

BECKER BREWING AND MALTING COMPANY.

JANUARY 16, 1906.—Ordered to be printed.

Mr. SMOOT, from the Committee on Claims, submitted the following

PRIVATE REPORT.

[To accompany S. 1231.]

The Committee on Claims, to whom was referred the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails, beg leave to report that they have considered the same and recommend that the bill be passed.

The annexed correspondence with the Treasury Department, the report of the Commissioner of Internal Revenue, and the affidavits of interested parties fully explain the reasons for the action of the committee and are hereby made a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 15, 1904.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing Senate bill No. 3152, "To reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails."

You request copy of all papers in the Department, and an opinion as to the merits of the claim.

In reply, I have to state that the bill was referred to the Commissioner of Internal Revenue, and herewith find copy of his report and the inclosures referred to therein.

The papers contain all the facts in the possession of the Department, and, after considering them, it will be for Congress to determine whether the relief should be granted.

Respectfully,

L. M. SHAW,
Secretary.

HON. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, January 14, 1904.

SIR: I have the honor to return herewith the letter of the Hon. Francis E. Warren, chairman of the Committee on Claims, United States Senate, in which he incloses a copy of bill (S. 3152) to reimburse the Becker Brewing and Malting Company, of

Ogden, Utah, for loss resulting from robbery of the United States mails. Mr. Warren requests that all the papers, or copies of the same, on file in your Department relating to this case be forwarded for the use of the committee, with your opinion as to its merits.

It appears that on April 2, 1901, the president of the Becker Brewing and Malting Company, of Ogden, Utah, ordered beer stamps of different denominations to the face value of \$100, paying therefor \$92.50. This order, with the money in payment of same, was received by the stamp deputy collector of Salt Lake City, Utah, on the morning of April 3, 1901, and before 10 a. m. of April 3 the stamps, properly inclosed in an official envelope, were placed in the mail box, and about 2.10 p. m. of April 3, G. L. Becker called at the post-office at Ogden and inquired for the stamps.

The mail pouch was opened but the stamps were not contained therein, and the postmaster at Ogden states that although due and diligent search was made to recover and trace said package, it was not received at the post-office at Ogden, nor delivered to the Becker Brewing and Malting Company.

February 15, 1902, the Becker Brewing and Malting Company made a claim for the allowance for the stamps so lost, which claim was rejected June 24, 1903, for the reason that this office has no authority to make allowance for beer stamps lost.

I inclose you herewith a copy of the claim and the affidavits filed therewith.

Respectfully,

J. W. YERKES, *Commissioner.*

The SECRETARY OF THE TREASURY.

UNITED STATES INTERNAL REVENUE.

Claim for the redemption of stamps under act of May 12, 1900, "Authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps."

STATE OF UTAH, county of Weber, ss:

G. L. Becker, president of Becker Brewing and Malting Company, State and county aforesaid, being duly sworn according to law, deposes and says: That he is president of Becker Brewing and Malting Company, the claimant herein; that claimant was engaged in the business of brewers—W. L. D. and R. L. D. and upon the 2d day of April, A. D. 1901, purchased from T. D. Lewis, deputy collector at Salt Lake City, Utah, 10/170/2 and 20/4 of the internal revenue beer stamps of the net value of redemption; and that the said claimant, Becker Brewing and Malting Company, is now the bona fide owner of said stamps and justly entitled to reimbursement therefor. Deponent now asks and demands that the sum of \$100, being the face value of said stamp, less 7½ per cent discount, be refunded as provided in act of May 12, 1900, for the following reasons, viz (see Nos. 4, 5, 6, and 7 of instructions on p. 3):

That on April 2, 1901, affiant, as president of the Becker Brewing and Malting Company, of Ogden, Utah, ordered from Mr. T. D. Lewis, deputy collector at Salt Lake City, 10/1, 70/2, 20/4, of internal-revenue beer stamps of the face value of \$100, for which he sent to said Lewis a certified check for \$92.50, being the face value thereof less 7½ per cent; that he expected to receive said stamps in the afternoon mail from Salt Lake City to Ogden on April 3, 1901, and for the purpose of receiving the same himself went to the post-office just as the mail was brought in and, being in a hurry, requested the postmaster, Mr. Charles Meighan, to deliver the package; and said postmaster opened the mail bag from Salt Lake City and searched for the package containing said stamps but could not find the same, and informed affiant that said bag did not contain said package; that affiant thereupon informed said postmaster that he was in a hurry to receive said stamps and requested him as a favor to telephone the Becker Brewing and Malting Company as soon as the same should arrive; that the same were not received until April 4, and thereupon affiant telephoned said T. D. Lewis to that effect, whereupon said Lewis stated to affiant that he mailed the said stamps to the Becker Brewing and Malting Company on April 3, before 10 o'clock a. m. of said day, in the mail box in the McCornick Bank building, at Salt Lake City, and that at the same time he mailed a package of cigar stamps to one Max Davidson, of Ogden City, Weber County, Utah; that affiant then notified said Lewis, as well as the postmaster at Ogden and Salt Lake City, of the loss of the package containing said stamps, and requested the post-office officials to trace the same; that said stamps have never been received by the affiant or the Becker Brewing and Malting Company, nor have they ever been entered on their Government record, although diligent search has been made for the same, as affiant is informed and believes, by the post-office officials and Government inspectors, who have been endeavoring to trace the same ever since April, 1901.

