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SENATE

{ REPORT
No. 435

NANCY ABBEY WILLIAMS

FEBRUARY 28 (calendar day, MARCH 8), 1934.—Ordered to be printed

Mr. HARRISON, from the Committee on Finance, submitted the following

REPORT

[To accompany S. 2398]

The Committee on Finance, to which was referred the bill (S. 2398) for the relief of Nancy Abbey Williams, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The following letter from the Secretary of the Treasury to the Chairman of the Finance Committee explains the bill and is herein set out in full:

TREASURY DEPARTMENT,
Washington, February 9, 1934.

Hon. PAT HARRISON,
Chairman Committee on Finance, United States Senate.

MY DEAR MR. CHAIRMAN: I have your letter of January 19, 1934, transmitting for report a copy of S. 2398, a bill for the relief of Nancy Abbey Williams on account of the loss, theft, or destruction of a 3½-percent United States Treasury note, series C-1930-32, no. 5,182-B, in the denomination of \$100.

As to the merits of the case, the Department has no information before it other than that shown in the papers on file, copies of which are enclosed. These papers merely show that the note was reported lost or stolen May 5, 1932, by Miss Williams, who subsequently advised that she destroyed some old insurance papers, etc., and stated that it is possible the note was destroyed at that time. However, no evidence in affidavit form in support of the alleged destruction of the note has been received.

In view of the fact that more than 1 year has elapsed since the maturity of the loan and the records do not show that the note in question has been presented, the Department will not oppose the passage of the bill for the relief sought by Miss Williams.

A copy of this letter is enclosed.

Very truly yours,

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

NANCY ABBEY WILLIAMS

TREASURY DEPARTMENT,
Washington, January 11, 1934.

HON. ELBERT D. THOMAS,
United States Senate.

MY DEAR SENATOR: My attention has been called to your letter of December 27, 1933, requesting that there be prepared a draft of a special bill for the relief of Miss Nancy Abbey Williams, 475 Twenty-fifth St., Ogden, Utah, on account of the alleged loss, theft, or destruction of 3½-percent Treasury note no. 5,182 B for \$100, series C-1930-32.

The records of the Department do not show that the above-described note has been received.

In compliance with your request, there is enclosed a draft of a bill in the form preferred by the Department. When called on by Congress, the Department will report favorably on the bill, provided the note has not been presented and the circumstances of the case otherwise remain the same.

A copy of this letter is enclosed.

By direction of the Secretary.

Very truly yours,

L. W. ROBERT, Jr.,
Assistant Secretary of the Treasury.

A BILL For the relief of Nancy Abbey Williams

Be it enacted by the Senate and the 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 Nancy Abbey Williams 3½ per centum United States Treasury Note, Series C-1930-32, numbered 5,182 B, in the denomination of \$100, issued January 16, 1928, called for redemption December 15, 1931, without interest and without presentation of said note which is alleged to have been lost, stolen, or destroyed: Provided, That the said note shall not have been previously presented: And provided further, That the said Nancy Abbey Williams shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said note in such form and with such corporate surety 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 note hereinbefore described.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
December 27, 1933.

CLAIMS SECTION, DIVISION OF LOANS AND CURRENCY,
Treasury Department, Washington, D.C.

(Attention Miss Lindsey.)

DEAR MISS LINDSEY: Pursuant to our telephonic conversation of today, I am writing asking that you prepare a draft that will be acceptable to the Treasury Department, for the relief of Miss Nancy Abbey Williams, 475 Twenty-fifth Street, Ogden, Utah.

Miss Williams had a registered bond transferred into a United States Treasury note for \$100 3½ percent, no. 5182 B, series C-1930-32, which she feels certain was destroyed with some other papers.

I shall appreciate it if you will make a call on the Register to determine if the note is still outstanding, and if so, to prepare a memorandum I will be able to use in a special bill.

I shall be pleased to secure any additional information relative to this case you may desire.

Sincerely yours,

ELBERT D. THOMAS.

TREASURY DEPARTMENT,
Washington, November 13, 1933.

Miss NAN A. WILLIAMS,
1628 Montana Street, Los Angeles, Calif.

