

EDUCATION OF PERSIAN STUDENTS AND INDEMNITY
FOR MRS. KATHERINE GILLESPIE IMBRIE

APRIL 26, 1926.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. LINTHICUM, from the Committee on Foreign Affairs, submitted
the following

REPORT

[To accompany H. J. Res. 154]

The Committee on Foreign Affairs, to which was referred H. J. Res. 154, authorizing the expenditure of certain funds paid to the United States by the Persian Government, having considered the same, reports it to the House herewith, with the recommendation that it do pass with the following amendments:

Page 2, line 4, strike out "\$40,000" and insert in lieu thereof "\$25,000."

Line 5, after the word "as" strike out the word "additional" and all the language appearing on lines 6, 7, and 8.

Line 11, after the figures "1924" strike out all language on said line and also on line 12.

After line 12 insert new subsection as follows:

(b) The Secretary of the Treasury is hereby authorized to expend the sum of \$85,000 for the education in the United States of Persian students, said sums to be dispensed by the Secretary of State.

The committee submits herewith copy of letter received from the Secretary of State, dated January 30, 1926, also letter addressed by the Secretary of State to the President regarding the disposition of the reparation by the Persian Government for the death of Vice Consul Imbrie at Teheran on July 18, 1924, statement made in behalf of Mrs. Imbrie and a short résumé of salient points of the case.

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DEPARTMENT OF STATE,
Washington, January 30, 1926.

HON. STEPHEN G. PORTER,
Chairman Committee on Foreign Affairs, House of Representatives.

MY DEAR MR. PORTER: I have received your letter of January 20, 1926, requesting a statement of the department's attitude with regard to H. J. Res. 111,¹ introduced on January 9 by you in the House and providing for the expenditure of certain funds received from the Persian Government for the education in the United States of Persian students.

In reply I beg to state that this proposal meets with the entire approval of the department. For reasons fully outlined in my letter of January 5, 1926, addressed to the President, a copy of which is herewith inclosed, which, as you may recall, was submitted to the Congress with the President's message, I am convinced that the present measure, if approved, will serve to promote a closer relationship and a better understanding between the peoples of this country and Persia and will be consistent with the policy already sanctioned by the Congress with respect to the remission of the Boxer indemnity for purposes of education. I may add further that in my opinion the establishment of the education fund now under consideration may have far-reaching effects of a beneficial character on American interests in Persia and the Near East.

Should you desire at any time during the hearings on this matter in the Committee on Foreign Affairs a fuller statement of the motives which prompted this Government to suggest to Persia the establishment of the Trenton fund, the department would be happy to be represented.

I am, my dear Mr. Porter, sincerely yours,

FRANK B. KELLOGG.

LETTER ADDRESSED BY THE SECRETARY OF STATE TO THE PRESIDENT REGARDING THE DISPOSITION OF THE REPARATION BY THE PERSIAN GOVERNMENT FOR THE DEATH OF VICE CONSUL IMBRIE AT TEHERAN, ON JULY 18, 1924

DEPARTMENT OF STATE,
January 6, 1926.

THE PRESIDENT: You will recall that, in a communication of February 18, 1925, my predecessor suggested that you might desire to request of Congress authorization to utilize for the education, in this country, of Persian students, funds in a sum not to exceed \$110,000, which the Persian Government had agreed to pay, and had then in part paid, to this Government in reimbursement of the cost of sending to Persia the U. S. S. *Trenton* to bring to the United States the body of Vice Consul Imbrie, who was killed in Teheran on July 18, 1924.

On February 19, 1925, as you will remember, your message embodying this proposal was read in both Houses of Congress and referred to the respective Committees on Foreign Relations, and, on the following day, House Joint Resolution 365 to authorize the expenditure in question "as an act of friendship to the Persian people and Government" was introduced.

On March 2 this resolution was adopted by the House of Representatives, but, due to the near termination of the Sixty-eighth Congress, the Senate did not have an opportunity to take action on the resolution prior to its adjournment on March 4, last.

In bringing this matter again to your attention, I desire briefly to review the reparation which the Persian Government had made for Vice Consul Imbrie's death before the question of using the *Trenton* fund for educational purposes was broached.

This Government's representations contained in its note of July 26, 1924, addressed to the Persian Government, included the following demands:

- (1) Indemnity for Vice Consul Imbrie's wife.
- (2) Payment of the expenses of dispatching the U. S. S. *Trenton* to Persia.
- (3) Rendering of all suitable honors in connection with the return of the body of Vice Consul Imbrie.
- (4) Adequate punishment of the guilty.
- (5) Indemnity for Melvin Seymour, an American who was injured at the time of the killing of Vice Consul Imbrie.

¹ Subsequently, on February 5, 1926, resolution (H. J. Res. 154) was introduced by Mr. Gifford. On this resolution the Committee on Foreign Affairs conducted hearings and makes its report.

The Persian Government, on July 29, 1924, agreed to these demands in full. It promptly paid the indemnity of \$60,000 which this Government demanded for Mrs. Imbrie, this total having been fixed after a very careful examination of precedents consistently followed by this Government. This sum was paid over to Mrs. Imbrie on November 24, 1924. The Persian Government also paid \$3,000 to Seymour for injuries he received at the time of the attack.

Furthermore, the Persian Government accorded all honors to the body of Vice Consul Imbrie, including a guard of honor headed by eight officers, one a general, while on Persian and Mesopotamian soil, rendered the first salute to the U. S. S. *Trenton* upon her arrival in a Persian port, and paid the expenses incident to the transportation to that port of Vice Consul Imbrie's body.

