

RELIEF OF THE COLLIER MANUFACTURING CO.—VETO
MESSAGE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1431) ENTITLED "AN ACT FOR
THE RELIEF OF THE COLLIER MANUFACTURING COMPANY OF
BARNESVILLE, GEORGIA"

JUNE 1 (calendar day, JUNE 2), 1936.—Read; referred to the Committee on
Claims and ordered to be printed

To the Senate:

I return herewith, without my approval, Senate Bill No. 1431,
entitled "An Act for the relief of the Collier Manufacturing Company,
of Barnesville, Georgia".

This act authorizes and directs the Secretary of the Treasury to pay
to the Collier Manufacturing Co., of Barnesville, Ga., the sum of
\$48,718.70 in full settlement of all claims against the Government for
losses sustained on account of the manufacture of undershirts for the
United States Army in the year 1918.

The claim which this act seeks to settle and pay grows out of three
separate contracts made and entered into between the Government
and Clift & Goodrich, who had the sole and exclusive control of the
merchandise output of the Collier Manufacturing Co., each of which
contracts provided for the manufacture and delivery of 120,000 sum-
mer, cotton-ribbed undershirts, the product of the Collier Manufac-
turing Co. In October 1918, supplemental contracts were entered
into between Clift & Goodrich and the United States, which canceled
the unperformed parts of the three contracts previously entered into
between the contractor and the Government. The supplemental
contract agreements contained the following provisions:

That * * * any and all debts, liabilities, claims, or causes of action, if
any, existing between the parties hereto, one against the other, by reason of or
arising out of the aforementioned modifications of the original contract are hereby
released and discharged.

withheld, or receive any sum of the amount appropriated in this Act in excess
10 per centum thereof on account of services rendered in connection with an
claim, any contract to the contrary notwithstanding. Any person violating the
provisions of this Act shall be deemed guilty of a misdemeanor and upon con-
tion thereof shall be fined in any sum not exceeding \$1,000.

Joseph W. Burns,
Speaker of the House of Representatives,
1201 N. GARNER,
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.

E. A. HARRY, Secretary.

Thereafter the Collier Manufacturing Co. presented its claim before the War Department Board of Contract Adjustment, with the result that the board found the claimant had no contract either express or implied with the Government, the contracts having been in fact entered into between the Government and Clift & Goodrich (vol. 6, p. 461, Decisions of War Department Board of Contract Adjustment) and from this decision an appeal was taken to the Secretary of War, who affirmed the decision theretofore made (vol. 8, p. 8, Decisions of War Department Board of Contract Adjustment). Thereafter the Collier Manufacturing Co. brought suit against the United States in the Court of Claims which decided:

The only thing in the contract that identified the plaintiff with them was that the goods were to be of their make. But this was an undertaking by Clift & Goodrich so far as the Government is concerned, and having made the contract with them, whether they were sales agents of plaintiff or not, the Government had a right to deal with them and did so. The plaintiff had no enforceable contract with the Government. When the matter was heard before the Board of Contract Adjustment they came to that conclusion, and the conclusion was confirmed by the Secretary of War. (See Decisions of War Department, vol. 6, p. 461, and vol. 8, p. 8.) There being no contract, express or implied, between the Government and the plaintiff, it cannot recover (*Collier Manufacturing Co. v. U. S.*, 61 C. Cls. 32).

Since this act seeks to pay to the beneficiary named therein, which had no contract with the Government, express or implied, losses which it is alleged to have sustained by reason of the cancelation of the contract between the United States and its contractor, Clift & Goodrich, the question is presented whether the Government is warranted in paying such claim. In considering this matter I am mindful of the fact that there must be a vast number of materialmen and subcontractors who, by reason of the cancelation of war contracts between the Government and principal contractors, may have sustained losses. This act singles out the Collier Manufacturing Co. from the large number of subcontractors and materialmen who may have been adversely affected by the cancelation of the war contracts and gives this company preferential treatment over those similarly situated.

For these reasons I am impelled to withhold my approval of the act for the relief of the Collier Manufacturing Co.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 1, 1936.

S. 1431

SEVENTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON FRIDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-SIX

AN ACT For the relief of the Collier Manufacturing Company, of Barnesville, Georgia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Collier Manufacturing Company, of Barnesville, Georgia, the sum of \$48,719.70 in full settlement of all claims against the Government for losses sustained by said Collier Manufacturing Company on account of the manufacture of undershirts for the United States Army in the year 1918: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect,

withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
JNO. N. GARNER,
*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.

E. A. HALSEY, *Secretary.*

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