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

REPORT

[To accompany H. R. 11989]

The Committee on Claims, to whom was referred the bill (H. R. 11989) for the relief of Caleb W. Swink, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem after December 15, 1926, in favor of Caleb W. Swink, Concord, North Carolina, Treasury notes, series B-1925, numbered 7164, 7165, 1766, and 7167, in the denomination of $500 each, and numbered 25349, in the denomination of $1,000, issued June 15, 1922, and matured December 15, 1925, with interest from the date of issue to the date of maturity at the rate of 4³⁄₄ per centum per annum, without presentation of the notes, the said notes, together with coupons due December 15, 1922, to December 15, 1925, inclusive, attached, having been lost, stolen, or destroyed while in the possession of the Cabarrus Savings Bank of Concord, North Carolina: Provided, That the said notes shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons thereof which shall have been previously presented and paid: Provided further, That the said Caleb W. Swink shall first file in the Treasury Department a bond in the penal sum of double the amount of the said notes and the interest which has accrued thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury with condition to indemnify and save harmless the United States from any loss on account of the Treasury notes hereinbefore described.

Attached herewith is a letter from the Secretary of the Treasury, giving the full facts in the case.

TREASURY DEPARTMENT,
Washington, May 19, 1926.

MY DEAR MR. CHAIRMAN: I have your letter of May 13, 1926, transmitting for report a copy of H. R. 11989, a bill for the relief of Caleb W. Swink, Concord, N. C., on account of the alleged loss, theft, or destruction of Treasury
notes of certificates of indebtedness, series B–1925, Nos. 1764, 7154, 7166, and 7167 for $500 each, and No. 25349 for $1,000, with all coupons attached.

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

The notes which matured on December 15, 1925, and the coupons attached to the same are still outstanding according to the department records.

As to the merits of the claim, the department has no information before it except that contained in the inclosed papers. These show that Mr. Swink filed a claim for relief under the provisions of sections 3702 and 3703 of the Revised Statutes on account of 43/4 per cent Treasury notes Nos. 7164, 7165, 7166, and 7167 for $500 each, and No. 25349 for $1,000, series B–1925, with coupons due December 15, 1922, to December 15, 1925, inclusive, attached to each, but was unable to submit the clear and unequivocal proof of destruction required by the said statutes, and the claim was denied.

As you know, the department is opposed to the granting of relief by special act of Congress until a considerable period has elapsed after the maturity of loans. This is in order to give opportunity for the presentation of outstanding securities. In the case of short-term loans, which mature in six months or a year, six months is considered reasonable, and in the case of loans which run for approximately three years, such as the one in question, one year is not considered unreasonable.

In view of the fact that no claimant has appeared other than Mr. Swink, the Treasury Department will not interpose any objection to the passage of the bill, provided certain changes are made and a proviso is included to the effect that the notes are not to be redeemed until a year after their maturity.

Since the number of one of the notes is incorrectly stated in the bill as drawn and throughout the same the title of the loan of the securities is misquoted, a redraft of the bill in the form preferred by the department correcting these errors and containing a proviso as to the date of the redemption of the notes is submitted.

A copy of this letter is inclosed.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. Charles L. Underhill,
Chairman Committee on Claims, House of Representatives.