

LEGAL COMMISSION INVESTIGATING ALLEGED POSTAL FRAUDS CONDEMNS THE COURSE OF PERRY S. HEATH

Continued From Page 1, Column 1.

the inspectors could not find out from the postmaster or any one else (as to these it is possible, although hardly probable, that he may have been misled), but actually allowed Mr. Beavers the illegal and fraudulent claim for "expenses" which, as Mr. Castle's own memorandum says, "really constituted salary—the salary of an office which Beavers did not and could not legally hold and which no one, not even the President, could have promised him so as to bind the United States, either legally or morally, to keep the promise. We find it impossible to doubt that Mr. Heath, Mr. Van Cott and Mr. Beavers themselves all knew the payment of this additional compensation was expressly forbidden by law and that it was called "expenses" to evade this prohibition."

SUMMARY OF THE REPORT.

The summary and conclusions of the report are as follows: "As a result of our inquiry the 'Tulloch charges' and of the considerations herebefore set forth we have the honor to report that, in our judgment: "First—The discussion of the Tulloch charges has revealed the existence of dishonest and gravely disreputable abuses during the years 1898, 1899 and 1900 in the Washington postoffice and the office of the First Assistant Postmaster General.

"Second—These abuses involved conduct on the part of the various public officials which was certainly often illegal and may have been sometimes criminal, but such offenses, if committed, were in all cases committed more than three years before we were ordered to investigate the charges, and so far as we are clearly informed, more than three years before Mr. Tulloch's interview of May 1 last.

"Third—The evidence laid before us suggests the possibility, and even probability, but does not prove, that abuses have continued both in the department and in the postoffice subsequent to the early summer of 1900, when we lose sight of them, and that in connection therewith criminal acts may have been committed within the period of limitations.

"Fourth—The report of Inspector Crowell and the facts relating to the claim of George W. Beavers above set forth indicate the possibility that similar conditions may have existed both within and beyond the period of limitations in the New York postoffice.

"Fifth—The persons primarily responsible for the above mentioned abuses and the resulting scandals appear to have been Perry S. Heath, then First Assistant Postmaster General, and George W. Beavers, then chief of the salaries and allowance division, neither of whom is now in the service of the United States.

"Sixth—Charles Emory Smith, late Postmaster General; James P. Willett, late Postmaster at Washington, now deceased; John A. Merritt, his successor in the said office and its incumbent; Robert J. Tracewell, comptroller, and Henry A. Caste, auditor of the Postoffice Department, all appeared to have shared in some measure the responsibility—the late Postmaster General for his seeming failure notwithstanding repeated warnings to appreciate the gravity of their misconduct and the consequent necessity for its prompt and adequate punishment; the two Postmasters for toleration of these abuses and obedience to plainly improper orders without exposure, or, apparently, protest, and the auditor and comptroller for acting upon lax and arbitrary principles in the administration of their respective offices, whereby the payment of illegal and seemingly fraudulent claims by the treasury was rendered possible.

"Seventh—The employment of subordinates in postoffices about to become classified for the purpose of securing their admission without examination into the classified service was a practice in fraudulently established their own unfitness for public employment.

"Eighth—The employment of so-called 'laborers' to do 'class' work was clearly illegal, and under the express direction of the civil service rules to be punished by dismissal from office.

"Ninth—An agreement by any public

officer with any person within or out of the public service that the latter shall receive the emoluments of public employment under the pretense of being employed without rendering any service to the Government constitutes a conspiracy to defraud the United States, and if followed by any overt act tending to its accomplishment by any of the parties renders all of them responsible under the terms of the United States Revised Statutes, section 5440.

"Tenth—The detail of Thomas W. Gilmer to different work of a lower grade and at a reduced compensation by F. A. Vanderlip, then Acting Secretary of the Treasury, under all the circumstances attending it, was apparently unjust and oppressive, and certainly disastrous to the public interest, since it would be generally and naturally understood by those cognizant of it as a punishment inflicted on a faithful public servant who had, by the honest discharge of his duty, incurred the enmity of active and influential politicians. It seems to have been preceded by no sufficient inquiry on the part of Acting Secretary Vanderlip, and would render proper an investigation of the latter's conduct were he still in the United States service.