In order to carry out the fourth demand of this Government, namely, the adequate punishment of the guilty, the Persian Government, having proclaimed martial law, at once ordered the establishment of a special tribunal for the purposes of prosecuting and punishing the guilty. This tribunal, proceeding under Articles II and IV of the Law of Martial Government, on July 30, 1924, condemned to death three persons found guilty of direct responsibility for the death of Vice Consul Imbrie. The first of these, Morteza, was duly executed on October 2 and a month later the death sentences in the case of the other two namely, Seyid Hossein and Ali Reshti, were carried out. The tribunal furthermore executed some 30 other sentences handed down in the cases of persons found guilty of varying degrees of participation in or responsibility for the aforementioned assault.

Subsequent to the action taken by the Persian authorities in satisfying fully the first, third, fourth, and fifth demands cited above, it was suggested to the Persian Government that the undertaking of that Government with respect to the second demand, namely, the payment of the cost of dispatching the *Trenton* to Persia, the amount of which had by then been ascertained to be \$110,000, might be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States and that the arrangements with respect thereto could be later determined. This action was taken, you will recall, with a view to promoting a closer relationship and a better understanding between the peoples of the two countries.

On December 15, 1924, the Persian Government replied expressing appreciation of the suggestion which this Government had made and stating that instructions had been given for the payment of the sum in question in any manner that might be feasible. The first payment was made on December 24, 1924, to the American chargé d'affaires at Teheran, and by March 29, 1925, the Persian Government had paid over to him the entire sum of \$110,000, which was remitted to Washington, where it was deposited in the Treasury pending a decision of the Congress as to its final disposition.

In view of the receipt in full of these funds and the circumstances attending their payment to this Government, as outlined above, I believe that you may desire again to present the matter to Congress and to request appropriate authorization to devote the funds received on this account from the Persian Government, in a sum not to exceed \$110,000, for the general purpose of the education in this country of Persian students under conditions to be formulated by the President or by the Secretary of State, in the discretion of the President.

Respectfully submitted.

FRANK B. KELLOGG.

STATEMENT IN BEHALF OF MRS. IMBRIE

Katherine Gillespie Imbrie, with confidence that the right and justness of her cause will prevail, respectfully submits the following plain statement of facts upon which she bases her claim for equitable relief in the nature of adequate compensatory damages for the violent, wrongful death of her husband, Robert Whitney Imbrie, vice consul of the United States of America, at the hands of an unprovoked mob, while on active duty at Teheran, Persia, July 18, 1924; and for the ensuing physical and mental suffering and anguish and loss to herself directly caused thereby and resulting therefrom and from a personal attack on herself at Teheran, Persia, July 23, 1924.

BIOGRAPHICAL SKETCH

Robert Whitney Imbrie was born in Washington, D. C., April 23, 1883. He was graduated from George Washington University in 1905, and received the degree of Master of Laws from Yale University in 1906.

He was engaged in the practice of law from this time until 1914, with the exception of the year 1911, during which he was attached to the Garner Scientific and Exploring Expedition to the African Congo.

At the outbreak of the World War in 1914 he joined the American Ambulance Corps, brigaded with the French Army, serving in various active sectors in the early part of the war, including the siege of Verdun in 1916. In this connection, he is the author of a book entitled "Behind the Wheel of a War Ambulance," published by the Robert M. McBride Co. of New York in 1918. Volunteering for the French oriental expedition, based at Saloniki; later he was stricken with fever and returned to the United States.

In August, 1917, he was appointed vice consul of the United States at Petrograd, serving there and at other near-by points in northern Russia. In December, 1919, he was sent to Viborg, Finland, on the Russian border, whence he was assigned to Constantinople in the autumn of 1920.

He was married December 26, 1922, at Constantinople to Miss Katherine Gillespie of Boston, Mass., when she was directing the Near East Relief Orphanage at that place, also acting as intermediary between the Near East Relief and the Angora Government.

While on the Constantinople assignment, Major Imbrie was detailed to Angora, the seat of the Turkish Nationalist Government, for many months, and was a special delegate of the United States to the Lausanne conference, 1923. He was assigned as vice consul to Persia, arriving at Teheran in the spring of 1924.

Major Imbrie was an author and lecturer; a fellow of the Royal Geographical Society of England; and had received 10 decorations from foreign governments.

On the morning of July 18, 1924, at about the hour of noon, Robert Whitney Imbrie, vice consul of the United States of America at Teheran, Persia, who occupied the post of consul general at the time, was butchered to death by an unprovoked mob in that capital under circumstances of the most diabolical and revolting nature.

A copy to the post-mortem report of Dr. H. P. Packard, in charge of the American hospital at Teheran, who attended Imbrie, discloses in detail the ghastly wounds about the head, face, and hands, and the contusions and lacerations present over most of his body, which showed more than 138 wounds, many of them clean cuts which could only have been produced by a sword or other sharp-edged instrument.

Major Imbrie was attacked first on the street in front of military barracks housing the Pahlevi regiment of the Persian Army, commanded by a Col. Hassan Agha. The carriage in which he was riding was first halted by a Persian secret police officer on motor cycle, and the first blows were struck by a colonel of a Persian Cossack regiment. The mob followed him later into the Persian police headquarters and hospital, a short distance away, where Major Imbrie had taken refuge, tearing tiles from the floor of the operating room to inflict a number of jagged additional wounds upon his body, several of them stripping the scalp from the skull.

In spite of his terrible wounds and suffering, Major Imbrie retained consciousness to the last, his only expressed thoughts being of his work for our Government, for the safety of his wife, and directing that a double guard be placed about the hospital to prevent a reentry of his murderers. With ebbing life blood and weakening powers, his spirit was unconquerable, and he made no outcry or complaint. He collapsed and died about an hour after his wounds were dressed, or about 3 p. m., July 18, 1924.

