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64TH CONGRESS, }
1st Session. }

SENATE.

} REPORT
No. 576.

A. S. WALKER.

JUNE 30, 1916.—Ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the following
REPORT.

[To accompany H. R. 8697.]

The Committee on Finance, to whom was referred the bill (H. R. 8697) for the relief of Collector of Internal Revenue A. S. Walker, having considered the same, report thereon with a recommendation that it do pass.

The report of the House Committee on Claims, No. 558, Sixty-fourth Congress, first session, is appended hereto and made a part hereof.

[House Report No. 558, Sixty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 8697) for the relief of Internal-Revenue Collector A. S. Walker, having considered the same, report thereon with a recommendation that it do pass.

A letter from the Secretary of the Treasury under date of January 29, 1916, with its nine inclosures, is appended hereto and made the basis for and a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 29, 1916.

Hon. E. W. POW,

Chairman Committee on Claims, House of Representatives, Washington, D. C.

SIR: In reply to your request of the 21st instant for the papers in the case of A. S. Walker, Esq., collector of internal revenue, third Texas, H. R. 8697, there are inclosed copies of the letters relating to the reports of Internal Revenue Agents W. W. Anderson, dated September 24, 1914, and P. A. Dewitt, dated June 12, 1915, and of the report of Internal Revenue Agent L. M. Dolde, dated December 8, 1915, and the correspondence connected therewith.

You are advised that the Commissioner of Internal Revenue approves the bill for the relief of Collector Walker, in the amount of \$683.33½, the value of the following special tax stamps:

W. D. M. L. stamps, stub book No. 10551, containing 62 coupons, lost about May, 1914, value.....	\$258. 33½
Pawnbrokers' stamps, book No. 120, containing 70 coupons, lost in the spring of 1915, value.....	291. 66½
Commercial brokers' stamps, book No. 1292, containing 80 coupons, lost in the spring of 1915, value.....	133. 33½
Total.....	683. 33½

I concur with the Commissioner of Internal Revenue in his approval.

Respectfully,

W. G. McADOO, *Secretary.*

RELIEF OF A. S. WALKER.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, October 9, 1914.

A. S. WALKER, Esq.,
Collector Third District, Austin, Tex.

SIR: Your office was examined on the 24th ultimo by Revenue Agent W. W. Anderson, who reports as follows:

"1. The cash and lists were in balance, the stamp account out of balance. In special taxes, the W. D. M. L. account was short 62 months, amounting to \$258.33½. This shortage was explained in the collector's office as being caused by the loss of a book of stubs of the W. D. M. L. stamps No. 10551 to 60, which contained 62 months. I found from Record 10 that the 10 stamps bearing those numbers had been issued from January 12, 1914, to April 3, 1914, with coupons aggregating 58 months; this would leave on the stubs the 62 months short. The book could not be found in the office and I was told that thorough search had been made for it before; that the department had been notified of the loss and inquiry made as to whether it had been returned to Washington.

"I did not ask for the amount of the shortage to be deposited, as it had been known at Washington for some time."

* * * * *

The matter of the loss of the stub book, referred to in paragraph 1 of the report, has been made the subject of a separate communication of this date.

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Respectfully,

W. H. OSBORN, Commissioner.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, October 9, 1914.

A. S. WALKER, Esq.,
Collector Third District, Austin, Tex.

SIR: It appears from the report of Revenue Agent W. W. Anderson of an examination of your office on the 24th ultimo that your stamp account is out of balance, the special-tax stamps for W. D. M. L. being short 62 months, amounting to \$258.33½. This discrepancy or shortage it appears from said report is due to the loss of a book of stubs of the character mentioned, stamps 10551-60, which contained 62 coupons. The book, it is stated, could not be found in your office, and the agent was told that thorough search had been made for it and this office notified of the loss, with inquiry as to whether it had been returned to Washington.

The book of stubs referred to has not been received at this office, and it seems necessary, in view of the circumstances, to advise you that the only way by which you can be relieved from this charge against you is by the return of the book of stubs or the deposit of the value of the same or by a special act of Congress.

If the book of stubs can not be found you should without delay prepare the evidence concerning the loss of the same and make the necessary appeal to Congress through a special act for relief in the premises, as in the absence of a special act of Congress you will be required to pay the amount of the loss unless the book of stubs is found and returned to this office.

Respectfully,

W. H. OSBORN, Commissioner.

TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Austin, Tex., August 9, 1915.