"Eleventh—While we express no opinion as to the propriety of Seymour W. Tulloch's removal from the office of cashier by Postmaster Merritt, the precipitancy and discourtesy shown by the latter in effecting this removal seem to have been without justification and tend to cast grave doubt upon the good faith of the explanations for the removal itself, and his course was clearly reprehensible in the public interest as leading naturally to the belief that the cashier had been in fact removed for his failure to comply with irregular, and even illegal demands upon the funds in his custody.

RECOMMEND AN INQUIRY.

"We very respectfully recommend: "First—That a thorough investigation be ordered, if it has not already been ordered, of the administration of the Washington postoffice, (b) of the administration of the New York postoffice and (c) of the administration of the office of the First Assistant Postmaster General within the past three years. It is probable that this recommendation has already been in great part and purposes altogether anticipated by the action of the present Postmaster General, but as we are not, at the moment of preparing this report, fully informed as to the scope of the department inquiry now for several months in progress under his orders, we venture to submit it. We have been very favorably impressed by the zeal, fidelity and intelligence of the postoffice inspectors, and deem them fully competent, under the supervision of the Fourth Assistant Postmaster General, to conduct an investigation as is here suggested.

"Second—That a carefully chosen, small commission be appointed by the President to report a plan whereby the work of the offices of the Comptroller and of the several auditors may be removed from all political, personal or other extraneous influences, the officials herein employed protected from injury through the enmities they may incur in the discharge of their duties and the complete competency and independence of all engaged in this branch of the Government secured through their selection by free competition, promotion for merit only and assurance of tenure during the continuance of fidelity and efficiency on their own part."

COMMENTS UPON LETTERS.

A supplementary report is appended to the original, embodying consideration of a letter from Postmaster Merritt, "making grave accusations against Mr. Tulloch." These accusations are considered in detail and the conclusion is reached that they do not require modification of any of the conclusions or recommendations heretofore made.

The supplementary report also gives consideration to a letter from former Postmaster General Smith to the President, in which certain comments are made on the original report, and says the Smith letter contains nothing "leading us to doubt the correctness of the conclusions announced in the original report." The report adds: "Mr. Smith's letter shows to our

glass of water seemed peculiar. "I intended to drink the cocktail," said Carr, "and would certainly have done so if I had not been interrupted by the customer and a few minutes later by the arrival of the detectives. I trust that I will not pass through a similar ordeal. After the examination of the liquor by the druggist a realization of the danger in which I had been placed came home to me, and I assure you that it brought the beads of cold perspiration out on my forehead."

"Nate will be held on the detinue book pending further investigation by the detectives. More evidence was secured against him late last night, and several articles found on him were identified as having been stolen from the rooms of Herbert Thompson of the Bank of California and from the apartments of a Mrs. Brown.

What the Germans Think of Us. BERLIN, Dec. 16.—The Berlin Wagner Society has published an indignant protest against the production of "Parsifal" in New York, declaring that "Richard Wagner's holy legacy to art, whose production he designated to reserve for the consecrated temple of art which he created, is thrown away upon auditors in the land of dollars, who possess no conception of the true essence of Wagner and probably never will possess any."

Inkstands, gold pens, desk pads, lap tablets, desk sets, desk calendars and blotters for Christmas. Sanborn, Vail & Co.

Minds not only that there was, as we said, a failure on his part while in office to appreciate the gravity of the situation disclosed by the warnings he received, but that he still fails to appreciate this situation."

POISONER FOILED BY DETECTIVES.

Continued From Page 1, Column 4.

Continued From Page 1, Column 7.

represent him. Messrs. Britton and Foster obeyed the president's summons, and Charles E. Snook, attorney for the Board of Regents, also attended.

HOW MCKOWEN STOLE.

The committee of inquiry spent three hours over the books kept by McKowen, and he assisted them in finding out things. It was ascertained that he had covered his tracks by manipulating various funds so that it was almost impossible, with the bookkeeping system prevailing at the university, to detect his peculations. It was also discovered that instead of \$20,000, his estimate, the total amount of the stealings would be \$40,000.

