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

REPORT

[To accompany H. R. 1540]

The Committee on Claims, to whom was referred the bill (H. R. 1540) for the relief of Luther H. Phipps, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 289, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 289, Sixty-ninth Congress, first session]

As it is customary to grant relief in cases of lost coupon bonds, especially as considerable time has elapsed since the maturity of the bonds, your committee recommends favorable consideration of H. R. 1540. The Government is fully protected in the filing of a bond in the penal sum of double the amount of the bonds lost. The form of this bill has the approval of the Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, January 8, 1926.

MY DEAR MR. CHAIRMAN: I have received your letter of December 21, 1925, transmitting for report a copy of (H. R. 1540) a bill for the relief of Luther H. Phipps, Seattle, Wash., on account of the loss or theft of coupon bonds Nos. 17983 and 53420, for $1,000 each, of the 4 per cent funded loan of 1907, with coupons attached representing interest from October 1, 1905, to the maturity date of the bonds, July 2, 1907. According to the records of the department, these bonds are outstanding and no coupons maturing later than October 1, 1905, have been paid.

In accordance with your request, there are inclosed herewith copies of papers on file in the department in regard to this case.

As to the merits of the claim, the department has no information before it except that contained in the inclosed papers. These show that Doctor Phipps first reported the loss or theft of these bonds on August 10, 1906. In a personal interview at the department on March 20, 1924, Doctor Phipps stated that he had no recollection of what became of the bonds but believed he buried them somewhere in the ground in a box. However, since the bonds in question matured several years ago and have not been presented for redemption, and since no claimant other than Doctor Phipps has appeared, the department will interpose no objection to the passage of a bill for his relief.

A copy of this letter is inclosed.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. Charles L. Underhill,
Committee on Claims,
House of Representatives, Washington, D. C.
LUTHER H. PHIPPS

TREASURY DEPARTMENT,
Washington, December 22, 1924.

MY DEAR SENATOR: I have received your letter of December 13, 1924, transmitting for report a copy of (S. 2884) a bill for the relief of L. H. Phipps, San Diego, Calif., on account of the loss or theft of coupon bonds Nos. 17938 and 53420 for $1,000 each of the 4 per cent funded loan of 1907, with coupons attached representing interest from October 1, 1905, to the date of maturity of the bonds, July 2, 1907. These bonds are still outstanding according to the department records, and no coupons later than that maturing October 1, 1905, have been paid.

In compliance with your request, there are inclosed copies of the papers on file in the department concerning this case.

In regard to the merits of the case, the department has no information before it except that shown in the inclosed papers. These show that there is no claim that the bonds were destroyed, but simply a claim that they were lost or stolen, such loss or theft being first reported on August 10, 1906. In a personal interview at the department on March 20, 1924, Doctor Phipps stated that he had no recollection of exactly what became of the bonds, although he believed he buried them somewhere in the ground in a box.

Sections 3702 and 3703 of the Revised Statutes, which are set forth in the inclosed extract No. 16 from the regulations of the Treasury Department with respect to United States bonds and notes, provide for relief on account of destroyed coupon bonds and notes when such bonds and notes can be identified and proper proof of their destruction is given and indemnity furnished, but there is no provision of law for relief on account of lost or stolen coupon bonds, and, therefore, no relief can be given Doctor Phipps by the Treasury Department. However, since the bonds in question matured a number of years ago and have not been presented for redemption, and since no claimant other than Doctor Phipps has appeared, the department will interpose no objection to the passage of a bill for his relief.

It is noted that S. 2884 follows the form of a suggested draft of bill prepared by the department in 1911, in compliance with the request of former Senator Poin­dexter. Bills following this form were introduced by him but were not passed, and another bill following this form was introduced in the House of Representatives by Congressman Swing on March 21, 1924, and referred to this department by the Committee on Claims of the House of Representatives. This bill was H. R. 8136.

Under date of April 8, 1924, I advised the said committee that the Treasury Department would interpose no objection to the passage of a bill for Mr. Phipps's relief, but suggested a redraft of H. R. 8136, as a form somewhat different from that used in 1911 is now preferred by this department.

