

Calendar No. 950.

64TH CONGRESS,
2d Session.

SENATE.

REPORT
No. 1061.

FOR THE RELIEF OF THE FARMERS AND MERCHANTS' BANK, OF HEADLAND, ALA.

FEBRUARY 14 (calendar day, FEBRUARY 16), 1917.—Ordered to be printed.

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

REPORT.

[To accompany H. R. 10823.]

The Committee on Finance, to whom was referred the bill (H. R. 10823) for the relief of the Farmers and Merchants' Bank, of Headland, Ala., having considered the same, report thereon with a recommendation that it do pass.

The report of the House Committee on Claims is appended hereto and made a part hereof.

[Report No. 230, Sixty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 10823) for the relief of the Farmers & Merchants Bank, of Headland, Ala., having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 4, after the word "authorize," add the words "and directed."

This bill provides for the payment of \$34.50 to the Farmers & Merchants Bank, of Headland, Ala. This bank sent New York exchange in this amount to the collector of internal revenue at Birmingham, Ala., to purchase documentary internal-revenue stamps. These stamps were sent in the open mail by the collector, but were never received by the bank. Appended hereto is affidavit of the vice president of the bank, together with the correspondence covering the case, which is made a part of this report.

STATE OF ALABAMA, County of Henry:

This is to certify that the undersigned, L. T. Solomon, is vice president of the Farmers & Merchants Bank, of Headland, Ala., that he is one of the active officers of said bank, and that on July 1, 1915, he, the said L. T. Solomon, did order from Hon. John D. McNeel, collector of internal revenue at Birmingham, Ala., the following documentary internal-revenue stamps, to wit:

Denomination.	Number.	Amount.
1-cent.....	100	\$0.50
1-cent.....	200	2.00
2-cent.....	500	10.00
4-cent.....	200	8.00
6-cent.....	100	6.00
8-cent.....	100	8.00
Total.....		34.50

That, with said order, the said bank sent draft No. 9702, drawn on the National Park Bank of New York, N. Y., for the sum of \$34.50, which draft was paid by said National Park Bank of New York, N. Y., and bears the indorsement of John D. McNeel on the back, and is hereto attached; further that none of said documentary internal-revenue stamps have ever been received by this bank, but same are supposed to have been lost in the mails.

L. T. SOLOMON.

Sworn to and subscribed before the undersigned, a notary public in and for Henry County, State of Alabama, this the 14th day of February, 1916.

[SEAL.]

B. P. RILEY, *Notary Public.*

My commission expires December 13, 1917.

STATE OF ALABAMA,
County of Jefferson, City of Birmingham.

This is to certify that on the 1st day of July, 1915, there was received at the office of the collector of internal revenue in the city of Birmingham, Ala., an order for documentary internal-revenue stamps as follows:

Denomination.	Number.	Amount.
½-cent.....	100	\$0.50
1-cent.....	200	2.00
2-cent.....	500	10.00
4-cent.....	200	8.00
6-cent.....	100	6.00
8-cent.....	100	8.00
Total.....		34.50

The order above referred to was made by the Farmers and Merchants' Bank of Headland, Ala., bearing date of July 1, 1915, and the stamps ordered were prepared for the mail and forwarded out from the main post office in Birmingham, Ala., between 4 and 5 p. m. on July 2, 1915.

With the above order there was received a check on the National Park Bank of New York, N. Y., for the amount of the above stamps, viz, \$34.50, which check or draft has been collected by me as collector of internal revenue and duly accounted for.

The above statement sets out truly and correctly the facts connected with this transaction.

JOHN D. McNEEL,
Collector of Internal Revenue.

FEBRUARY 12, 1916.

FARMERS & MERCHANTS BANK,
Headland, Ala., February 14, 1916.

HON. HENRY B. STEGALL,
Member of Congress, Washington, D. C.