Upon receiving word from a Persian servant of Dr. H. P. Packard, who witnessed the attack and who notified the American consulate and Doctor Packard that Major Imbrie had been attacked by a mob, his wife, Mrs. Katherine G. Imbrie, with Doctor Packard and the native Persian clerk of the American consulate, a Mr. Bethlian, made haste to the Persian police headquarters and hospital.

After some difficulty with the police, who at first refused the party admittance, Mrs. Imbrie (who obtained entrance by avoiding the guard and going through the garden of the hospital—and Doctor Packard a little later, after arguing with the guard) reached the operating room, where a badly confused Persian doctor was attempting to dress the mutilated body of the vice consul.

After a few moment's view of this terrible scene, Mrs. Imbrie was forced from the operating room of the hospital, and Doctor Packard started to stanch the flow of blood and dress the wounds of the injured man, assuring him that Mrs. Imbrie (who had not spoken to her husband) was safe and would be awaiting him outside of the operating room.

Other physicians arrived soon, and after a short time, as Mrs. Imbrie's physical condition was not such that she could stay at the hospital, upon instructions of Doctor Packard she returned to the consulate; but, after telephoning and learning that Major Imbrie's condition was desperate, she immediately returned to the hospital. In the interim, however, Major Imbrie had died. Mrs. Imbrie was then ordered back to the American consulate.

On July 22, 1924, four days after the murder of the vice consul, while waiting in an automobile outside of the office of a Persian physician, Doctor Habibe, Mrs. Imbrie was attacked by a Persian, one of a number who were passing at the time, who jumped on the running board of the automobile and seized her by the head, and a moment later by another Persian, who grabbed her by the throat and spat upon her.

Before this deliberate, malicious assault could be further advanced on the person of Mrs. Imbrie, Dr. H. P. Packard, of the American hospital at Teheran, who was driving the automobile, succeeded in shaking off her assailants and drove rapidly from the scene. The crowd which had assembled by this time, however, hurled stones and other missiles at the escaping car and its two occupants for some time, until they reached the safety of the American consulate.

Mrs. Imbrie, after a short time, went into the American hospital at Teheran for immediate medical attention.

As the result of the shock to her caused by the murderous assault on her husband, followed four days later by the attack on herself, and the heart-rending ordeal through which she went, with its attendant suffering and distress, Mrs. Katherine G. Imbrie, who was enceinte at the time, suffered the additional tragedy of the loss of her child by its premature birth.

On her return to the United States Mrs. Imbrie was obliged to undergo a serious operation, which, from its nature, her physicians here in Washington advise her is likely to occasion the necessity of future medical and surgical treatment. As late as August 16, 1925, at a consultation of three physicians in attendance upon her she was advised that the exact extent and duration of her disabilities could not be stated definitely as yet.

Mrs. Imbrie, therefore, suffered the loss not only of her husband and natural protector, but the additional crushing loss of her child, both directly resulting from this frightful assault on her husband and by the later attack on herself.

RÉSUMÉ

It will be observed from the statement issued by the Department of State, addressed to the President and herein printed, that our Government in its note of July 26, 1924, addressed to the Persian Government, made five demands, among which was the payment of the expenses in the dispatch of the U. S. S. *Trenton* to Persia, which afterwards was ascertained to be \$110,000, and that on July 29, 1924, the Persian Government agreed to these demands in full and that the matter then became a closed contract, subject only to compliance by the Persian Government.

At that time there was no mention of the use of this \$110,000 as a trust fund for the education of Persian students, and no such request was made by the Persian Government, but when tendered was accepted by them on December 15, 1924, for which they expressed appreciation. The payment out of this \$110,000 of \$25,000 to Mrs. Imbrie can not with any fairness be objected to by the Persian Government, because it was not a part of the original contract and the proposal to set aside \$100,000 by our Government was a gratuity in the interest of friendliness and cooperation between nations. It is

proposed that the \$85,000 balance of the fund be carried into the trust fund for the education in the United States of Persian students.

It will be observed from the testimony taken at the hearing upon the bill that these five demands were made and the sum of \$60,000 to be paid to Katherine Gillespie Imbrie, the widow of Vice Consul Imbrie, were made by our Government without any consultation, conference, or correspondence with said widow and even without her knowledge.

It will be further observed that our State Department did not know of the additional suffering, humiliation, and loss which the widow testified she endured by virtue of an attack upon her personally four days after the murder of her husband, to wit, July 22, 1924, when she was seized by the head, and later by another Persian who grasped her by the throat, as set forth in her statement herewith printed, nor was the State Department aware that the widow as testified by her was at the time enciente and that she suffered loss of her child by premature birth owing to this attack and of her weakened condition caused by the murder of her husband, the terrible suspense of being in a foreign country and of the humiliation and hazard which she was compelled to endure.

MINORITY VIEWS OF MESSRS. McREYNOLDS
AND EDWARDS

We respectfully disagree with the majority report in this matter. We believe something should be paid to Mrs. Imbrie. We do not think \$25,000 for her is excessive, but we do not believe any part of the \$110,000 fund referred to in the bill and in the hearings should go to the education of Persian youths, as provided in the majority report. To sustain the report of the majority in this matter would establish a dangerous precedent, and we respectfully protest such a policy.

S. D. McREYNOLDS.
CHAS. G. EDWARDS.

MINORITY REPORT OF MESSRS. TEMPLE, BEGG, FAIRCHILD, COLE, AND ELLIS

We respectfully disagree in this matter with the majority report and with the minority report signed by Representatives S. D. McReynolds and Charles G. Edwards.

The issue at stake is whether the United States of America shall repudiate in whole or in part an agreement entered into between this Nation and a foreign power, an agreement volunteered by our Government and accepted by the Persian Government in pursuance of which the Persian Government, not doubting the good faith of this Nation, paid to the United States \$110,000.

