SUNDAY MORNING GLOBE.

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MOST INFAMOUS

Is the Treatment Accorded Daniel Oberly an Ex-Soldier

BY COMMISSIONER EVANS.

The Case of a Soldier Paralyzed by a Bullet Wound in the Neck Living in the Washington Alms House Because Justice is Denied Him and His Well-Earned Pension Held Up—A Comprehensive Statement in a Petition to Congress.

The case of Daniel Oberly is at once one of the most remarkable and the most glaring exhibition of injustice towards a helpless soldier which has so far come to the knowledge of the Sunday Morning Globe. Poor Oberly has had drafted a petition, which he proposes presenting to the Congress at its incoming session. Here it is:

"To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Daniel Oberly, whose postoffice address is the Almshouse Hospital, Washington, District of Columbia, respectfully represents that during the Civil War he served in Company E, 84th Pennsylvania Volunteer Infantry; that he incurred a gunshot wound of the neck through the treachea and oesophagus, interfering with deglutition and speech; that from time of occurrence of the wound up to the present he has never been able to perform a day's work or partake of solid foods, and that for the past 28 years he has been paralyzed, and for almost 20 years of that period he has been unable to lift either hand to his head. More than 30 physicians, whose statements are on file in the Bureau of Pensions, have pronounced his parlysis to be the result of the wound of neck, but this mass of testimony is negatived by the alleged opinion of the heretical referee, who holds that the paralysis is not the result of the wound and that he is unable to determine what produced it.

In 1872, the Bureau of Pensions accepted paralysis as the result of the wound of neck, and continued to do so up to about 1886, when it was held to be the result of syphillis, but it being subsequently established that such holding was erroneous, the present administration of the Department of the Interior refused to restore me to the rolls upon the ground that I committed fraud in the manner above described, and that my pension of $30 per month should be retained to reimburse the Government for money paid to me as increase of pension. Each increase of pension that I ever received was after the most thorough and exhaustive medical examination by Bureau examining surgeons, and in each instance my paralysis was pronounced genuine and the result of my wound of neck.

Physicians in the District of Columbia and elsewhere have testified to the frightful character of my wound; that my survival was miraculous; that recovery would hardly occur in more than one out of ten thousand similar wounds.

The Secretary of the Interior declines to reconsider my case, and I believe for no other reason than because of the amount of money involved in it, leaving me no other opportunity for relief and justice than an appeal to Congress. My claim is an honest one, but for more than 14 years I have been deprived of the pension the records of the War Department and evidence before the Bureau of Pensions show me lawfully entitled to and denied payment of it because the amount unlawfully retained from me has reached a sum that the Bureau and the Department of the Interior seems to think I should not have because of the suspicion I would not handle it properly.

As evidence of the feeling of the Commissioner in the matter, I quote from his report of 1898, page 18.

"In a report recently made by one of the efficient special examiners of this Bureau, where the pensioner will get, as a first payment, about $4,500, the examiner sums up the case with the suggestion that the man would be better with a small pension than a large one; that if he gets much it will be dissipated and go to those who never served the cause of the Government and bring trouble upon the pensioner and those dependent upon him."

I respectfully submit to your honorable body that I presented my life in defense of the Government; that in so doing I was wounded nigh unto death; that since my discharge from the service I have never been able to earn a dollar, being a helpless cripple the greater portion of the time; that I have never committed fraud in obtaining any pension or increase of pension granted me, and I believe I am now being deprived of the pension heretofore granted me because of the desire of the Commissioner of Pension and the Secretary of the Interior to economize and reduce pension payments regardless of right and justice.

I, therefore, charge that I am being unlawfully deprived of the pension due me; that it is due to opposition on the part of the Commissioner of Pensions and the Secretary of the Interior to refunding to me the large sum that has been unlawfully retained and accrued during the past 14 years, and for the purpose of sustaining their action they set up a charge of fraud, alleging that I simulated parlysis while the testimony of more than 30 physicians show it to be genuine.

I charge further that in their efforts to sustain the accusation of fraud they perverted testimony favorable to me and that material facts in my favor were purposedly ignored or obscured.

In support of the correctness of my plea to your honorable body and the charges made therein, I quote from the report of Special Examiner Harmsberger made in 1898.

