

"Mrs. Murphy is now receiving a salary of \$1,260 per annum and an additional \$120 per annum from the Employees' Compensation Commission."

S. 1793. An act to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602).

"I am withholding approval of S. 1793 for the following reasons:

"The bill authorizes the Indians of California to bring suit in the Court of Claims for compensation for lands in that State of which they were dispossessed by the United States, and directs the court to compute the value of said lands at \$1.25 per acre and to render judgment therefor.

"It appears from the report of the Senate Committee on Indian Affairs relative to this bill (S. Rept. 709, 74th Cong., 1st sess.) that the total area for which an award might probably be made under the terms of this legislation would be not less than 90,000,000 acres. Thus the bill involves a liability of at least \$100,000,000.

"In addition to having the effect of imposing a very heavy financial burden on the Government, the bill would create a dangerous and undesirable precedent for similar endeavors on the part of the present descendants of other aborigines to secure payment for lands occupied by their ancestors at the time of the original settlements in the United States or the acquisition of territory by this country. Not only would such a course of action result in an incalculable financial burden to the government, but justice to the Indians of today does not seem to require this type of reparation."

S. 2647. An act authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors, materialmen, and laborers for material and labor furnished in the construction of a post-office building at Hempstead, N. Y.

"I am withholding approval of S. 2647 for the following reasons:

"This bill, if approved, would operate to deprive the United States of its right to priority and set-off in this case, and would thus be regarded as a precedent for like surrender in similar cases. Also, it might operate to deprive the other creditors of the surety company of their just right to a pro-rata share in the distribution of the surety's assets."

S. 3107. An act to exempt publicly owned interstate highway bridges from State, municipal, and local taxation.

"I am withholding my approval of S. 3107, to exempt publicly owned interstate highway bridges from State, municipal, and local taxation, for the following reasons:

"The effect of this bill would be that, by declaring publicly owned interstate highway bridges to be Federal instrumentalities, such bridges would thereby be exempt from all State and local taxation. I cannot give my approval to this bill, first, because I can find no compelling reason for making publicly owned interstate highway bridges Federal instrumentalities, and secondly, because relieving such bridges of all State and local taxation would, in the majority of cases, result in loss of revenue by States and their political subdivisions, necessitating material curtailment of necessary activities, or the imposition of increased tax burdens upon other taxpayers to make up the deficit."

S. 3175. An act for the relief of Jesse Ashby.

"I am withholding approval of S. 3175 for the following reasons:

"The bill confers upon the United States Court of Claims jurisdiction to hear and adjudicate a claim of Mr. Ashby growing out of losses suffered under his contract dated April 28, 1931, for painting plaster walls in the Department of Commerce Building, Washington, D. C. The claim is related to four separate proposals, each dated April 9, 1932, covering the following items of alleged additional work:

(1) For additional labor and material supplied because certain of the ceilings and walls became porous and chalky.....	\$11,154.96
(2) For repainting surfaces where cracks were replastered.....	1,983.80
(3) For refinishing walls and ceilings where partition changes were made.....	1,675.20
(4) For expenses incurred in the substitution of Wall Hide for the size coat specified.....	665.00

"These claims were never brought to the attention of the Treasury Department until after the work had been entirely completed. As a result of this failure on the part of the contractor to abide by contract provisions requiring that extra work be authorized in advance by the contracting officer, no record of the contractor's alleged additional expenses was ever kept by the Government representatives supervising the work, and the Department has failed, after thorough investigation, to find any evidence which may be used to check the correctness of such alleged additional expenses. For these reasons there would not be a fair opportunity to see to the protection of the Government's interests in proceedings before the Court of Claims.

"The Treasury Department advanced the above objection in its unfavorable report to the Committee on Claims of the House of Representatives under date of March 28, 1935. The committee report concluded with the following statement:

"Your committee is of the opinion that the claimant cannot be charged with the Government's failure to keep an account of the additional cost to which he was put, and inasmuch as the bill merely proposes that the matter be referred to the Court of Claims with jurisdiction to hear and adjudicate the claim upon the basis of the loss and damages suffered, in which court said losses and damages will be subject to proof, passage of it is recommended."

"While this view is not without force, the Treasury Department's objection to the bill is more fundamental than the committee appears to have appreciated. It was pointed out in the report of March 28, 1935, that the Department regards it as extremely important that claims for additional work under Government contracts be made prior to the time when the work is done, and the Department felt an undesirable precedent would be created if the bill received favorable action. Government contracts are carefully drawn with a view to obviating the exact situation now presented, provisions being included therein as to the procedure to be followed in ordering changes and extra work, and to the effect that no charge for any extra work or material will be allowed unless so ordered. While there may be cases of extreme hardship in which it would be appropriate to disregard these provisions, I do not feel that this is such a case, since the claim is clearly the result of afterthought, and the Government would be at a distinct disadvantage in endeavoring to prevent an excessive allowance."

S. 4658. An act to aid the several States in making certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes.

"I am withholding my approval of S. 4658, an act to aid the several States in making certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes, for the following reasons:

"This bill provides that if any State which, subsequent to March 3, 1927, constructed toll bridges on the Federal-aid highway system, will, prior to July 1, 1938, make such bridges free bridges, the Secretary of Agriculture would be authorized to pay to such State, from Federal-aid road funds apportioned thereto, not to exceed 50 percent of such sum as the Secretary may approve as being the reasonable construction cost of any such toll bridge.

"The effect of this bill would be to divert funds appropriated for carrying forward our system of Federal-aid highways through the construction of new roads and new bridges to the payment of one-half of the construction cost of bridges already built. The bridges in question were constructed by the States as toll bridges and were to be operated as such until the revenue from their tolls should liquidate the cost of construction, when they were to become free bridges. This is the general theory upon which public toll bridges are constructed, and I can find no justification for diverting Federal road funds for the purpose of making such toll bridges free bridges at an earlier date."

H. R. 237. An act for the relief of the Rowesville Oil Co.

"I am withholding approval of H. R. 237 for the following reasons:

"This bill authorizes and directs the Secretary of the Treasury to pay to the Rowesville Oil Co., of Rowesville,