Hon. W. H. OSBORN,
Commissioner of Internal Revenue, Washington, D. C.

SIR: Reference is made to your letter of the 6th ultimo, relative to examination of this office by Revenue Agent DeWitt on June 12th.

* * * * *

The W. D. M. L. pawnbrokers' and commercial brokers' special-tax books reported short have not yet been located, although I have had a very exhaustive search to be made for them. The W. D. M. L. book No. 1056 has been missing since the spring of 1914, as shown by former reports. As to the pawnbroker and commercial broker books, I am of the opinion that these books were inadvertently destroyed with the

waste paper by the janitor of this building during April last. At least I can not account for the loss in any other manner. The deputy in charge of these stamp books at the time of this loss, and who is not now connected with this office, unfortunately did not fully realize the importance of verifying daily the stock of special-tax books on hand. I presume that before I will be allowed to take credit in my stamp account for the value of these stamps it will be necessary for the credit to be authorized by Congress, and the matter will be taken up through my Congressman at the coming regular session.

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Respectfully,

A. S. WALKER, collector.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, July 6, 1915.

A. S. WALKER, Esq.,
Collector Third District, Austin, Tex.

SIR: Your office was examined on the 12th ultimo by Revenue Agent P. A. Dewitt, who reports as follows:

"1. The cash and lists were in balance. The stamp account was out of balance. In the regular special-tax stamps there was a shortage of 62 coupons as W. D. M. L., \$258.33½, which has existed for some time. The same was reported by Revenue Agent Anderson during October, 1914.

"Pawnbrokers' specials were short 70 coupons, \$291.66½, and commercial brokers' were short 80 coupons, \$133.33½, total deficit \$683.33½.

"The shortage in pawnbrokers' specials is caused from the misplacement of book No. 120, which contained 70 coupons, and the commercial brokers' shortage was caused by the misplacement of book No. 1192, containing 80 coupons, which could not be found. A more thorough search is to be made for same as soon as the rush of income-tax payments and special-tax stamps is over. Search so far made has not been successful. This district has a large amount of special-tax coupons in transit and it may be that these books were erroneously sent to the department."

* * * * *
In regard to W. D. M. L., pawnbrokers' and commercial brokers' special-tax books, in all of which accounts a shortage is reported, you are advised that a thorough search not only of this office; but also of the office of the Auditor for the Treasury Department, has been made and no trace can be found of W. D. M. L. book No. 1056, series of 1913; pawnbrokers' book No. 120, and commercial brokers' book 1292. The agent refers in his report to the commercial brokers' book as 1192. This evidently is a mistake, as book 1192 was sent to the first district of Pennsylvania, whereas book 1292 was sent to your district. In your schedules on Form 97, sent to this office under date of April 3 last, books No. 1291 to 1296, inclusive, were scheduled, but there is written after No. 1292 the word "misplaced," and no value is extended; therefore it is apparent that it was known in your office that the book was not forwarded with the schedule referred to.

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Respectfully,

D. A. GATES, Acting Commissioner.

UNITED STATES INTERNAL REVENUE.

Statement, accompanying Report on Form 188, showing condition of the office of A. S. Walker, collector third district of Texas, at the close of business on the 30th day of November, 1915.

* * * * *
Additional report to paragraph 1—Lost stamps of special tax.

In making the count of special-tax stamps it was found that there was deficiency as follows:

In the wholesale dealer in malt liquors special-tax stamps there was a shortage of 67 coupons, value..... \$258. 33½

This stub book No. 10551 was lost about May, 1914, and first reported to the department, by Revenue Agent W. W. Anderson, Sept. 24, 1914.

RELIEF OF A. S. WALKER.

In the pawnbrokers' emergency special tax there was a shortage of 70 coupons, value.....	\$291. 66½
The serial number of lost book was 120.	
In the commercial brokers' emergency special tax there was a shortage of 80 coupons, value.....	133. 33½
The serial number of lost book was 1192.	
Total.....	683. 33½

The two partly used books of emergency tax were lost in the spring of 1915, and first reported to the department by Revenue Agent De Witt in June, 1915. The three books lost are all liabilities of Collector Walker.

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Respectfully,

L. M. DOLDE, *Revenue Agent.*

Dated at Austin, Tex., December 8, 1915.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, December 15, 1915.