"It may be presumption on my part to mention anything about the merits of the case, but I see no justice in the Government recouping the soldier's pension on account of fraud, there being no fraud on the part of the pensioner, either expressed or implied, misrepresentation or otherwise."

Reconsideration of my case being denied by the Secretary of the Inerior leaves me no other course than to appeal to your honorable body, asking that you investigate the action of the Commissioner of Pensions and the Secretary of the Interior in withholding my pension and denying me restoration to the pension rolls.

As proof that reconsideration has been refused me, I submit the appended letter marked "A," in which it will also be noted that the Secretary recommended relief by special act of Congress. Why? Because relief so granted would begin with date of approval of the act and relieve the Department from paying the arrears due. Such recommendation, however, was not made by the Secretary without recognizing some merit in my case.

I am not looking for sympathy, but simple justice, and if I have ever obtained one penny pension money by fraud I have no desire to evade the consequences of such an act, but I repeat there is not a single particle of evidence in possession of the Government showing me guilty of or a party to fraud.

I am a helpless paralytic, made so by my service to my country, and now a pauper in an almshouse hospital beneath and within sight of the dome of the capitol I gave my life-blood to save, without means and consequently with but few friends, unable to feed or clothe myself, and for more than 30 years a sufferer of indescribable torture, and for the past 14 years a pauper, made so by the action of the Bureau of Pensions.

My only hope for relief is through your honorable body, and I trust and pray it will not be denied.

Very respectfully,

DANIEL OBERLY,

Late private Co. E, 84th Pa. Vols.

Certificate No. 91,855."

The appended lecture before the Medical Academy of Cincinnati, Ohio, in 1897, of which Oberly was the subject, bears out the allegations of the petition:

"This subject was a soldier in the Union army during the War of the Rebellion. He received a musket bullet in the neck, which injured the vertebral column of the laryngotrochial tubes and large blood vessels of the oesophagus, sternum, and scapular.

"The synovitic membrane and tendons of muscles of lower limbs; in fact, all the continuities of both the pneumogastric and sympathetic nerves are affected. He lost his speech and sense of taste, and partly the sense of sound. His jaws are partly locked. His legs take a triple twist during locomotion. Food has to be frequently forced by pump into his stomach.

QUESTION: What is the explanation of this marvel?

THE CHAIR: I hold that the remarkable and lamentable condition of this invalid is not a psychological mystery. I hold the subject's condition of paralysis of right side and both arms, shoulders, neck and throat is the direct result of a gunshot wound of the neck. There is absolutely no evidence of syphillis, on which account the Government denies him a pension, and I claim the Government to be entirely unable to harmonize with known facts and justify a prognosis of a more encapalis character, complicated by traumatism of the neighboring parts of the chest and the upper limbs, and is not in line with expert medical knowledge and decidedly dangerous to perfect standard of law.

QUESTION: What effect has this condition on his mind?

THE CHAIR: He knows all the news and much history. In a whisper he can converse about the greatest events of the world. His remarks are both instructive and entertaining, and he is of sound judgment in business matters."

WHO IS RUNNING THINGS?

The Mail Bag Repair Shop Employes Kept at Work Against Orders.

EDITOR SUNDAY GLOBE:

Wm. B. Severe, superintendent of the mail bag shop, Postoffice Department, ordered the employes of his Department to report and work Wednesday, Sept. 18, while our brave President lay dead at his house, disregarding the President's order to close the Executive Departments.

Severe has reduced the pay of poor soldiers' widows and others to less than 60 cents a day, also all mechanics who will not board at his house or join his Maryland club, are put on piecework and receive less than laborers pay. If they protest they are reported to the Department for discharge. The Department should not put such a man over 400 employes, he drawing $1,800 per annum, and his father $3 per day. Congress should take action on this matter if no one else will.

A SUFFERER.

MRS. G—'S CASE.

Persecution and Discharge of a Refined Southern Lady

IN CASTLE'S DEPARTMENT

While Nursing a Sick Daughter Castle and Johnson Concocted a Scheme to Give Her Place to One of Their Favorite "Pets" and Had Her Dismissed the Service—Her Distressed Condition.