This agreement was entered into in November, 1924, and subsequently in pursuance thereof the sum of \$110,000 was paid by the Persian Government to the United States in four installments.

Two of said installments, amounting to a total of one-half of the said sum of \$110,000, were paid prior to February 19, 1925. On February 19, 1925, the President transmitted to the Congress a letter from Hon. Charles E. Hughes, Secretary of State, requesting legislation by Congress to carry out the said agreement relating to the disposition by the United States Government of said sum of \$110,000. In pursuance of this recommendation a joint resolution on March 2, 1925, passed the House by a vote of 257 to 73 authorizing the application of said \$110,000 in accordance with the said agreement between the United States Government and the Persian Government.

The remaining half of said \$110,000, subsequent to the passage of this resolution by the House of Representatives, was paid over by the Persian Government to the United States Government.

The said letters of the President of the United States and of the Secretary of State, appearing in the report from the Committee on Foreign Affairs (Rept. No. 1552, 68th Cong., 2d sess.), are as follows:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State with regard to the utilization, for the education of Persian students in the United States, of certain funds received and to be received from the Persian Government in a sum not to exceed \$110,000, which are being paid by the Government in reimbursement of the expenses incurred in connection with the remains of the late Vice Consul Robert W. Imbrie, who was killed in Teheran on July 18, 1924.

It is my earnest hope that the Congress will see fit to authorize the setting aside of all funds received from the Persian Government on this account, not to exceed \$110,000, to be spent for educational purposes as aforementioned under such conditions as the Secretary of State may prescribe. Such action by the Congress will tend to foster friendly relations between the United States and Persia and will be in line with the precedent already sanctioned by the Congress in the case of the Boxer indemnity fund.

In view of the fact that one-half of the \$110,000 has already been received and as the balance is expected shortly to be paid by the Persian Government, I trust that the Congress will grant the necessary authority at the present session in order that the funds in question may not lie idle during the coming year.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 19, 1925.

The PRESIDENT:

You will recall that in the representations which were made by this Government to the Government of Persia following the killing of Vice Consul Imbrie, it was stated that this Government expected that, in addition to rendering all appropriate honors in connection with the return to the United States of the vice consul's remains and to punishing those who were responsible for the killing, the reparation to be made by the Persian Government should include appropriate indemnity to the widow and the payment of the expenses which might be incurred in connection with the dispatch to a Persian port of an American man-of-war to bring the body of Vice Consul Imbrie to this country.

Subsequent to the action which was taken by the Persian authorities in rendering all appropriate honors, in indemnifying the widow and in carrying out the execution of three persons and handing down some 30 other sentences in the cases of persons found guilty of varying degrees of participation in or responsibility for the assault, it was suggested to the Persian Government that the undertaking of that Government with respect to the payment of the cost of dispatching the *Trenton* to Persia, namely, \$110,000, might be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States and that the arrangements with respect thereto could later be determined. This action was taken, you will recall, with a view to promoting a closer relationship and a better understanding between the peoples of the two countries.

Subsequently the Persian Government replied expressing appreciation of the suggestion which this Government had made and stating that instructions had been given for the payment of the sum in question in any manner that might be feasible. I am now informed by the American charge d'affaires in Teheran that he has received the first two of four equal monthly payments of \$27,500, which are being remitted to Washington.

In view of the receipt of these funds and of the probability that the two final payments will shortly be made, I believe that you may desire to present the matter to the Congress and to request appropriate authorization to devote the funds received on this account from the Persian Government, in a sum not to exceed \$110,000 for the general purpose of the education in this country of Persian students under conditions to be formulated by the President or by the Secretary of State in the discretion of the President.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, D. C., February 18, 1925.

Due to the near termination of the Sixty-eighth Congress, the Senate did not have opportunity to take action on the said resolution prior to its adjournment on March 4, 1925.

Under date of January 6, 1926, the President transmitted to Congress a letter from Hon. Frank B. Kellogg, Secretary of State, renewing the request for legislation by Congress for authority to comply with the said agreement, and the President expressed the "earnest hope" that such authority would be granted.

The said letters of the President and of the Secretary are incorporated in this report, as follows:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State with regard to the utilization for the education of Persian students in the United States of a sum not to exceed \$110,000, received from the Persian Government in reimbursement of the expenses incurred in connection with the return, on the U. S. S. *Trenton*, of the remains of the late Vice Consul Robert W. Imbrie, who was killed in Teheran on July 18, 1924.

In view of the prompt manner in which the Persian Government met the demands for reparation which were made by this Government as a result of the killing of Vice Consul Imbrie, in rendering all appropriate honors to the body of the vice consul while on Persian and Mesopotamian soil, in paying to the widow the sum of \$60,000, in carrying out the execution of the death penalty in the case of three persons and of 30 other lesser sentences in the cases of persons found guilty, in varying degree, of participation in, or responsibility for, the assault,

it is my earnest hope that Congress will see fit to authorize the setting aside of the funds, not to exceed \$110,000, which, as indicated above, have been received from the Persian Government, to be spent for the educational purposes aforementioned under such conditions as the Secretary of State may prescribe.

Such action by Congress will tend to foster friendly relations between the United States and Persia and will be in line with the precedent already sanctioned by the Congress in the case of the Boxer indemnity fund.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 6, 1926.

The PRESIDENT:

You will recall that in a communication of February 18, 1925, my predecessor suggested that you might desire to request of Congress authorization to utilize for the education in this country of Persian students funds in a sum not to exceed \$110,000, which the Persian Government had agreed to pay, and had then in part paid, to this Government in reimbursement of the cost of sending to Persia the U. S. S. *Trenton* to bring to the United States the body of Vice Consul Imbrie, who was killed in Teheran on July 18, 1924.

