

NEIL MULLANE

MARCH 27, 1926.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H. R. 7524]

The Committee on Claims, to whom was referred the bill (H. R. 7524) for the relief of Neil Mullane, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out the third line and the first word in the fourth line and add as follows: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated."

STATEMENT OF FACTS

On February 8, 1924, a \$200 certificate was presented to Neil Mullane, postal-savings clerk Detroit, Mich., with a request to draw \$50. He had the man William Wilson rewrite the signature in his presence. The fingerprint under the present method was not available at that time. William Wilson, the man who presented and signed the certificate, had all the personal facts used for identification. The owner of the certificate, Simeon Smith, did not discover his loss until February 25. He noticed that his certificate had been tampered with after \$50 was drawn from his account by the same man, William Wilson, on the 23d of February, through another postal-savings clerk, John G. Hohl.

In view of the facts stated and also the fact that Wilson, the man who made the withdrawal, has been found guilty and sentenced by the Federal court for his acts, your committee recommends that the claim embodied in H. R. 7524 should be allowed.

POST OFFICE DEPARTMENT,
Washington, D. C., February 11, 1926.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.

MY DEAR MR. UNDERHILL: With further reference to your letter of January 25, transmitting for report thereon bills H. R. 7523 and 7524 for the relief of John G. Hohl and Neil Mullane, postal clerks of the Detroit, Mich., post office, I am pleased to furnish for the information of the Committee on Claims, without commendation as to the merits of the claims, the attached copies of the reports of Post Office Inspector E. E. Fraser, dated June 18 and August 15, 1924, covering in detail all the essential facts relating to these cases.

The Director Bureau of the Budget, has advised that the report herein made in this case will not conflict with the financial program of the President.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

POST OFFICE DEPARTMENT,
Detroit, Mich., August 15, 1924.

Case No. 127058-C.

Subject: Detroit, Mich. Erroneous payment of postal-savings certificates.

INSPECTOR IN CHARGE, *Chicago, Ill.:*

The above-numbered case returned herewith relates to the erroneous payment February 8, 1924, by Clerk Neil Mullane, Detroit, Mich., post office, of \$50 on postal-savings certificate No. 136114, issued for \$200, to Simeon Smith, depositor No. 73782, \$50 being paid on the certificate, and certificate No. 205036 for \$100, and certificate No. 17311 for \$50 were issued in lieu of certificate No. 136114, the payment being made to one William Wilson, who had stolen certificate No. 136114 from Simeon Smith.

On February 23, 1924, William Wilson presented certificate No. G205036, issued to Simeon Smith for \$100, and requested payment thereon of \$50, which was paid to him by Clerk J. H. Hohl, who issued certificate No. 17503 in lieu of certificate No. G205036. After the payment in this instance, and after Wilson had left the office, Clerk Hohl discovered that the indorsement on the certificate was a forgery, the result being that Wilson was later apprehended and convicted, and on April 18, 1924, he was sentenced to two years' imprisonment in the Federal penitentiary at Atlanta, Ga., full particulars regarding his arrest being set forth in special report dated February 28, 1924.

Under date of June 18, 1924, report was submitted, same being in the files, covering the action taken in regard to making collection of \$50 each from Clerks Neil Mullane and J. H. Hohl, who refused payments on grounds set forth in their letters in answer to the demand for payment, which are in the files. The case was referred to the department for review and such further action as the case demanded, and under date of July 2, 1924, the case was returned with letter from the Third Assistant containing the instructions to proceed with the collection of \$100 to satisfy the shortage in postal-savings account at Detroit, Mich., occasioned by the negligence of the clerks.

On the 14th instant collection of \$50 each from Clerks Mullane and Hohl was made, and same was deposited with the postmaster at Detroit, Mich., to be credited to his postal-savings account.

In the letter of the Third Assistant attention is called to the possibility of collusion existing between the depositor and the imposter. This feature of the case was thoroughly investigated in the first instance, and there is absolutely no basis for suspicion that collusion existed, as the certificates were stolen and not discovered by the depositor until after the forgeries had been committed.

Simeon Smith, the depositor, is an illiterate negro, who had let Wilson room with him. In the course of their associations Smith had told Wilson his family history, so that he was able to answer all questions necessary for identification. Smith kept his certificates of deposit in an envelope in his coat pocket which was hanging up in his room, and Wilson knew where they were kept, so it was an easy matter for him to take out a certificate and draw part of the amount and place the certificates in lieu of the stolen one in Smith's envelope with the others. When Wilson was arrested and arraigned before the United States commissioner he plead not guilty, but when arraigned in court on his indictment he plead

guilty and received his sentence. The clerks involved are and have been from the first investigation satisfied that no collusion existed. Forms 553 and 574 to the chief inspector, and duplicate Forms 553 herewith, and it is recommended that the case be closed.

