwarranted.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

S. 1033

SEVENTY-SEVENTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE FIFTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-TWO

AN ACT Conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representatives of the estate of Robert Lee Wright

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims of the United States of America, notwithstanding the lapse of time or the statute of limitations, to hear, examine, adjudicate, and render judgment under the Act of June 25, 1910 (36 Stat. L., ch. 423, p. 851), as amended July 1, 1918, or any other enabling statute of the United States, on the claim of Willie Crockett Wright, as administratrix of the estate of Robert Lee Wright, deceased, or his successor, as the legal representative of the estate of said decedent, for the infringement of Letters Patent Numbered 1,374,703 and 1,374,707, granted to the said decedent on the 12th day of April 1921, by the unlicensed use of or the manufacture by or for the United States of certain ordnance projectiles and fuzes covered by said letters patents within a lawful period from the 12th day of April 1921, the said date of grant of said patents by the United States Patent Office, and preceding and following the 23d day of August 1921, the date of filing of a suit numbered A-248 brought by said decedent in the United States Court of Claims under said patents; and further conferring jurisdiction upon the Court of Claims of the United States to revive, nunc pro tunc, hear, examine, and render judgment in said suit numbered A-248 on the cause of infringement as a cause of action, and to grant such further relief as to the court may seem just, proper, and equitable in the premises, without regard to any election of cause of action made by the claimant in said suit or prejudice against the claimant of any previous judgment of said court rendered in said suit on contract as an elected cause of action.

SEC. 2. That from any decision in any suit prosecuted under the authority of this Act an appeal may be taken by either party as is provided by law in other cases.

SAM RAYBURN,

*Speaker of the House of Representatives.*

H. A. WALLACE,

*Vice President of the United States and President of the Senate.*

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

EDW. A. HALSEY, *Secretary.*