MADAM: Reference is made to your letter of September 28, 1933, and previous correspondence requesting information with respect to 3½ percent Treasury note no. 5182 B for \$100, series C-1930-32, which was previously reported as lost or stolen.

Notes of this loan were not issued in registered form. As you have been advised, since the security in question is payable to bearer, relief on account of its loss or theft cannot be granted by the Treasury Department under existing law. In accordance with the provisions of section 735, title 31, United States Code (sec. 3702, Revised Statutes), set forth in the enclosed extract no. 16, revised, from "Regulations of the Treasury Department with respect to United States bonds and notes", before a claimant is entitled to relief on account of the alleged destruction of United States bearer securities, it must be clearly and unequivocally established that such securities have actually been destroyed. From the information furnished, it does not appear that you are in a position to furnish the proof as required by the statute. Though there is no information available which indicates that the note described has been received for any purpose, this fact does not alter the situation insofar as the granting of relief is concerned.

When considerable time has elapsed after the maturity of bearer obligations of the United States and the securities have not been presented at the Department, relief on their account has sometimes been given by special act of Congress, even though destruction of the securities has not been proved. On December 15, 1933, 1 year will have elapsed since the maturity of the loan in question. Therefore, if called on by Congress for a report, the Treasury Department will not oppose the passage of a special bill for your relief on account of the principal of the note, provided it is still outstanding and the circumstances otherwise remain the same. If you desire to have such a bill introduced, the matter should be taken up with your Congressman, as the Department does not initiate action of this kind.

By direction of the Secretary.
Respectfully,

THOMAS HEWES,
Assistant Secretary of the Treasury.

LOS ANGELES, September 28, 1933.

Mr. M. WESLEY,
Chief Division of Loans and Currency,
Treasury Department, Washington, D.C.

DEAR SIR: Referring to United States Treasury note No. 5182-B, Series C-1930-32, for \$100, 3½ percent interest, which matured in December 1932, can you tell me from your records whether this note has been cashed?

This note belonged to me and I am anxious to know whether it was lost or stolen, or whether I accidentally destroyed it, with some other papers.

No doubt these notes are registered in your office and if it has been cashed by someone I will then know it was not destroyed.

I hope you can furnish me with this information, and oblige.

Yours truly,

NAN. A. WILLIAMS

TREASURY DEPARTMENT,
Washington, July 27, 1932.

Miss NAN A. WILLIAMS,
Los Angeles, Calif.

MADAM: Reference is made to your letter dated July 5, 1932, relative to your previous report of the loss or theft of 3½-percent Treasury note No. 5182-B for \$100, series C-1930-32.

It is noted you request information as to whether the fact that the note is not presented for payment within a reasonable time after maturity would not be proof that it had been unintentionally destroyed. In accordance with the provisions of sections 3702-3703 of the Revised Statutes of the United States set

forth in the enclosed Extract No. 16 Revised, from "Regulations of the Treasury Department with Respect to United States Bonds and Notes," relief may be granted on account of the destruction of coupon bonds and notes when the bonds and notes can be identified by number and description, the destruction shown by clear and unequivocal proof, and a satisfactory bond of indemnity furnished. Bonds thought irretrievably lost cannot be considered as destroyed within the meaning of the statute; actual destruction must be proved. Furthermore, the inference that the note must be destroyed if it is not presented within a reasonable time after maturity does not constitute that clear and unequivocal proof of the destruction of the note which the law expressly provides must be submitted before the Secretary of the Treasury may grant relief. Possibilities, or even probabilities, however strong, are not sufficient to grant relief since the statutes leave no alternative but to require positive proof.

It is also noted you request information as to whether relief could not be granted upon the furnishing by you of a bond of indemnity. In this connection your attention is invited to the enclosed extract no. 17 from the regulations mentioned above from which it will be noted that bonds and notes in coupon form are payable to bearer and title passes by delivery without endorsement and without notice to the Treasury Department, so that under generally recognized principles of law an innocent purchaser for value without notice before maturity acquires good title even though reported lost or stolen, and no proof of ownership is required when coupon bonds or notes are presented in the regular course to the Treasury Department or its designated agencies for payment, exchange, or conversion. As further set forth in this extract, the Department assumes no responsibility whatever with respect to coupon securities reported lost or stolen, and enters no stoppages or caveats against their payment, exchange, or conversion. The Department cannot, therefore, in accordance with law, grant relief in any case of lost or stolen coupon bonds or notes, even against a bond of indemnity.