ANTIQUE BOOKKEEPING.

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WHO IS TO BLAME?

It is not expected that the regents will blame any one for the system of bookkeeping that made possible McKowen's theft. The system has been in vogue for many years and has not only been cumbersome but unsafe. The State will have to stand newly all of the lost money through McKowen.

The bondsmen for McKowen are the Pacific Surety Company, which furnished a bond for \$5000 that it will be forced to pay. This leaves about \$35,000 that the State will lose.

REGENT BRITTON SURPRISED.

"I think before we get through," said Mr. Britton, "it will be found that at least \$40,000 is missing. It is almost impossible to conceive how a single man could steal that amount of money and yet escape detection. No doubt it is the fault of the bookkeeping system, which has not grown with the growth of the university. I don't suppose that anybody is really to blame for the loss of the money, as Secretary McKowen certainly carried out his plan of deceit in a most subtle way, but the system should certainly have been changed."

MCKOWEN IN JAIL.

McKowen, who remained in the custody of Constable Samuel Edgar all day, was taken by his custodian to the County Jail in Oakland after the investigation, where he spent the night. He was perfectly willing to go and did not attempt to secure bonds. No charge was placed against him as the investigating committee has not yet decided just what charge will be made.

McKowen made a complete confession of his wrongdoing to President Wheeler, withholding nothing. The confession was precipitated by a false step that this victim of the gambling mania and his own weakness took to pay a debt contracted on the race track with Bookmaker "Jim" Davis as his creditor. Instead of betting money McKowen negotiated his bets with "I O U's" and, as he generally lost at the rate of \$300, \$400 and \$500 a day and seldom won, he soon came to owe Bookmaker "Jim" Davis \$1100. This debt Davis impudently McKowen to settle and finally got a promise from McKowen to meet him at the Occidental Hotel last Tuesday, with the idea of liquidation. McKowen kept his promise and in settlement of his obligation gave Davis the check for \$1200. In accepting the check Davis gave McKowen \$40 in change, the difference between the face of the check and the debt and canceled the obligation. McKowen, in excusing his conduct for paying his private debts with the university's money, told Davis that it was his intention to return the money to the university treasury as soon as he returned to his home in Berkeley.

PRESIDENT WHEELER SPEAKS.

President Wheeler gave out a statement detailing the circumstances of the McKowen affair, as follows: "McKowen last night, to my utter astonishment, told me that he had obtained a check which had evidently come into

SECRETARY MCKOWEN'S PECULATIONS OF UNIVERSITY FUNDS EXTEND OVER FIVE YEARS BEFORE EXPOSE COMES

Continued From Page 1, Column 7.

his hands for university use in payment of a private obligation. I immediately communicated with all the members of the finance committee that I could reach and requested them to meet me at my office at 9 o'clock this morning. I was unable to reach McKowen by telephone, but he came to my house at 8 o'clock this morning and confessed to me that he was a defaulter.

"I suspended McKowen from office immediately pending an investigation and the action of Governor Pardee and placed his office temporarily in the hands of Victor Henderson. I then telegraphed to the Governor, who was supposed to be on his way to Lodi, to come to Berkeley to meet with the other members of the finance committee of the Board of Regents.

"As yet we have no precise idea as to the amount of the peculations, but from what I have thus far learned it appears that McKowen, at different times since 1898, has used sums of money that came into his hands, whether as fees or donations, and, instead of depositing them with the treasurer, has applied them to his own use. He has been able to cover up these thefts by taking corresponding amounts from the university funds and charging them as expenditures under the head of one or the other of the funds. He says he has not in any other way falsified his bookkeeping by making false entries.

"The loss seems to be divided over five or six years. So far as we know, or he knows, in this fiscal year it amounts to \$4200. The total amount we do not know, though when he confessed to me this morning he said he thought it would be \$20,000 or more. He says he got the money in this way only, and that he spent it on the race track.

"We are shocked beyond all measure at this occurrence. McKowen is a very likable man. Such an ending could not have been imagined. Nobody with a heart could see him now and not be moved. This is complete ruin.