The case of Mrs. G., formerly a clerk in Sixth Auditor Castle's Department, is one which illustrates the unmanly and sneaking methods habitually put in operation in that Department, and especially in Big Chief Johnson's division, whenever the burly chief of the Siberians desires to get rid of an obnoxious clerk, male or female.

In view of the fact that President Roosevelt is "a strenuous" advocate of civil service and personally opposed to the misuse of that aristocratic law which chiefs and sub-chiefs of Departments have in the past utilized to place their friends and relatives in office and drive from the public service deserving and faithful employes, The Globe lays before him this case of Mrs. G. as a sample of the many in our possession, with the hope that under his Administration the men and women clerks and civil service employes of the Departments will be protected as the law provides.

Mrs. G. is a Southern lady and a Democrat. And therein was her offense against Castle and Johnson. In addition, she belonged to the very upper crust of Southern society, which takes no account of filthy lucre but gauges the worth and companionship of friends and acquaintances by their breeding and characters as ladies and gentlemen. Mrs. G.'s family had been rich slave-holders, and even after the war the remnants of a once princely fortune sufficed to raise and educate and surround with every refinement in the city of New Orleans, the children, of whom she was the youngest, of the former wealthy planter—her father.

Marrying at an early age, financial reverses overtook her husband, and to add to her distress and dependent condition, her husband broke down uner the strain, and after lingering to the exhaustion of their slender resources, he died and left his widow penniless, with a young daughter to provide for. Through the influence of friends who knew her in happier times, she secured a clerkship under the civil-service law in the Departments. Being a thoroughly accomplished woman, she found no difficulty in performing the clerical work assigned her, and she soon reconciled herself to her altered conditions, making the best of her situation and thankful enough that she had the opportunity to provide for and educate her young daughter.

In course of time Mrs. G.'s daughter developed into lovely girlhood, and trouble which need not be referred to in this article came again to add another vicissitude to the many she experienced in her life of less than 40 years. Constantly occupied in the Department or building up the shattered health of the daughter, Mrs. G. had very little time for society, but such leisure as she had was enjoyed in circles where neither her chief nor individuals of his class could find entree. In the very best circles of the professional class, both army and navy, Mrs. G. was an honored and ever-welcome guest, as among many of its highest members she was related by both blood and marriage.

Finally Mrs. G. found herself in Johnson's division of Castle's Department. At first, and before Johnson had attained to chief of division, she regarded the burly chief as the best friend of herself and other oppressed clerks. Johnson was a most insubordinate and "kicking" underling himself and was ever ready with his mouth to assail his superiors. All this was changed when he was promoted and made chief of a division, for which he has earned the title of the "Siberian," as clerks transferred to his charge regard themselves as "Sibernated," much after the manner of Russians sentenced to exile in Siberia. Mrs. G. managed to get along smoothly enough until her daughter's relapse and severe illness. She was compelled to absent herself frequently and use up her leave to wait upon the sick girl. After the last of these absences, she reported for duty and was assigned to work as usual. Supposing everything was right, she visited the disbursing clerk to see about her salary, then overdue. The clerk kindly informed her that he had the fatal slip which is usually sent in when a clerk is dropped. Mrs. G. immediately saw Johnson about it, and he disclaimed any knowledge of such a slip; positively told her she was not discharged, and that he had not recommended any such a thing. He ordered her to go to work, which she did for the time being. Later in the day she received positive information from a friend that she was dropped, whereupon Mrs. G. decided to see Mr. Castle himself. Castle denied knowing anything about it, and referred her to the Assistant Secretary of the Department, who orders the dismissals on the recommendations of the chiefs. Mrs. G. laid her case before this high official, and he very promptly and honestly showed her the paper, in which Johnson and Castle designated her for dismissal. She returned to Mr. Castle's office and inquired why he had recommended her discharge. Castle again referred her to Johnson and again repeated that he knew nothing about it, and had not ordered her discharge. Mrs. G. by this time knew better, but she reported to Johnson and informed him of what Castle and the Assistant Secretary said, whereupon the burly chief had the effrontery to state, "It is all a mistake. You go to work. I did not recommend your discharge. If you are discharged I have not been notified and know nothing about it."