That the package mailed to said Max Davidson by said T. D. Lewis at the same time and place, as will more fully appear by the statement of said T. D. Lewis, hereto attached, has never been received by said Max Davidson up to the present time, so affiant is informed and believes, all of which will more fully appear in the affidavit of said Max Davidson, and the affidavit of said Charles Meighan, postmaster as aforesaid, hereto attached.

Upon information and belief affiant further states that during the same week that the aforesaid stamps were lost in the mails between Salt Lake City and Ogden numerous other letters, posted in Salt Lake City and containing valuables, were lost or taken from the mails before reaching Ogden, and for this reason it is believed, and affiant states on information and belief, that said package was not lost in the ordinary course of the mails, but, as is supposed, through the dishonesty of some Government post-office employee or postal clerk.

That by reason of the loss of the package containing said stamps as aforesaid the Becker Brewing and Malting Company has been deprived of said stamps and of the use and value thereof, and now respectfully prays that the money paid for said stamps, to wit, \$92.50, be refunded or that they be given stamps in lieu thereof.

Deponent further says that claimant has not heretofore presented any claim for the refunding of the above-mentioned amount or any part thereof; that the value or reimbursement of the value of said stamp or any portion thereof has not heretofore been received by claimant, directly or indirectly; and further, that all articles subject to tax, manufactured, issued, or sold by claimant, were fully stamped as required by law, and that the said claimant is not indebted to the United States in any amount whatever. And deponent further states that such stamps have never been used otherwise than as above specified.

G. L. BECKER, *Ogden, Utah.*

Sworn to and subscribed before me this 15th day of February, A. D. 1902.

HYRUM M. GODDARD,
Notary Public.

CERTIFICATE OF DEPUTY COLLECTOR IN REGARD TO INVESTIGATION.

I, T. D. Lewis, ex-deputy collector, hereby certify that I have personally investigated the statements made in the within affidavit, and from the best information that I can obtain, after careful inquiry, I believe such statements to be true. I mailed said stamps, also stamps to Max Davidson, as set out in Becker's affidavit, at the same time I mailed cigar stamps addressed to Park City, Utah, which said stamps reached their destination.

T. D. LEWIS,

Ex-Deputy Collector, Division Ninth District Montana.

Dated Salt Lake, February 25, 1902.

COLLECTOR'S CERTIFICATE AND RECOMMENDATION.

I hereby certify that the within claim was filed in this office on the 21st day of February, 1902, and that the facts set forth in the within affidavit have been carefully investigated under my direction and am satisfied that the statements are true, and I respectfully recommend that the request of the claimant be granted.

I further certify that no prior claim for redemption of the stamps herein referred to has been forwarded or certified to by this office, except as follows:

E. H. CALLISTER, *Collector.*

Dated February 25, 1902.

COLLECTOR'S CERTIFICATE AS TO PURCHASE OF STAMPS.

[Other than special-tax.]

| Date of purchase. | By whom purchased. | Kind of stamps. | Denomination. | Number. | Amount paid. |
|-------------------|--|-----------------|----------------|---------|--------------|
| Apr. 2, 1901 .. | Becker Brewing and Malting Co., Ogden, Utah. | Beer..... | Barrels | 10 | \$20.00 |
| | | | One-halves ... | 70 | 70.00 |
| | | | One-fourths .. | 20 | 10.00 |
| | Discount paid | | | | 100.00 |
| | Total | | | | 7.50 |
| | | | | | 92.50 |

E. H. CALLISTER, *Collector.*

Dated February 25, 1902.

STATE OF UTAH, *County of Weber, ss:*

Charles Meighan, being first duly sworn, deposes and says that he is a citizen of the United States, over the age of 21 years; that on April 2, 1901, he was, ever since has been, and now is, the postmaster at Ogden City, Weber County, State of Utah. That he is personally acquainted with G. L. Becker, president of the Becker Brewing and Malting Company, of Ogden, State of Utah, whose claim for redemption is presented herewith; that on April 3, 1901, at about 2.10 p. m. of said day, said G. L. Becker came to the post-office in Ogden City and informed affiant that he was expecting a package, containing revenue stamps, in the mail arriving from Salt Lake City on that afternoon, and was in a hurry to receive the said stamps; that, at said Becker's request, affiant opened the mail pouch containing the mail from Salt Lake City, which had just arrived in the post-office, and made a search through the mail contained in the pouch for said package, but affiant states that the same was not contained therein; that the affiant informed the said Becker that said package had not arrived, whereupon said Becker requested affiant to telephone the Becker Brewing and Malting Company as soon as the same should arrive, and not to deliver the same to any person without taking a receipt therefor.