"One of the troubles that has brought on this disgrace is the fact that the system of bookkeeping is completely out of date. There is an abundant system of checks, but they don't check. Money comes into the hands of both the secretary and treasurer, one being in one place and the other some other place. Checks are made out to the secretary when they should be made out to the treasurer. Thus the secretary incidentally comes to have money. He has been tempted in this case, and has used it, covering up his peculations by charging the amount against this fund or that. This expose, I hope, will mean a complete reorganization of this department, bringing its financial system into a simpler and more stable form and making it entirely modern."

It is the impression of I. W. Hellman of the finance committee of the Board of Regents that the funds used by the secretary on the race track were taken from the amounts deposited by students and donations for scholarships. Speaking of the reported defalcation, Regent Hellman yesterday said: "The accounts of the secretary are examined every quarter by the auditor, and I cannot understand why the shortage was not discovered. No, the secretary does not collect the rents of property belonging to the university. That is done by a rent collector, who pays the money into the treasury. The State appropriations do not pass through the hands of the secretary, but derived from the sale of lands is paid into the treasury.

"Secretary McKowen has been in the service of the university many years. He was there as a clerk under Secretary Bonte and served in a similar capacity under Secretary Davis. He was required to give a bond when he was appointed to succeed Secretary Davis, but it is possible that the bond was not renewed. The affair is most deplorable."

The treasurer of the university is I. W. Hellman Jr. of the Union Trust Company. He is in New York and will not be home for several days. McKowen, completely crushed and weeping, sat all day in the office with which he has been connected for seven years assisting the efforts being made to discover the evidences of his wrong-doing. He was disinclined to discuss his affairs at first, but afterward talked freely about the cause of his downfall.

THE DEFAULTER'S PLEA.

"I owe all my degradation to the 'race track,'" he said, "and let it be a lesson to others who may think they may win fortunes in the betting ring. No man may expect to be successful with money. When the bookmakers lose they find a way to square themselves. They have left me without a cent of all the money I took.

"I never intended to take the university's or anybody's money. But the strange fascination for gambling that is in some men drew me on. A man wins 5 cents and then he wants to win 10, and when he loses he tries to recover it. If he has taken his employer's money his road to ruin has begun to run down hill pretty fast. There is nothing at the bottom but wreckage.

"As to the future, I have not even thought of it. I haven't thought of securing bonds for my release if I am arrested, and I haven't thought of engaging an attorney. I have been so completely dominated that I have not

thought of anything except trying to straighten matters."

HIS DOUBLE LIFE.

Though McKowen had posed as honest among his associates at the university and with those in whose close company he was thrown by business and social relations in the college, there was another side to his life. Horses were not his only game, nor the race track the only channel into which the university's dollars were thrown so prodigally. He enjoyed the life where the lights burned brightly while glasses clink and gay women smile.

To the followers of the racing game McKowen was a familiar figure. He ranked as one of the "old timers" in the betting ring, and so well known was he that he had the privilege of credit at more than one book. During many of his visits to the race track he was accompanied by Mrs. Joseph Dieves, widow of Joseph Dieves, who for many years managed a resort on the San Leandro road. It was strongly hinted at one time that the pair were to be married. That the woman ever received any financial benefit from McKowen's stealings is denied.

Mrs. Dieves was not at her home last night, but a friend authorized to speak for her said: "It is true that McKowen and Mrs. Dieves were together a great deal about two years ago, but within the last year they have seen very little of each other. In fact, it might almost be said that their friendship has ceased. I have been with them myself, but McKowen always kept within the means of a man living on a salary. It was only in the matter of his betting that I ever heard any question as to where he got his money. He never gave Mrs. Dieves a single present during their whole acquaintance. We three have been to dinner together, but the dinners were inexpensive.

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"Last year he did some very heavy playing, and not long ago I saw him one day with his pocket full of twenties at the track. With people with whom he went around he spent money as they did, and he gave very little of it away."

MCKOWEN'S CAREER.