Now, Mrs. G. had noticed on Johnson's desk the envelope with her name on it, which she knew contained the discharge. She went to her seat, and after a few minutes a messenger came from Johnson's office with this very envelope and laid it down in front of her.

Mrs. G. made the rounds again of Johnson, Castle, the disbursing clerk, and the Assistant Secretary. Nobody knew anything about it; all denied it, but here she was discharged. Of course, the recommendation or notification signed by Castle was on file, and this she read. She, therefore, knew that both Castle and Johnson were lying when they stated that they knew nothing about the matter. The fact of the matter was this, the low, mean, and unmanly advantage they had taken of this devoted mother, who was nursing her sick daughter back to health, even struck their blunted moral sensibilities as something more than ordinarily contemptible, but, of course, neither of them realized the full atrocity of such an infamous act.

Mrs. G., being a Democrat and a Southern lady of culture and refinement, constituted her great crime in the eyes of Castle and Johnson. She has resided in Washington since her discharge, and has suffered cold, privation, and even hunger, but her pride of birth and blood has prevented her from making her desperate condition known or soliciting aid from those who formerly knew and would relieve her. She is in a manner helpless, as, besides her slight physique, her early training in the South precluded any knowledge or ability on her part to earn a living by coarser labor than a clerical position. Even in her forlorn condition she is still an object of Johnson's persecution, for it will be remembered that a few weeks ago he "called down" or threatened a male clerk who was seen speaking to her on the street.

The Globe entertains a faint hope that under the administration of President Roosevelt some justice will be done Mrs. G., even if Castle and Johnson are not dismissed the service for this and numerous other violations of the letter and spirit of that civil-service law so dear to the heart of the one-time head of the Commission and who has been its consistent champion in his native State.

STRANGE VISITATION.

The Late Census Clerk, James Bayliss, Relates a Remarkable Story.

James Bayliss, a clerk in the Census Office, was discovered asphyxiated in his room, 229 First street N. W., Friday afternoon last. Mr. Bayliss has been a sufferer from lung trouble, and the week of his death had several very severe hemorrhages, which compelled him to take more than the usual quantity of whiskey to secure relief. While partly under the influence of the stimulant, he visited Jackson City and spent some time there. This is the story he tells in his own words:

"I returned home feeling better, and went to bed on Tuesday night. When I woke up Wednesday morning I found myself again in Jackson City, and while gazing around me in astonishment and wonder how I got back there a friend of my youth, whom I had not seen for over 20 years, drove up in a hack, and getting out, recognized me. Of course, we were glad to meet each other, and you may be sure we celebrated the event. He told me he had been on great journeys since he saw me last and that about a year ago he took a marvelous trip, from which he would never have returned except to see me and induce me to return with him. Of course, having had several drinks, I ascribed this excuse of his for returning to politeness or taffy, and thought nothing of it. If there was anything in it he would not have left me so abruptly when we reached Washington, he suddenly disappearing around the corner of the Avenue and Twelfth street.

I came home, and, feeling a little tired, went to bed. When I awakened the next morning I found myself in the country, and on inquiring where I was at was informed that my friend had left me there, promising to call for me Friday (to-morrow) morning, as we were to make a long trip together. I then walked about two miles to the nearest suburban line, and riding in, here I am. What do you think of the affair?"

"I think," said his friend, to whom he related the story on Thursday afternoon, "that you put more whiskey than oil in your medicine and that you dreamed these things."

"That might be if I was in any way intoxicated, but I was as sober as I am now, and I can take you to the places where I have been and even prove the Jackson City matter by the hackman, whom I know well."

"Well, we will see the hackman tomorrow, if your friend fails to call and find out where he is stopping at."

"O, by the way, he did tell me he was living in his Father's Mansion, but I didn't think of inquiring or don't remember if I did, what street it is on or how his father, who is over 80, came to be in Washington."

This conversation, as stated, took place Thursday afternoon on the steps of his boarding house, and Mr. Bayliss, sure enough, went on a long journey the next day with the friend who called for him, and who has been dead, it was subsequently ascertained, for over a year. Mr. Bayliss comes of a wealthy family in Ohio; his brother conducts the hotel at Massillon, Ohio, and himself at one time owned the farm next to the late President McKinley, near Canton.