DEAR SIR: Replying to your favor of the 3d instant re bill H. R. 10823, we are now pleased to hand you herewith copy of the order for the lost stamps, the paid draft which we sent in payment of same, also statement from Mr. McNeel that the order was received and stamps forwarded, with the correspondence relating to same. If you can assist us in the collection of this loss we shall thank you very much. With kind personal regards and best wishes, we are,

Very truly, yours,

THE FARMERS & MERCHANTS BANK.
L. T. SOLOMON, *Vice President.*

FARMERS & MERCHANTS BANK,
Headland, Ala., July 1, 1915.

No. 9702.

Pay to the order of John D. McNeel, collector internal revenue. \$34.50.

L. T. SOLOMON, *Vice President.*

TO THE NATIONAL PARK BANK OF NEW YORK, N. Y.
(Stamped:) Paid.

FARMERS & MERCHANTS BANK,
Headland, Ala., July 1, 1915.

HON. JOHN D. McNEEL,
Collector of Internal Revenue, Birmingham, Ala.

DEAR SIR: Inclosed please find our New York draft (No. 9702) drawn in your favor for the sum of \$34.50, for which we will thank you to send us at once the following documentary internal-revenue stamps, viz:

Denomination.	Number.	Amount.
1/2-cent.....	100	\$0.50
1-cent.....	200	2.00
2-cent.....	500	10.00
4-cent.....	200	8.00
6-cent.....	100	6.00
8-cent.....	100	8.00
Total.....		34.50

If you do not supply the one-half cent denomination, send these in 2-cent. Kindly let us have these stamps at your earliest convenience.

Very truly, yours,

THE FARMERS & MERCHANTS BANK,
L. T. SOLOMON, Vice President.

FARMERS & MERCHANTS BANK,
Headland, Ala., August 6, 1915.

HON. JOHN D. McNEEL,
Collector of Internal Revenue, Birmingham, Ala.

DEAR SIR: On July 1 last we sent you our New York exchange for \$34.50 and asked that you forward to us at once the following documentary stamps:

Denomination.	Number.	Amount.
1/2-cent.....	100	\$0.50
1-cent.....	200	2.00
2-cent.....	500	10.00
4-cent.....	200	8.00
6-cent.....	100	6.00
8-cent.....	100	8.00
Total.....		34.50

These stamps have never been received and the paid check is now in our files; please see that these stamps are forwarded to us at once.

Very truly, yours,

L. T. SOLOMON, Vice President.

TREASURY DEPARTMENT,
INTERNAL-REVENUE BUREAU,
Birmingham, Ala., August 7, 1915.

L. T. SOLOMON, Esq.,
Vice President Farmers & Merchants Bank, Headland, Ala.

SIR: I have your letter of the 6th instant wherein you state that on July 1, 1915, that you forwarded here New York exchange in amount \$34.50 for documentary stamps, but had never received the same. In reply, would advise that the check in question was received here on the 2d July, 1915, and your order promptly filled and mailed on that date. The stamps should have been received by you. I will endeavor to have the stamps traced from this point, but the letter containing the stamps not being registered makes this quite difficult.

Respectfully,

JNO. D. McNEEL, Collector.

FARMERS & MERCHANTS BANK, HEADLAND, ALA.

FARMERS & MERCHANTS BANK,
Headland, Ala., August 12, 1915.

Hon. JOHN D. McNEEL
Collector, Birmingham, Ala.

DEAR SIR: Replying to your favor of the 7th instant and with further reference to our order for documentary stamps of July 1 last amounting to \$34.50, we beg to advise these stamps have not yet been received, and we have made special inquiry at the post office here for them; hence, will you not please forward the amount of stamps which we have paid for to us by registered mail. Your usual prompt attention will be appreciated.

Very truly, yours,

L. T. SOLOMON, *Vice President.*

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE,
Birmingham, Ala., August 13, 1915.

FARMERS & MERCHANTS BANK,
Headland, Ala.

GENTLEMEN: With reference to revenue stamps mailed out to you from this office on July 2, which have not been received by you, and which apparently have gone astray in the mails:

Your attention is especially called to notation at bottom of order slip inclosed (Form 27, revised). These are the only instructions we have to operate upon from the department, but if these stamps do not materialize after sufficient length of time necessary for tracing and investigation, we will send you blank form to be filled out with proper showing and submit same for refund.