McKowen left England early in life and came to California as a sailor and took a clerkship in the office of the secretary of the university. At that time he was 20 years of age. He was a hard worker and won several deserved promotions. Under the regime of the late Secretary Bonte he was assistant secretary and did the main portion of the work attached to the office of his chief. The next man to fill the position was E. W. Davis, who was in failing health. This virtually gave McKowen control of the office affairs, but

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PE-RU-NA RESTORES HEALTH AND VIGOR.

Writes Mrs. Dr. Edwards, of Iowa.



Mrs. Doctor Harriet Edwards.

Most of the All-m'ns Peculiar to the Female Sex Are Due to Catarrh of the Pelvic Organs.

"Every physician knows that while the proper remedy will restore health the wrong medicine will act as a poison. Any physician knows that if he does not administer the proper medicine for a certain case it acts as a poison to the system, and it is therefore very important that one should have the right medicine. "I have found that Peruna is a wonderful medicine to use in diseases peculiar to women. It quickly and permanently restores health and vigor and acts as a tonic to a worn-out system. I have so far never observed a case which was not greatly aided by its use."—Rev. Harriet B. Edwards.

Peruna has cured thousands of cases of female weakness. As a rule, however, before Peruna is resorted to several other remedies have been tried in vain. A great many of the patients have taken local treatment, such as douches, and surgical operations, and taken all sorts of doctor's stuff, without any result. The reason of so many failures is the fact that diseases peculiar to the female sex are not commonly recognized as being caused by catarrh. These organs are lined by mucous membranes. Any mucous membrane is subject to catarrh.

Catarrh of one organ is exactly the same as catarrh of any other organ. What will cure catarrh of the head will also cure catarrh of the pelvic organs. Peruna cures these cases simply because it cures the catarrh. Most of the women afflicted with pelvic diseases have no idea that their trouble is due to catarrh. The majority of the people think that catarrh is a disease confined to the head alone.

Ask Your Druggist for a free Peruna Almanac for 1904.

brought him no increase in salary. Later he was given the title of "Acting Secretary and Land Agent," and on the death of Secretary Davis last February the regents took formal recognition of McKowen's services and made him secretary at a salary of \$2400 a year. He held that position until the crash came to-day.

McKowen is 37 years of age and unmarried.

LIVERY DRIVERS MAY GO OUT ON STRIKE

Chicago Jesus Demand More Pay and Shorter Hours and the Employers Will Not Yield. CHICAGO, Dec. 16.—A strike of livery drivers will probably be ordered tomorrow, a mass-meeting of the teamsters' union having been called for tomorrow night to order the walkout. The drivers demand \$14 a week and twelve hours work. The owners offer \$12 a week, 25 cents an hour overtime, an hour and a quarter for meals and more time off.

The union refused to accept the terms and further demanded that all men should be employed directly from the union. The owners insisted on the right to employ their own men, all conceding the demand that all the men join the union afterward.

Nearly 2000 drivers will be affected and half as many stablemen will be discharged temporarily to reduce the running expenses of the barns.

Killed by a Train.

James Luthie, a stableman employed by B. Lagan at 2308 Howard street, was run over and killed at 2:15 p. m. yesterday by a freight train of the Southern Pacific Company on Harrison street, near Seventeenth. He was walking on the track in front of the engine and as he was deaf failed to hear the whistle. His head and both arms were cut off.

NEW ADVERTISEMENTS.

TO CURE ANY DISEASE The Cause Must Be Removed. Same Way With Dandruff.

Kill the germ that causes dandruff, falling hair and baldness, you will have no more dandruff, and your hair must grow luxuriantly. Newbro's Herpicide not only contains a most delightful stroyer, but it is also a most delightful hair dressing for regular toilet use. No other hair preparation is on this scientific basis of destroying the dandruff germs. It stops all irritation, keeps the scalp sweet, pure and wholesome. Remember that something claimed to be "just as good" will not do the work of genuine Herpicide. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich.

Advertisement for Smoking Jackets \$5.00 at Keller's. Includes list of other things you might give like gloves, handkerchiefs, suspenders, etc. and merchandise orders.

Advertisement for a guaranteed cure for piles, including symptoms and treatment.

Advertisement for a salt and pepper shaker, free to every 'want' advertiser in the Christmas call.

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