That on April 4, 1901, the said G. L. Becker notified affiant that he had been informed by T. D. Lewis, deputy internal-revenue collector of Salt Lake City, that a package containing stamps to the amount of \$100 had been mailed by said Lewis in the mail box in the McCornick Bank building, at Salt Lake City, before 10 o'clock a. m. on April 3, 1901, directed to the Becker Brewing and Malting Company, of Ogden City, and at the same time and place a package containing revenue stamps, directed to Max Davidson, of Ogden City, Utah, was posted, and that the package directed to the Becker Brewing and Malting Company, with the stamps contained therein, had not been received by said company, or any person for it; that on April 5, 1901, the said G. L. Becker informed affiant that the package containing said stamps directed to the said Becker Brewing and Malting Company must have been lost, and requested affiant to trace the same.

That affiant, as postmaster at Ogden City, gave special instructions to the clerks in the said post-office to watch particularly in each mail for the packages above referred to, directed to said Becker Brewing and Malting Company and to said Max Davidson, but the affiant states that, although due and diligent search and inquiry have been made to trace and recover the said packages, neither of the same have ever been received in the post-office at Ogden City, nor delivered to the said Becker Brewing and Malting Company or the said Max Davidson nor any person for them or either of them, by the post-office at Ogden City or any person employed therein, and affiant believes that the said packages were lost or taken from the mail before ever reaching Ogden.

Affiant further states that during the same week that the aforesaid stamps were lost numerous other letters containing valuables posted in Salt Lake City, were lost or taken from the mails before reaching Ogden.

And further affiant saith not.

CHAS. MEIGHAN, *Postmaster.*

Subscribed and sworn to before me this 15th day of February, 1902.

HYRUM H. GODDARD, *Notary Public.*

STATE OF UTAH, *County of Weber, ss:*

Max Davidson, being first duly sworn, deposes and says: That he is a citizen of the United States, over the age of 21 years, and a resident of the city of Ogden, county of Weber and State of Utah, engaged in the cigar manufacturing business; that prior to the 2d day of April, 1901, he had ordered from Mr. T. D. Lewis, deputy internal revenue collector of Salt Lake City, Utah, cigar revenue stamps of the value of \$36; that he expected said stamps to arrive in Ogden on the afternoon of April 3, 1901; that said stamps did not arrive at said time and have never been received by affiant, or any person for him, up to the present time, although affiant was informed by said T. D. Lewis, that the same were mailed in the post-office box in the McCornick Bank building at Salt Lake City, between 9 and 10 o'clock a. m. of April 3, 1901, together with a package containing stamps directed to the Becker Brewing and Malting Company, whose claim for redemption is presented herewith; the affiant further states that he notified the postmaster at Ogden and Salt Lake City of the posting of said stamps and of his failure to receive the same, and requested that the same be traced, but that said postmasters have both informed affiant that although they have made

due and diligent search and inquiry, they have been unable up to the present time to discover the same.

And further affiant saith not.

MAX DAVIDSON.

Subscribed and sworn to before me this 15th day of February, 1902.

HYRUM H. GODDARD, *Notary Public*.

STATE OF UTAH, *Salt Lake County*:

Thomas D. Lewis, being first duly sworn, on oath says: That during the month of April, 1901, he was the stamp deputy collector of internal revenue in charge of the office at Salt Lake, Utah; that on the morning of April 3, 1901, he received an order from Becker Brewing and Malting Company, of Ogden, Utah, for 10 barrel, 70 one-half barrel, and 20 one-fourth barrel beer stamps, together with \$92.50 in payment of same; immediately and before 10 a. m. of said April 3, 1901, deponent deposited said stamps sealed in an official envelope in the United States mail box located in the McCornick Block, Salt Lake City, and at the same time mailed cigar stamps to Max Davidson, at Ogden, Utah; that deponent entered said sale regularly in his official records and deposited said \$92.50 to the credit of the Treasurer of the United States; that on April 4, 1901, deponent received a telephone message from Ogden from G. L. Becker inquiring about said above-mentioned order, and thereupon informed said Becker of his having mailed the stamps together with stamps to Max Davidson. Deponent at once notified the division deputy collector and the post-office authorities at Salt Lake of the loss of said stamps; deponent is informed and believes that said stamps were never delivered.

THOMAS D. LEWIS.

Subscribed and sworn to before me this 25th day of February 1902.

F. R. FRENCH, *Deputy Collector*.

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