Since S. 2884 also follows the 1911 form, a suggested redraft thereof is inclosed. As stated in a footnote on this redraft, it is preferable that Mr. Phipps's first name be given in full in the bill, rather than merely indicated by an initial. There is also inclosed a copy of this letter, together with a copy of the redraft of the bill.

Very truly yours,

GARRARD B. WINSTON,
Acting Secretary of the Treasury.

Hon. ARTHUR CAPPER,
Chairman Committee on Claims, United States Senate.

A BILL For the relief of L. H. Phipps

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 be, and he is hereby, authorized and directed to redeem, in favor of L. H. Phipps, of San Diego, California, United States coupon bonds numbered 17938 and 53420 in the denomination of $1,000 each of the 4 per cent funded loan of 1907, with interest thereon at the rate of 4 per cent per annum from October 1, 1905, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1905, to July 2, 1907, which are alleged to have been lost or stolen: Provided, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: And provided further, That the said L. H. Phipps shall first file in the Treas-

1 It is preferable that Mr. Phipps's first name be given in full, rather than merely indicated by an initial.
LUTHER H. PHIPPS

The Secretary of the Treasury.

Washington, D. C., December 13, 1924.

My Dear Mr. Chairman: I have received your letter of March 27, 1924, transmitting for report a copy of (H. R. 8136) a bill for the relief of L. H. Phipps, Seattle, Wash., on account of the loss or theft of coupon bonds Nos. 17938 and 53420 for $1,000 each of the 4 per cent funded loan of 1907, with coupons attached representing interest from October 1, 1905, to the date of maturity of the bonds, July 2, 1907. These bonds are still outstanding according to the department records, and no coupons later than that maturing October 1, 1905, have been paid.

In compliance with your request, there are inclosed copies of the papers on file in the department concerning this case.

In regard to the merits of the case, the department has no information before it except that shown in the inclosed papers. These show that there is no claim that the bonds were destroyed, but simply a claim that they were lost or stolen, such loss or theft being first reported on August 10, 1905. In a personal interview at the department on March 20, 1924, Doctor Phipps stated that he had no recollection of exactly what became of the bonds, although he believed he buried them somewhere in the ground in a box.

Sections 3702 and 3703 of the Revised Statutes, which are set forth in the inclosed extract No. 16 from the regulations of the Treasury Department with respect to United States bonds and notes, provide for relief on account of destroyed coupon bonds and notes when such bonds and notes can be identified and proper proof of their destruction is given and indemnity furnished, but there is no provision of law for relief on account of lost or stolen coupon bonds, and, therefore, no relief can be given Doctor Phipps by the Treasury Department.

However, since the bonds in question matured several years ago and have not been presented for redemption, and since no claimant other than Doctor Phipps has appeared, the department will interpose no objection to the passage of a bill for his relief.

It is noted that H. R. 8136 follows the form of a suggested draft of bill prepared by the department in 1911, in compliance with the request of former Senator Poindexter. Bills following this form were introduced by him but were not passed. A somewhat different form of bill is now preferred, and a suggested redraft of H. R. 8136 is accordingly inclosed. As stated in a footnote on this redraft, it is preferable that Mr. Phipps's first name be given in full in the bill, rather than merely indicated by an initial.

There is also inclosed a copy of this letter together with a copy of the redraft of the bill.

Very truly yours,

GARRARD B. WINSTON,
Acting Secretary of the Treasury.

Hon. G. W. Edmonds,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.
LUTHER H. PHIPPS

A BILL For the relief of L. H. Phipps

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 be, and he is hereby, authorized and directed to redeem, in favor of L. H. Phipps, of Seattle, Washington, United States coupon bonds numbered 17938 and 53420 in the denomination of $1,000 each, of the 4 per centum funded loan of 1907, with interest thereon at the rate of 4 per centum per annum from October 1, 1905, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1905, to July 2, 1907 which are alleged to have been lost or stolen: Provided, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: And provided further, That the said L. H. Phipps shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest which had accrued thereon when the principal became due and payable, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the alleged lost or stolen bonds hereinbefore described or the coupons belonging thereto.

House of Representatives,
Committee on Claims,
Washington, D. C., March 27, 1924.

The Secretary of the Treasury.