E. E. FRASER, *Post Office Inspector.*

OFFICE OF THE INSPECTOR,
Detroit, Mich., June 18, 1924.

Case 127058-C, special.

Subject: Detroit, Mich. Wrong payment of postal-savings certificates.

INSPECTOR IN CHARGE, *Chicago, Ill.:*

Under date of February 28, 1924, special report was submitted regarding the arrest of one William Wilson for forgery of signatures on postal-savings certificates stolen from Simeon Smith, depositor No. 73782, Detroit, Mich., the certificate being stolen from the coat pocket of Smith, whose coat was hanging in his room which William Wilson occupied with him, and had learned from Smith his family history, such as age, place of birth, names of father and mother, so that he was able to answer all questions necessary for identification.

On February 8, 1924, Wilson presented at the postal-savings window at Detroit certificate No. 136414 for \$200, and requested payment of \$50 thereon. Clerk Neil Mullane was the clerk to whom the certificate was presented, who, after asking the usual questions and having the certificate indorsed by the supposed Smith, the depositor, paid \$50 and issued certificate No. 205036 for \$100 and certificate No. 17311 for \$50 in lieu of certificate No. 136414 for \$200.

It is evident that Clerk Mullane did not exercise proper care in comparing the signature written on the certificate by William Wilson and that of Simeon Smith on his card form P. S. 600. He claims that he had Wilson rewrite the signature in his presence. It will be noted that there are three signatures on certificate 136414, and Clerk Mullane claims that two of the signatures were on the certificate when it was presented and he had Wilson rewrite it, so that the signature written in the presence of Clerk Mullane was the third signature on the certificate, and none of the three signatures compare in any way with the signature of Simeon Smith written by him on form P. S. 600, and in my opinion there could be no excuse for any person who is in any way familiar with handwriting to pay out money on such signatures as appear on the certificate when he has the true signature before him for comparison.

On June 12, 1924, the following demand was made upon Clerk Mullane for \$50 on account of the wrong payment of that amount on certificate 136414:

"On February 8, 1924, you paid out \$50 on certificate No. 136414, for \$200, issued to one Simeon Smith, the certificate being presented by one William Wilson, who you state was able to answer all of the necessary identification questions, but proper attention was not given the signature of Simeon Smith which was written by Wilson, and which had no resemblance to the signature of Simeon Smith, the true depositor, and for the wrong payment of above certificate, it becomes necessary for me to make demand upon you for the sum of \$50 for which upon payment of same you will be given proper receipt."

On June 14, 1924, the following reply was received:

"In reply to your letter of the 12th instant, regarding wrong payment of postal-savings certificate No. 136414, in amount \$200, account No. 73782, on February 8, 1924, when certificate was presented for payment and \$50 drawn from same, I desire to submit the following facts and circumstances in protest of claim you now make upon me for the \$50.

"This matter did not develop until February 25, 1924, when Simeon Smith, the depositor, came to the office and said someone had drawn his money. This was after a transaction on February 23 when \$50 was paid out of a \$100 certificate by John G. Hohl. The man Wilson was arrested and convicted on account of the transaction of February 23. I was not called upon to testify against Wilson for the reason that I could not remember the men.

"When the certificate was presented to me on February 8, I had the man rewrite the signature in my presence and to me the signature appeared to be all right. The finger print under present method was not available at that time. The person who presented and signed the certificate had all the personal facts used for identification. Simeon Smith, the depositor, has a very pronounced case of stammering which was noted on our form P. S. 600, and the man whom I paid affected this peculiarity of speech.

"Form P. S. 600 will show a withdrawal of \$200 out of \$50 on February 13. This \$50 certificate was one that I issued to Simeon Smith's account on February 8, and Smith admits making the withdrawal on the 13. Smith also made a deposit of \$45 on February 18, himself. These transactions and the extensions thereof are shown on the depositor's record P. S. 301, which was also presented on each occasion, yet Smith fails to notice that transaction of February 8 until after the one on February 23.

"Under the circumstances I do not believe I should be held responsible for the wrong payment of \$50 on February 8, if it is decided a wrong payment was made at that time."

It will be noted that Clerk Mullane assumes the position that he should not be held responsible for the reason that Wilson was able to answer the questions, and Simeon Smith had failed to notice the transactions. Smith is rather illiterate, he is a Jamaica negro, and he had paid no attention to his certificates until his attention was called to them after Wilson had presented the second certificate.