On February 19, 1925, as you will remember, your message embodying this proposal was read in both Houses of Congress and referred to the respective Committees on Foreign Relations, and on the following day House Joint Resolution No. 365 to authorize the expenditure in question "as an act of friendship to the Persian people and Government" was introduced.

On March 2 this resolution was adopted by the House of Representatives, but, due to the near termination of the Sixty-eighth Congress, the Senate did not have an opportunity to take action on the resolution prior to its adjournment on March 4 last.

In bringing this matter again to your attention, I desire briefly to review the reparation which the Persian Government had made for Vice Consul Imbrie's death before the question of using the *Trenton* fund for educational purposes was broached.

This Government's representations contained in its note of July 26, 1924, addressed to the Persian Government, included the following demands:

- (1) Indemnity for Vice Consul Imbrie's wife.
- (2) Payment of the expenses of dispatching the U. S. S. *Trenton* to Persia.
- (3) Rendering of all suitable honors in connection with the return of the body of Vice Consul Imbrie.
- (4) Adequate punishment of the guilty.
- (5) Indemnity for Melvin Seymour, an American who was injured at the time of the killing of Vice Consul Imbrie.

The Persian Government, on July 29, 1924, agreed to these demands in full. It promptly paid the indemnity of \$60,000 which this Government demanded for Mrs. Imbrie, this total having been fixed after a very careful examination of precedents consistently followed by this Government. This sum was paid over to Mrs. Imbrie on November 24, 1924. The Persian Government also paid \$3,000 to Seymour for injuries he received at the time of the attack.

Furthermore, the Persian Government accorded all honors to the body of Vice Consul Imbrie, including a guard of honor headed by eight officers, one a general, while on Persian and Mesopotamian soil, rendered the first salute to the U. S. S. *Trenton* upon her arrival in a Persian port, and paid the expenses incident to the transportation to that port of Vice Consul Imbrie's body.

In order to carry out the fourth demand of this Government—namely, the adequate punishment of the guilty—the Persian Government, having proclaimed martial law, at once ordered the establishment of a special tribunal for the purposes of prosecuting and punishing the guilty. This tribunal, proceeding under Articles II and IV of the Law of Martial Government, on July 30, 1924, condemned to death three persons found guilty of direct responsibility for the death of Vice Consul Imbrie. The first of these, Morteza, was duly executed on October 2 and a month later the death sentences in the case of the other two, namely, Seyid Hossein and Ali Reshti, were carried out. The tribunal furthermore executed some 30 other sentences handed down in the cases of persons found guilty of varying degrees of participation in or responsibility for the aforementioned assault.

Subsequent to the action taken by the Persian authorities in satisfying fully the first, third, fourth, and fifth demands cited above, it was suggested to the Persian Government that the undertaking of that Government with respect to the second demand, namely, the payment of the cost of dispatching the *Trenton* to Persia, the amount of which had, by then, been ascertained to be \$110,000, might be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States and that the arrangements with respect thereto could be later determined. This action was taken, you will recall, with a view to promoting a closer relationship and a better understanding between the peoples of the two countries.

On December 15, 1924, the Persian Government replied, expressing appreciation of the suggestion which this Government had made and stating that instructions had been given for the payment of the sum in question in any manner that might be feasible. The first payment was made on December 24, 1924, to the American chargé d'affaires at Teheran, and, by March 29, 1925, the Persian Government had paid over to him the entire sum of \$110,000, which was remitted to Washington where it was deposited in the Treasury pending a decision of the Congress as to its final disposition.

In view of the receipt in full of these funds and the circumstances attending their payment to this Government, as outlined above, I believe that you may desire again to present the matter to Congress and to request appropriate authorization to devote the funds received on this account from the Persian Government, in a sum not to exceed \$110,000, for the general purpose of the education in this country of Persian students under conditions to be formulated by the President or by the Secretary of State in the discretion of the President.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, D. C., January 5, 1926.

A bill accordingly was introduced in the House by Hon. Stephen G. Porter, the chairman of the Foreign Affairs Committee (H. J. Res. 111), to grant authority as requested by the President and by the Secretary of State to comply with said agreement between the United States Government and the Persian Government. A copy of the joint resolution (H. J. Res. 111) was transmitted to the Secretary of State, and subsequently the Secretary of State wrote the chairman of the committee under date of January 30, 1926, approving the same, in a letter as follows:

MY DEAR MR. PORTER: I have received your letter of January 20, 1926, requesting a statement of the department's attitude with regard to House Joint Resolution 111, introduced on January 9 by you in the House and providing for the expenditure of certain funds received from the Persian Government for the education in the United States of Persian students.

In reply I beg to state that this proposal meets with the entire approval of the department. For reasons fully outlined in my letter of January 5, 1926, addressed to the President, a copy of which is herewith inclosed which, as you may recall, was submitted to the Congress with the President's message, I am convinced that the present measure, if approved, will serve to promote a closer relationship and a better understanding between the peoples of this country and Persia and will be consistent with the policy already sanctioned by the Congress with respect to the remission of the Boxer indemnity for purposes of education. I may add further that in my opinion the establishment of the education fund now under consideration may have far-reaching effects of a beneficial character on American interests in Persia and the Near East.

Should you desire at any time during the hearings on this matter in the Committee on Foreign Affairs a fuller statement of the motives which prompted this Government to suggest to Persia the establishment of the *Trenton* fund, the department would be happy to be represented.

I am, my dear Mr. Porter,

Sincerely yours,

FRANK B. KELLOGG.

The circumstances of an unprovoked assault by a Persian mob on July 18, 1924, upon Robert Whitney Imbrie, vice consul of the United States of America, at Teheran, Persia, which caused the death of said vice consul, resulting in demands upon the Persian Government by the United States Government, are fully set forth in the note of July 25, 1924, to the Persian Government, hereinafter fully set forth. These demands were promptly made by our Government, earnestly and insistently urged, and the Persian Government complied therewith.