Sir: Inclosed herewith I hand you copy of bill (H. R. 8136) for the relief of L. H. Phipps now pending before this committee.

Kindly cause to be forwarded for the use of the committee all papers, or copies of same, on file in your department relating to this claim, with your opinion as to its merits, and oblige,

Yours very truly,

G. W. EDMUNDS, Chairman.

UNITED STATES SENATE,
Committee on the Judiciary,
March 19, 1924.

Hon. Garrard B. Winston,
Undersecretary of the Treasury, Washington, D. C.

My Dear Mr. Winston: This will introduce to you Dr. L. H. Phipps, of San Diego, Calif., who wishes to make application for the redemption of two duplicate Government bonds that were lost or stolen from him 18 years ago. The bonds have never been presented for payment, although they were due and became payable in the year 1907. I would be thankful if you would hear Doctor Phipps's story, present him with the necessary blanks on which to make formal application, and give to his case the careful attention it apparently deserves.

Sincerely yours,

SAMUEL M. SHORTRIDGE.

Treasury Department,
Washington, August 16, 1921.

Mr. L. H. Phipps,
Post Office Box 138, San Diego, Calif.

Sir: Referring to your letter of recent date relative to the loss of United States coupon bonds Nos. 17938 and 53420 for $1,000 each of the 4 per cent funding loan of 1877–1907, you are advised that investigation shows that these bonds are still outstanding, and that the last coupon received is dated October 1, 1905. As was stated in previous department letters to you, in the event of the presentation of the bonds this office will endeavor to inform you of the name

1 It is preferable that Mr. Phipps's first name be given in full, rather than merely indicated by an initial.
and address of the person, firm, or bank presenting them, but the bonds can not be held and no caveat nor stoppage can be filed against them.

With reference to the matter of your coming to Washington for the purpose of furthering your claim, this office is unable to advise you as to the expediency of such action.

Respectfully,

C. N. McGroarty,
Chief Division of Loans and Currency.
Per E. B.

SAN DIEGO, CALIF., July 28, 1921.

TREASURY DEPARTMENT,
Office of the Secretary, Washington, D. C.

DEAR SIR: On the 10th of August, 1906, I wrote you from Paw Paw, Mich., reporting the loss of two 4 per cent coupon bonds, funding loan of 1907, Nos. 17938 and 53420, denominations, $1,000 each.

You replied on the 20th instant and also replied on the 27th to my letter of August 23, 1907.

The National Bank of Commerce, Seattle, Wash., wrote you on the 14th of August, 1911, relative to this matter and you replied on the 24th of August, 1911, saying that these bonds were still unpaid and outstanding.

Senator Poindexter introduced a bill for relief once, January 18, 1912 (S. 4660, 62d Cong., 2d sess.), and again January 5, 1916 (S. 3148).

A bill for relief of L. H. Phipps.

It was referred to Committee on Claims, but I have heard nothing since that date.

Do you think it would hasten matters for me to come to Washington? I should be obliged could you make me any helpful suggestions.

Very truly yours,

L. H. PHIPPS, San Diego, Calif.

TREASURY DEPARTMENT,
Washington, December 23, 1911.

PRIVATE SECRETARY TO HON. MILES POINDEXTER,
United States Senate.

SIR: In compliance with your verbal request I send you herewith informally the draft of a bill drawn in the usual form for the relief of a person who has lost United States coupon bonds.

I do not know whether the department would at this time favor legislation in the case of Mr. Phipps, since his bonds appear to have only recently lost and it is understood that they were stolen, in which case they may be now in the hands of an innocent holder.

Respectfully,

Chief Division of Loans and Currency.

A BILL For the relief of L. H. Phipps

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 be, and he is hereby, authorized and directed to redeem in favor of L. H. Phipps, of Seattle, Washington, United States 4 per centum coupon bonds, funded loan of 1907, numbered 17938 and 53420 for $1,000 each, with interest from October 1, 1905, to the date of the maturity of said bonds, July 2, 1907, the said bonds having been lost or stolen: Provided, That the said L. H. Phipps shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said bonds and the interest accrued thereon, with good and sufficient sureties to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim on account of the lost bonds hereinbefore described, or any of them, and the accrued interest thereon.
Gentlemen: In reply to your letter of the 14th instant, I would say that an examination of the records of the department show that the coupon bonds referred to by you, said to be the property of Dr. L. H. Phipps, of your city, are still outstanding and unpaid and that the last coupons belonging to those bonds which were paid were dated October 1, 1905.