Mr. Bayliss was 45 years of age, and was a magnificent specimen of manhood until attacked with consumption. He was very popular with his fellow clerks of the Census, but grieved much because of separation from his wife owing to some domestic trouble. His remains were sent to Ohio last evening for interment, after Coroner Nevitt had held an inquest and issued his certificate of death from accident. The floral tributes of the Census clerks were elaborate and tasteful.

THE WAR DEPARTMENT

Doing Its Level Best to Smother the Hawkes-Heistand Case.

The time has come for action on the part of the sub-court of the military court of the Senate in the case of Col. H. O. S. Heistand and others said to have been connected with him in the now famous hemp scandal. Up to the present time, after the lapse of more than seven months since the passage of Senate resolution directing the investigation of the charges against Col. H. O. S. Heistand, and incidentally against his alleged associates—Corbin, Meiklejohn, Allen and Boyd—nothing has been done, and not even a copy of Heistand's answer can be obtained from the War Department or from the chairman of the military committee. In fact, there seems to be a determination on the part of the Government to keep as much as possible from the public of this case of Colonel Heistand and associates.

The Star published an interview with Secretary Root, in which grave charges were made against Major Hawks, and the major immediately quoted the article in a communication to Secretary Root, asking that the Honorable Secretary deny or affirm the statement published. No denial having been made in a reasonable time, Major Hawks sued the Washington Evening Star for $50,000, which suit is now on the calendar for trial the coming term.

If Secretary Root did make the statement as published in The Star, the records of his own office shows conclusively that what he said could not have been true (as the order for revocation of the appointment of Major Hawks as Inspector of Customs was dated May 5th, while Major Hawks did not reach the place of assignment until May 7th, two days later. How could he have made corrupt use of his official position?), and if he did not make the statement to The Star reporter, why would he not deny it at once when asked? But no; he allows an article to be published purporting to be from him, which assassinates the character of a man with an honorable record in the army, and as a citizen throws him out of employment 10,000 miles from home, without pay, allowances or transportation, and he Secretary of War of this great country.

Will Secretary of War Root be continued in the Cabinet of President Rosevelt, who has the reputation of being a just and honest man?

FAIR PLAY.

Since the foregoing was put in type the following item appeared in Saturday's Post, which indicates that President Roosevelt is taking hold in his good old New York style when police commissioner:

"Senators Proctor, Cockrell, and Harris, of the Military Committee, were at the War Department yesterday making preliminary arrangements for the meeting of the committee next Friday, to begin the investigation ordered in the case of Lieut. Col. Heistand, regarding his connection with a Manila hemp company."

SHE FELL DOWN

Writing for the Mirror and Threatening to Close Up Department.

"There was a lady clerk in one of the Government Departments recently dismissed for reporting items reflecting on her Department to The Mirror."

"What's her name?"

"Well, we will call her Mrs. Smith. She is not long married and is her hubby's second wife. I heard her discussed by two of her former lady fellow clerks, and it was rich."

"What did they say?"

"Oh! e-v-e-r-y-t-h-i-n-g women say about each other. But her dismissal came about through her penchant for 'roasting' her department."

"How did the officials know it was her?"

"Her mouth. She would make statements which subsequently appeared in The Mirror, and then deny them when it was not even suspicioned that she wrote them. This went on until everybody caught on. She was insubordinate, too; had a great pull, and even threatened dire things if she was dismissed. So far the Department runs on in the even tenor of its way and no earthquake has taken place. She proposes, however, when Congress meets, to stop any appropriation for the Department in question, and then the whole outfit will go out of business and the place will be closed up. You have no idea, Mr. Globe, of the 'nerve' this particular brand of female clerk with a pull or 'influence.' But in the Department in question female 'influence' is at a discount and the employes are required to render an equivalent for their salaries. And I wish it was that way in all the Government Departments," sighed The Globe's informant, as he turned into the Bijou for recreation.

THE YOUNGEST PRESIDENT.

THEODORE ROOSEVELT, forty-three years of age. Police Commissioner, Civil Service Commissioner, Assistant Secretary of the Navy, Governor of New York, and President of the United States. Father of six children and twice married.