In the meantime it might be well, if you need stamps for immediate use, to send us remittance for duplicate order.

Respectfully,

JNO. D. McNEEL, *Collector.*

FARMERS & MERCHANTS BANK,
Headland, Ala., September 30, 1915.

Hon. JOHN D. McNEEL,
Collector of Internal Revenue, Birmingham, Ala.

DEAR SIR: Replying further to your favor of the 13th ultimo, with reference to revenue stamps ordered by us from you on July 1, amounting to \$34.50, beg to advise these stamps have not yet been received, and would be very glad to have you send us papers on which to make claim for the repayment of the money we have lost in the transaction.

We inclose herewith another order for \$100 worth of stamps and inclose herewith, also, our New York exchange for \$100.10 in payment of stamps and registry fee. Please favor us with your usual prompt attention in this matter.

Very truly, yours,

L. T. SOLOMON,
Vice President.

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE,
Birmingham, Ala., October 6, 1915.

FARMERS & MERCHANTS BANK,
Headland, Ala.

GENTLEMEN: Referring to your letter of the 30th ultimo, I advise that you have heretofore been advised that the records of this office show that your remittance of \$34.50, sent in July, 1915, was received, and the stamps ordered duly mailed, sent you, but it appears that the stamps were never received. I do not know what action the department might take on a claim in the case, but inclose to you Form No. 46, which you may prepare if you see fit.

Respectfully,

COLLECTOR.

FARMERS & MERCHANTS BANK,
Headland, Ala., November 15, 1915.

Mr. JOHN D. McNEEL,
Collector, Birmingham, Ala.

DEAR SIR: We now feel that we have waited a sufficient length of time for the arrival of the documentary stamps ordered by this bank from you on July 1, 1915, and which stamps your records show were mailed out to us on July 2, 1915, hence we are pleased to hand you herewith our claim for the repayment of this order, amounting to \$34.50, and will thank you to complete the paper by filling in the necessary certificate and forwarding same to proper authority. Your usual prompt attention and any assistance you are able to render in this connection will be appreciated.

Respectfully,

FARMERS & MERCHANTS BANK,
L. T. SOLOMON, *Vice President.*

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE,
Birmingham, Ala., January 17, 1916.

FARMERS & MERCHANTS BANK,
Headland, Ala.

GENTLEMEN: Relative to your claim for the refund of \$34.50, paid for documentary stamps which you say you did not receive, I beg to advise that the department holds that, inasmuch as you did not furnish funds with which to register these stamps to you, the law makes no provision whatever for a refund, consequently your claim is rejected. The department holds that where stamps are forwarded by ordinary mail, no provision being made to register the stamps, that the same are forwarded at the risk of the purchaser.

Respectfully,

JNO. D. McNEEL, *Collector.*

Your only remedy will be an act of Congress, which you might take up with Congressman Steagall.

J. D. M.

FARMERS & MERCHANTS BANK,
Headland, Ala., January 19, 1916.

Hon. HENRY B. STEAGALL, M. C.,
Washington, D. C.

DEAR CONGRESSMAN: On July 1, 1915, this bank sent to Hon. John D. McNeil, collector, the sum of \$34.50 with an order for that amount of internal-revenue stamps (documentary). This check was paid by our New York correspondent in due course and returned to us with our canceled vouchers, and we not having received the stamps, wrote Mr. McNeil for information regarding them, and in his reply the collector advised that the order was duly received and the stamps were forwarded on July 2 last. However, we have never received the stamps and have subsequently made application to the Treasury Department for a refund of the amount we are short on this account, but our application was refused on the ground that the stamps were not registered.

We now write you to know if you will not please have an act passed by Congress to reimburse us for this loss as we do not feel that we should lose this \$34.50. Kindly advise us at your convenience what steps we should take to properly get this act passed and what vouchers will be necessary for us to furnish you with. Your usual prompt attention will be appreciated.

Very truly, yours,

L. T. SOLOMON, *Vice President.*

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