There is no law under which coupon bonds that have been lost may be redeemed without the presentation of the bonds, and a special act of Congress authorizing the redemption of the bonds in question will, therefore, be necessary. It is suggested that Doctor Phipps consult a Member of the House of Representatives or of the Senate from his State with a view of having a bill introduced at the next session of Congress.

Respectfully,

Chief Division of Loans and Currency.

The National Bank of Commerce of Seattle,
Seattle, Wash., August 14, 1911.

A. T. Huntington, Esq.,
Chief, Division of Loans and Currency,
Treasury Department, Washington, D. C.

Sir: We are in receipt of your favor of the 9th instant regarding our letter of the 3d instant addressed to the Riggs National Bank, which they delivered to you.

In this connection, we beg to state that our customer is Dr. L. H. Phipps, formerly of Paw Paw, Mich., and Chicago, Ill., but for the past few years a resident to this city. In 1906 Doctor Phipps lost United States 4s coupons 1877–1907, bonds No. 17938 and No. 53420, for $1,000 each. He is now desirous of securing payment of these bonds if possible, and requests us to ascertain what the requirements of your office are for cases of this kind.

Appreciating your courtesy in this matter, we remain,

Yours very truly,

G. F. Clark, Cashier.

The National Bank of Commerce,
Seattle, Wash.

Gentlemen: Your letter of the 3d instant, addressed to the Riggs National Bank of Washington, D. C., is received.

If you will kindly furnish this office with the name of your customer who has lost certain United States bonds, the matter will be investigated and you will be advised.

Respectfully,

The National Bank of Commerce,
Seattle, Wash., August 9, 1911.

Chief Division of Loans and Currency.

The National Bank of Commerce of Seattle,
Seattle, Wash., August 9, 1911.

Riggs National Bank,
Washington, D. C.

Gentlemen: One of our customers, who formerly lived in Chicago, states that in August, 1906, he lost two United States Government bonds of issue 1877–1907, which bonds were numbered 17938 and 53420, for $1,000 each, with coupons to that date attached.

Will you kindly advise us what procedure is necessary for our customer to recover on these bonds.

Yours very truly,

G. F. Clark, Cashier.
Mr. L. H. Phipps,

Paw Paw, Mich.

Sir: Referring to your letter of the 23d instant, containing the numbers of two $1,000 coupon bonds of the funded loan of 1907, reported in your letter of the 10th instant as having been stolen, you are informed that a memorandum of the loss has been made on the records of this office, and in the event of their presentation at this department either for redemption or exchange, you will be informed of the name and address of the person or firm presenting them. This is all the relief that can be afforded you in the premises, as payment of coupon bonds, which are payable to bearer, can not be enjoined under existing laws.

You are further informed respecting the United States notes stolen with the bonds that there is no way by which the Government can reimburse you for your loss.

Respectfully yours,

Treasurer


Mr. L. H. Phipps,

Paw Paw, Mich.

Sir: Referring to your letter of the 10th instant reporting the loss of certain United States 4 per cent coupon bonds, funded loan of 1907, Nos. 17938 and 53420, denominations not given, and requesting payment to be stopped on the same, you are informed that coupon bonds are payable to bearer and that the department does not stop payment thereof. Should you be able to furnish this office with the denomination of the bonds, a memorandum of the loss would be made on the proper records, and in the event of their presentation, either for redemption or exchange, you would be informed of the name and residence of the person presenting them.

Respectfully yours,

Secretary

Treasurer Department,
TREASURY DEPARTMENT,  
Washington, D. C.  

Dear Sir: There have been stolen (or at least missing) two United States bonds, designated 4 per cent consols (1877 to year 1907), interest payable January, October, July, April.  
One stamped 053420A.  
The other is stamped 017938E.  
I think the letter M follows each number stamped on. Will you please stop payment of coupon or bond and notify me, and oblige,  
Find stamp inclosed.