Our Government emphasized particularly four points: The indemnity for the widow of Major Imbrie, the payment to cover the cost of sending the U. S. S. *Trenton* to Persia to bring home the body of Major Imbrie, the rendering of full honors to the body while on Persian soil, and prompt and adequate punishment of the guilty.

The notes which passed between the United States Government and the Persian Government which led up to and which constituted the final agreement between the two Governments are as follows.

Under instructions from our State Department there was delivered by the United States minister to the Persian Prime Minister on July 26, 1924, the following note dated July 25, 1924:

I am instructed to inform you that the Government of the United States views with the gravest concern the killing in Teheran of its consular representative, Mr. Robert W. Imbrie.

Immediately after learning of the circumstances under which Mr. Imbrie had been killed and his attendant, Mr. Melvin Seymour seriously injured, your excellency's Government was advised, through its representative in Washington and through the American Legation in Teheran, that my Government would expect adequate reparation to be made and prompt punishment meted out to those responsible for the killing and to those who by their failure to act contributed to make possible this incident unprecedented in recent time.

My Government has now instructed me to supplement the representations already made.

It was felt proper that these representations should be made only in the light of a full knowledge of the events which had transpired and when it might be possible to fix the responsibility and to gauge the reparation which would be adequate to the situation.

The facts of the case appear sufficiently established in so far as all essential elements are concerned. The American consular representative in Teheran, accompanied by an American citizen, was brutally assaulted in the streets of Teheran in broad daylight. In endeavoring to escape from their assailants, they entered a carriage and drove a considerable distance, when they were again assailed and the tragedy occurred. The American consular representative would appear to have had no reason to anticipate danger from visiting the particular place where he was the victim of the unjustified assault. It is most regrettable that it is necessary to add to this statement that the facts before my Government do not indicate that the police or military authorities made any adequate effort to protect the American consular representative, and there appears in fact to be evidence which it is believed the Persian Government will itself desire to investigate most vigorously, that certain military elements participated in the assault.

My Government desires nothing which the facts of the case do not fully justify. It approaches the situation with no wish to offend a friendly government or to require punitive damages. It is, however, insistent that full reparation should be made, that punishment should be meted out to the guilty, that assurances be given and enforced of adequate protection for the lives of American citizens, and that the safety of its officials in Persia should be guaranteed.

My Government does not wish at this juncture to indicate in detail the particular steps which would be considered adequately to meet the situation resulting from the killing of Mr. Imbrie. The Persian Government has already stated on its own initiative that redress for the wife of the victim would be made.

This redress should also extend to the covering of the expenses which might be incurred in connection with the dispatch to a Persian port of an American man-of-war to receive the body of Vice Consul Imbrie, which should be accompanied while on Persian soil by a suitable Persian military guard of honor and rendered appropriate honors at the time of leaving Persian territory. It is further considered that an appropriate guard should, if requested by the legation, be furnished by the Persian Government both to the American Legation and to the American consulate, such guard to be maintained pending the notification to the Persian Government that it is no longer considered necessary.

My Government has further instructed me to reserve, for a later communication, further suggestions as to the action which may be considered necessary to meet the exigencies of the situation. I am instructed by my Government to add that the character of any additional statement which might be made to the Persian Government would be materially influenced by the action which that government may immediately take on its own initiative to make such further redress as may be appropriate, particularly in punishing those responsible for the crime and in giving full publicity to the action taken.

The maintenance of relations between countries is primarily dependent upon the according of adequate protection to their respective nationals and to their official representatives. Diplomatic usage, treaty provisions, in fact the very provisions of the treaty between the United States and Persia of 1856, emphasize this view. This Government feels that the continuance of its diplomatic and consular representation in Persia will be dependent upon the action which the Persian Government may take in this case to vindicate this fundamental principle of international law and this foundation upon which international intercourse is predicated. It confidently awaits such action to supplement the steps already taken by the Persian Government. It can not overemphasize the seriousness of the view which is taken of the present situation.

The Persian Government replied to the foregoing in a note dated July 29, 1924, to the American Legation in Teheran, as follows:

Pursuant to my letter No. 9458, I beg to advise your excellency of the views of the Imperial Government in response to your note of July 25, 1924.

As your excellency has observed, the Government and people of Persia are extremely chagrined and depressed by the lamentable incident of Friday, July 18, and have expressed their feelings to that effect in numerous instances and in various ways.

You state that your excellency's Government does not desire to approach the situation in such manner as to offend my Government. The Persian Government regards this as an evidence of the unequivocal good will and friendship of the American Government and requests your excellency to be good enough to communicate its thanks and appreciation to the authorities of your great Government.

As I stated in the course of my letter No. 9155, the Imperial Government is making extreme efforts in pursuing and punishing the persons who caused and perpetrated the killing of Mr. Imbrie, and it will not hesitate to take any kind of steps in this connection. Up to the present time the action of the Government in pursuing this object has proceeded with rapidity. Many of the persons who were either suspected or were accused of committing the crime have, regardless of the class to which they belong, been arrested. Other persons who participated will shortly, as a result of the vigorous efforts of the Government, be apprehended and the culprits will receive drastic punishment after their trial.

I also feel it again necessary to give your excellency the assurance that the Imperial Government is extremely desirous of repairing the above-mentioned regrettable incident.

Considering the official status of Mr. Imbrie, the deceased, the Persian Government agrees with the suggestion of the United States Government that the body of Mr. Imbrie be accorded honors during its transportation. The Persian Government is concerned over this matter to such an extent that it would ship the remains of the deceased consul to America aboard a Persian man-of-war if Persia possessed one. But inasmuch as it is unable to do so, it agrees to pay the expenses which may be incurred by the dispatch of an American man-of-war to receive the remains.