Respectfully,

M. WESLEY,
Chief Division of Loans and Currency.

LOS ANGELES, CALIF., July 5, 1932.

M. WESLEY,
Chief Division of Loans and Currency,
Treasury Department, Washington, D.C.

DEAR SIR: Referring to your letter of June 2 in answer to my letter dated May 5, 1932, written from Ogden, Utah, reporting the loss of 3½ percent United States Treasury note no. 5,182-B, series C-1930-32, for \$100.

This note matures in December of this year, and if it is not presented for payment by anyone within a reasonable time after maturity, would it not be pretty good evidence that I had unintentionally destroyed it, and if I gave a bond guaranteeing that I would not present it for payment, would the Treasury Department pay this \$100 to me?

In going through some papers about the first of May in Ogden, preparing to come to California, I destroyed some old insurance papers, etc., and it is possible that I did destroy this Treasury note at that time, but the papers were thrown into a waste basket, and carried out of the house, so I had no means of knowing this for sure.

I will appreciate hearing from you further and oblige,

NAN A. WILLIAMS.

TREASURY DEPARTMENT,
Washington, June 2, 1932.

Miss NAN. A. WILLIAMS,
475 Twenty-fifth Street, Ogden, Utah.

MADAM: Reference is made to your letter dated May 5, 1932, reporting the loss or theft of 3½ percent United States Treasury note no. 5, 182-B, series C-1930-32, for \$100 which you state was received in exchange for registered bond no. 21,231 for \$100.

The records show that under date of October 4, 1921, in advising the Department of your change of address, you described the bond as no. 211,231 for \$100 of the Third 4½'s, registered in your name; furthermore, the records show that

bond no. 211,231, described above, was received in the Department under date of January 20, 1928, for exchange through the First National Bank of Ogden, Utah.

Paid interest coupons are not assorted and recorded by serial numbers and it is consequently impossible to give any information as to the payment of the coupon referred to in your letter.

No information is available which indicates that 3½ percent Treasury note no. 5182-B, described above, has been received in the Department for any purpose.

No relief can be granted under existing law on account of the loss or theft of coupon bonds and notes and coupons attached, or on account of interest coupons which have been lost, stolen, or destroyed after being detached from United States bonds and notes. For your further information there are enclosed copies of extracts nos. 17 and 20 from "Regulations of the Treasury Department with Respect to United States Bonds and Notes." It will be noted from extract no. 17 that the Department assumes no responsibility whatever with respect to coupon bonds or notes which have been lost or stolen and enters no stoppages or caveats against their payment, exchange, or conversion.

Respectfully,

M. WESLEY,
Chief, Division of Loans and Currency.

UTAH IDAHO CEMENT Co.,
Ogden, Utah, May 5, 1932.

SECRETARY OF TREASURY,
Washington, D.C.

GENTLEMEN: I have either misplaced or had stolen a United States Treasury note and at the suggestion of the postmaster in Ogden I am giving you the details in the hope that you may be able to tell me what I can do to recover the loss.

I had a \$100 registered bond, 4¼ percent, No. 21231 which the Government called in, I think, in January 1928. This bond was transferred to United States Treasury note, \$100, 3½ percent, no. 5182-B-Series C-1930-32. Coupons are due June 15 and December 15, \$1.75 each.

The December 1931 coupon for \$1.75 I had not cashed and was still on the bond. Can you tell me whether this coupon has been cashed?

I will appreciate any information you may give me as to how to stop payment on the bond and have a duplicate issued.

Yours very truly,

(Signed) NAN A. WILLIAMS.

P.S.—The transfer of the registered bond to the Treasury note was handled through the First National Bank of Ogden.

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