A. S. WALKER, Esq.,
Collector Internal Revenue, Austin, Tex.

SIR: Revenue Agent Dolde in his report of the examination of your office on the 30th ultimo states in an additional report to paragraph 1 that in making the count of the special tax stamps there was found a shortage, as follows:

W. D. M. L., stamps, shortage of 67 coupons, stub book No. 10551, lost about May, 1914, value.....	\$258. 33½
Pawnbrokers' stamps, shortage of 70 coupons, book No. 120, lost in the spring of 1915, value.....	291. 66½
Commercial brokers' stamps, shortage of 80 coupons, book No. 1192, lost in the spring of 1915, value.....	133. 33½
Total shortage.....	683. 33½

In order to bring your accounts into balance, you will deposit before the close of this month \$683.33, and include it in your collections on special-tax stamps, and notify this office of the date of deposit and the number of the certificate of deposit in which included.

Respectfully,

D. A. GATES, *Acting Commissioner.*

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE,
Austin, Tex., December 22, 1915.

(Personal.)

Hon. W. H. OSBORN,
Commissioner of Internal Revenue, Washington, D. C.

SIR: I am in receipt of your office letter of December 15, in which reference is made to the report of Revenue Agent Dolde, who recently examined this office, and which shows a shortage in special-tax stamps amounting to \$683.33½, and I note the statement in your letter—

"In order to bring your accounts into balance, you will deposit before the close of this month \$683.33 and include it in your collections on special-tax stamps and notify this office of the date of deposit and the number of the certificate of deposit in which included."

I write to request that I be allowed to defer the making of this deposit until such time as I can present to you and to Congress the affidavits which will entitle me to the credit of this amount without the necessity of depositing the money. Stamp book No. 10551 was lost in May, 1914, and was reported by me shortly after the loss was discovered. I should have presented proof of this loss at the session of Congress beginning in December, 1914, but owing to the work resulting from the passage of the war revenue law at that time I overlooked doing so. The other two books, Nos. 120

and 1192, were lost in the spring of 1915, and the current session of Congress is the first opportunity I have had of presenting the loss of those two books. I understand, of course, that the records of the department show these books as a liability against me which will have to be adjusted, but I presume that I will be allowed, as I understand has been done in similar cases, to secure credit for this loss through an act of Congress. I have discussed the matter already with Congressman Buchanan, who represents my district, and he will, when furnished with the necessary affidavits, prepare and introduce a proper bill after conferring with you. I know of no reason why the bill should not receive reasonably prompt attention. The affidavits necessary are now being prepared; but one of the former employees of this office, whose affidavit is important, has recently removed to a distant State, and it will require perhaps 10 days to get in communication with him. The affidavits will be prepared and forwarded as quickly as possible, and I will request Congressman Buchanan to take the matter up promptly.

Respectfully,

A. S. WALKER, *Collector.*

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, December 30, 1915.

A. S. WALKER, Esq.,
Collector Third District, Austin, Tex.

SIR: This office is in receipt of your letter of the 22d instant, in regard to shortage of \$683.33½ in your special-tax stamps, and it is noted that you request that you be allowed to defer depositing this amount to bring your stamp-tax account into balance as you intend to have presented in Congress a bill for your relief in order that you can secure credit for the amount in question.

In reply, you are advised that inasmuch as a bill will be introduced in Congress in a short time for your relief, due to the loss of stamp book No. 10551 and books Nos. 120 and 1192, you may defer depositing the amount referred to in office letter of the 15th instant.

Respectfully,

D. A. GATES, *Acting Commissioner.*

TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Austin, Tex., January 12, 1916.

Hon. W. H. OSBORN,
Commissioner of Internal Revenue, Washington, D. C.

SIR: Referring to your letter of December 30, 1915, in regard to shortage of \$683.33½ in the special-tax stamp account of this office, I am inclosing you herewith affidavits of E. Sammons, D. M. Wilson, jr., S. H. McCulloch, E. N. Prewitt, H. H. Rosenthal, R. P. Babcock, and myself. These affidavits have been executed in duplicate. The other copy of each affidavit is being sent by this mail to Representative J. P. Buchanan, of Texas, with the request that he immediately introduce a bill which, when passed, will entitle me to have credit for the value of the stamps and coupons lost.

Respectfully,

A. S. WALKER, *Collector.*

P. S.—In your letter of December 15 the lost commercial brokers' stamp book is described as book No. 1192. It appears from your letter of July 6, 1915, CC-1, examination of office, that the book was No. 1292, and I presume that is correct, and have described it in my letter to Congressman Buchanan in that way.

A. S. W.