Your excellency has already been advised verbally and in writing as to the Persian Government's desire to relieve and console the widow of the deceased consul.

As to the security of American citizens, and particularly American official representatives, the Persian Government has always considered and will continue to consider this as its positive duty and gives assurance that it will by no means hesitate to fulfill this duty. It goes without saying that if the honorable legation deems it necessary the guards of the American Legation and consulates will be increased.

I also beg to advise your excellency of the fact that the Imperial Government has always made, and will make it in the future, an essential point to respect the principles of international law and the treaty on which the relations of the two Governments rest. I am hopeful that in view of the good will of the two parties and the Imperial Government's great desire to repair the incident and fulfill the points that are suggested there will remain no ground whatever for any anxiety on the part of the United States Government.

It will be observed that in the foregoing notes no sum of money was mentioned or approximated as to the amount of indemnity for Mrs. Imbrie nor as to the expense of dispatching an American man-of-war to bring home the remains. Between July and November, 1924, a number of communications passed between the two Governments, containing urgent representations on the part of the United States Government, both as to punishment and as to indemnity. As to the indemnity for Mrs. Imbrie, our Department of State on August 15, 1924, sent the following telegram to the United States minister at Teheran:

In the event that the Persian Government has not in the meanwhile made a satisfactory offer, the department desires you to indicate formally to the Persian Government that this Government expects an indemnity of \$60,000 to be paid promptly for the benefit of the widow of the Vice Consul Imbrie. This Government awaits the prompt acquiescence of the Persian Government. Acknowledge receipt indicating action taken and Persian Government's reply.

The Persian Government should be given clearly to understand that the \$60,000 indemnity for Mrs. Imbrie does not include the expenses of the return of Vice Consul Imbrie's remains on a man-of-war or the indemnity which may be required for Seymour.

With respect to these matters a further communication will later be sent to the Government of Persia.

In November, 1924, the Persian Government had complied with the demand of the United States Government as to payment of the \$60,000 for the benefit of Mrs. Imbrie, and as to punishment of the guilty, including the execution of three men, as indicated in the foregoing State Department communication to the President. On October 2 a soldier was executed and on November 2 two others were executed, including the leader of the mob, a Mohammedan priest.

Thereupon the United States Government pursued the matter further with the Persian Government as to the expenses of the *Trenton*; and on November 9, 1924, the American chargé d'Affaires at Teheran under instructions from the United States Government delivered to the Persian Government a note as follows:

I am instructed by my Government to inform you of its gratification at the reports which have been received as to the action which has been and is being taken by the Persian Government to carry out the sentences passed by the military tribunal in the cases of those found guilty of participating in the attack on Vice Consul Imbrie. My Government has also instructed me to make acknowledgment of the action of your Government in paying the indemnity of \$60,000 for the widow of Vice Consul Imbrie and in rendering appropriate honors in connection with the return of the remains of Mr. Imbrie.

One question which is now outstanding between the two Government with respect to the late incident is that of the reimbursement for the expenses incurred in dispatching an American man-of-war to Persia for the return of the Vice Consul's remains, expenses which the Persian Government in its note of July 29

has already expressed its willingness to meet. It is anticipated that this sum will approximate \$110,000.

My Government desires to effect a settlement of this question in a manner that will tend to promote the friendly relations between the two countries. It has therefore authorized me to propose that the Persian Government's undertaking in this matter be carried out by the establishment of a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States.

Upon receipt of information that the Persian Government is prepared to carry out this suggestion the precise arrangements which could best be made to give effect thereto, can be easily determined. My Government believes that the Persian Government will be in full agreement with its view that the plan suggested will result in promoting a closer relationship and a better understanding between the peoples of the two countries.

CHARLES E. HUGHES.

The Persian Government replied to the foregoing note as follows:

MR. CHARGÉ D'AFFAIRES: I beg to advise you that I have received your note, No. 49, of November 9, 1924, and that I have taken note of its contents. With regard to the payment of \$110,000 as the expenses incurred by the dispatch of the American vessel that carried the remains of Mr. Imbrie, instructions have been sent to the Ministry of Finance to the effect that they pay the money in any manner that is feasible.

I also beg to state that the proposal of the authorities of the great Government of the United States of America that this sum be spent on the sending of Persian students to the United States is appreciated by the authorities of the Imperial Government. In expressing my thanks for this evidence of the good will of the American Government, I avail myself of this opportunity, etc.

MOSHAR-OL-MOLK,
Minister of Foreign Affairs.

In compliance with the recommendation of the President and of the Secretary of State, and to keep our word given to the Persian Government, House Joint Resolution 111, similar to the aforesaid resolution which passed the House in the last Congress, was introduced by Mr. Porter on January 9, 1926.

On February 5, 1926, House Joint Resolution 154 was introduced, proposing to pay to the widow of Major Imbrie the entire sum of said \$110,000 in addition to the \$60,000 she has already received.

The committee has failed to report House Joint Resolution 111, and has reported with an amendment House Joint Resolution 154.

This resolution as amended to pay Mrs. Imbrie \$25,000 of said fund of \$110,000, reported favorably by a majority of the committee, if enacted into law, will to that extent repudiate the solemn pledge of our Government to a friendly power.

Said joint resolution as thus reported raises a dual question of good faith on the part of the United States, in that (a) we have agreed with the Persian Government that \$60,000 represents Mrs. Imbrie's indemnity, and the Persian Government has in pursuance thereof paid said sum, which Mrs. Imbrie has received; and (b) it is proposed by this joint resolution as amended that she be paid said additional sum of \$25,000 from the fund paid in by the Persian Government on our representation that "to promote friendly relations between the two countries," it would be placed in "a trust fund to be utilized for the education of Persian students at institutions of higher learning in the United States."

