

COMPTROLLER GENERAL OF THE UNITED STATES

Washington

A-23019

May 24, 1928.

The Honorable

The Secretary of the Navy.

Sir:

I have your letter of May 15, 1928, transmitting unpaid public bills Nos. 34 and 35, Navy Torpedo Station, Newport, R. I., stated in favor of William R. Peckham and Everett Gray, respectively, for the sum of \$50 each in payment of rewards to said parties for the recovery and return to the torpedo station of two torpedoes that had previously been lost in that vicinity. You request my decision whether payment on the public bills is authorized.

It appears that torpedo No. 11930, Mark X-1, was lost April 17, 1925, and was recovered by Mr. Peckham on March 27, 1928, and that torpedo No. 2616, Mark VII-2A, was lost May 7, 1926, and recovered by Mr. Gray on March 29, 1928, and the value of the services rendered by the finders of the torpedoes has been placed at \$50 for each of the torpedoes.

No specific reward appears to have been offered by the commanding officer at the torpedo station for finding and returning the lost torpedoes to the station, but the fact, as stated on the public bills, that it has been thoroughly understood in the vicinity of the naval station for the past fifteen years that a standing reward is offered for the recovery of any torpedo that may have been lost, the amount of the reward to be determined by the conditions under which recovery is made to be

finally decided by the Inspector of Ordnance in charge, and paragraph 863, United States Navy Regulations, 1920, are relied upon as being sufficient authority for the payment of the amounts of the public bills transmitted.

Paragraph 863 of the 1920 Navy Regulations, as amended by Changes in Navy Regulations No. 3, dated May 1, 1922, provides as follows:

"(1) Commanding officers are authorized to offer and pay a sum not exceeding \$20 for the recovery of a lost torpedo, mine or paravane or when a torpedo or paravane has not been recovered within a reasonable period and its recovery appears doubtful. On the approval of the senior officer present, the amount may be increased to \$50 if attendant circumstances justify the payment of this amount.

"(2) Rewards will be paid on requisitions for services and chargeable to the current appropriation 'Ordnance and ordnance stores,' or 'Construction and repair,' as the case may be."

It has been held by the accounting officers of the Government that unless a reward, either express or implied, has been offered beforehand for finding and returning lost Government property, there was no legal obligation on the United States to make payment for the recovery of such property. 5 Comp. Dec. 37; 11 id. 741. But since commanding officers of naval stations are authorized by Navy regulations to offer and pay amounts not in excess of \$50 for the recovery of lost torpedoes, and since it is stated that it is the general understanding in the vicinity of the naval station at Newport, R. I., that payments will be made for the recovery of torpedoes when recovery has not been made by Navy personnel within a reasonable period and recovery appears doubtful, under the circumstances here shown, the regulations may be considered as impliedly holding out a standing offer to reward finders of lost torpedoes in amounts,

not to exceed the amount stated in the regulations, to be determined by proper authority, for the recovery of such lost torpedoes.

Accordingly, you are advised that payment on the public bills which are returned herewith, if otherwise correct, is authorized.

Respectfully,

(Signed) J. R. McCARL

Comptroller General
of the United States

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