On February 23, 1924, William Wilson presented certificate G-205036 for \$100, issued to Simeon Smith, and requested payment of \$50 on same. In this instance Clerk John G. Hohl was on duty at the paying window and the supposed Simeon Smith being able to answer all questions as in the previous case, Clerk Hohl paid \$50 and issued certificate No. 17503 for \$50 in lieu of certificate G-205036. Clerk Hohl claims that after payment was made he placed the certificate face down in the cash drawer and on doing so he noticed the name "Smith," and after reexamination he laid it aside until his tour of duty ended and then sent a card to Simeon Smith to come in and resignature the certificate, and when Smith came it was discovered that the signature was a forgery and Smith immediately suspected Wilson, whose apprehension and conviction followed.

In the case of Clerk Hohl he could have no reasonable excuse for cashing the certificate on the signature it bore, as there is not the slightest resemblance to the signature of Simeon Smith, but he attempts to place the responsibility upon Smith. As in the case of Clerk Mullane, demand was made by letter as follows:

"On February 23, 1924, you paid out \$50 on certificate G-205036 for \$100, which was issued to one Simeon Smith, the certificate being presented by one William Wilson, who, you state, was able to answer all of the necessary identification questions, but proper attention was not given the signature of Simeon Smith which was written by Wilson, and which had no resemblance to the signature of Simeon Smith, the true depositor, and for the wrong payment of above certificate it becomes necessary for me to make demand upon you for the sum of \$50 for which upon payment of same you will be given proper receipt."

Under date of June 14, 1924, the following reply was received:

"In answer to your letter dated June 12, in which there is demand made on me for the payment of \$50 in lieu of erroneous payment made by myself to one William Wilson on postal-savings certificate G-205036, which was issued in the name of Simeon Smith and was presented for partial payment by the aforesaid William Wilson, who represented himself as the true depositor.

"In view of the extenuating circumstances which enter into this case, I believe my protest of this demand is justified upon the following counts:

"First. That Simeon Smith confided to the said William Wilson (who roomed with him) the personal facts given in his application card P. S. Form 600, namely, his birthplace, date of birth, father's and mother's names.

"Second. That Simeon Smith left his certificates of deposit in a conspicuous place where Wilson was able to take them and replace them at his convenience (this being contrary to the instructions printed on depositor's card P. S. Form 301, which states that certificates must be carefully kept).

"Third. That Wilson obtained \$50 on certificates H-136414, on February 8, he replaced the depositor's book, P. S. Form 300, containing the certificates back in their room, after which Smith made a withdrawal entry deposit on his account and says he did not notice that Wilson had signed his name (Smith) on several of the certificates contained therein.

"On February 23 Wilson presented certificate G-205036, answered all personal questions which are used for the purpose of identification very promptly, and mentioned that he only desired to withdraw \$50, upon which certificate F-17503 was issued and the \$50 cash given him, having satisfied myself as to his identity with his prompt answered replies to all the test questions as required on P. S. Form 600.

"After Wilson left my window I placed the certificate face down as customary into the cash drawer, and on doing so noticed the name "Smith" upon reexamination was hastily made (as usually is the case a colored depositor's signature is

very hard to identify as they never write twice alike because of the lack of schooling) being very busy (it being Saturday and the day after a holiday) I laid it aside and at the close of my tour of window duty sent a card to Smith for resignation of this certificate. Upon receipt of this card Smith came to the office, made known his losses, and immediately accused Wilson, whom I identified later as the person who represented Smith and who is now serving a sentence for this forgery.

"In view of the facts mentioned herein I do believe that Smith is greatly to blame for confiding to Wilson (whom he knew had a criminal record) the personal facts which he knew full well would have to be answered to obtain money from his postal-savings account. Under similar circumstances I believe that I would be prompted to pay a personal postal savings deposits, also because Wilson was inclined to stutter, like Smith.

"I earnestly believe Simeon Smith is directly responsible for the commitment of forgery on his account on my first count, coupled with his knowledge of the fact that he knew this fellow Wilson had a criminal record and could not be trusted."

The two certificates and Forms P. S. 600, and statements of Clerks Mullane and Hohl are submitted for the information of the department. The post office at Detroit has been debited for the amount paid on the forgeries for which Clerks Neil, Mullane, and John G. Hohl are responsible, and as they have refused to make adjustment, it is recommended that the case be referred to the office of the chief inspector for review and such further action as may be deemed necessary. No disciplinary action has been taken against the clerks.

E. E. FRASER, *Post Office Inspector.*

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REEL MILLAGE

very early in the morning, the first of the day, the weather was very fine, and the sun was shining brightly. I had been told that the weather would be good, and I was not disappointed. The first of the day, the weather was very fine, and the sun was shining brightly. I had been told that the weather would be good, and I was not disappointed. The first of the day, the weather was very fine, and the sun was shining brightly. I had been told that the weather would be good, and I was not disappointed.

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