Another important question raised by this joint resolution is whether \$60,000 is an adequate indemnity for the widow of Major Imbrie. Not as important as the graver question whether our country shall keep its word, but nevertheless important. In establishing

precedents of this kind, they can be turned against us. Our record with regard to mob violence in this country, while better than most countries, is not absolutely free. In the list of cases of indemnities paid by our Government the sums of money were generally around \$5,000. In the New Orleans riot case, involving the killing of 11 persons, the total indemnity for all was 125,000 francs, or about \$25,000. On Wednesday, April 21, a few days ago, the House passed a bill reported unanimously by the Foreign Affairs Committee, authorizing an appropriation of \$2,000 "as full indemnity for the death of Daniel Shaw Williamson, a British subject, who was killed by a policeman at East St. Louis, Ill., July 1, 1921." In the case of Mrs. Imbrie, the \$60,000 indemnity paid to her represented an amount fully as large and larger than those customarily fixed by Governments or by arbitral tribunals. A list of precedents is hereto annexed as Exhibit A for the information of the House, including awards by the Mixed Claims Commission in the *Lusitania* cases, where the deaths occurred not as a result of mob violence but by officers of the indemnifying Government acting under their Government orders within the scope of their authority.

In the Imbrie case our Government in demanding as much as \$60,000 took into consideration all recognized elements entering into the fixing of damages, such as the very tragic circumstances of the case, the purchasing power of the dollar (which induced this settlement from 30 to 50 per cent higher than customary settlements), the earning power of the deceased, and the loss of comfort and society and life expectancy. The principles governing amount of damages in such cases are (a) an estimate of the amounts which the decedent, had he not been killed, would probably have contributed to the claimant, (b) pecuniary value to such claimant of deceased's personal services in claimant's care, education, or supervision, and (c) reasonable compensation for mental suffering or shock, caused by the violent severing of family ties as claimant may actually have sustained by reason of such death (Judge Parker in *Lusitania* cases).

Major Imbrie's salary was \$3,000 plus \$1,000 post allowance. He was 41 years of age. The fact that he wrote articles for compensation was considered in making up the amount.

The fixing of indemnities is a governmental matter. The Government takes the claim, makes the claim its own, and presses it as such. It examines the facts, decides what is the maximum amount which, according to American precedents and policies, can be asked, and then it presses to get that sum. While pressing the claim in accordance with the determining principles and the facts of the individual case, it would be impracticable for a Government to become involved with criticisms or demands of beneficiaries ignorant of the principles involved in the settlement of such cases. Necessarily, unless the claim itself is to be endangered through lack of vigilance and uninterrupted prosecution, the Government officials must assume responsibility and can not share it with prospective beneficiaries.

It is evident that Mrs. Imbrie from the very first felt critical of the State Department. Indeed, her prejudice against the State Department appears to have originated prior to the tragedy. She had resided in Constantinople for a number of years from 1919 until her marriage to Major Imbrie December 26, 1922. She made refer-

ence in the hearings before the committee to previous disagreements, referring to "a certain group reporting her to the department," when before her marriage she said "Thank God, I have nothing to do with the Department of State."

It also appears from her testimony at the hearings that she at the time of the tragedy immediately took up the question of indemnity. She stated that "the day after Major Imbrie was murdered I asked Mr. Murray, who was secretary there, if he would wire the Department of State asking them to kindly hold up any considerations of money until they had adequate information as to what had happened. Mr. Murray assured me he had done this."

As soon as she learned of the \$60,000 settlement she cabled a protest to the department, and on September 4, 1924, she cabled she could not "understand why the department disregards my request to hold up the question of indemnity. Can not agree \$60,000."

The department replied to this under date of September 7, 1924, as follows:

Your dispatch concerning indemnity has been received. On August 15 this Government instructed the American minister at Teheran to present to Persia demand for indemnity based on demand made by other Governments in similar circumstances, and determinations by arbitration, as well as an examination of the amount of indemnities paid by the United States itself. In view of these precedents and recent international practice would not be justified in demanding a greater sum for you. The \$60,000 which Persia has consented to pay represents a personal indemnity to you as the widow of Vice Consul Imbrie and is not a sum representing punitive damages.

The expenses of the *Trenton* to Washington, D. C., are to be paid by Persia. These expenses will represent a very appreciable sum. It should be considered that Persia has rendered every appropriate honor to the remains of your husband, and it has proceeded to the punishment of those guilty of the attack upon him and to the punishment of those officials who neglected to extend to him adequate protection. You may rest assured that this case will continue to receive most sympathetic consideration.

CHARLES E. HUGHES.

Mrs. Imbrie now bases her claim for further compensation in part upon a personal attack on herself at Teheran, Persia, July 22, 1924, but it should be stated that she now makes this claim for the first time. In all her previous communications with the Government she rested her claim upon an expression of dissatisfaction with the amount of the indemnity secured by our Government for the death of her husband. Her narrative of the incident of July 22, 1924, is that on an occasion when she was out riding with her friends, Doctor Packard and Mrs. Packard, two boys 18 or 19 years of age jumped, first one and then the other, upon the running board of the automobile, and the first boy "grabbed me by the throat, twisted my head, spat upon me * * *." Doctor Packard started the car and the momentum of the car threw this boy off, and the second boy a few paces further on "jumped on the car, grabbed my veil, and spat on me."

Doctor Packard, a friend of the Imbries, was a physician at Teheran who attended Major Imbrie in the hospital at the time of the tragedy. His statement of the incident is as follows:

When we started, a little boy of 10 or 12 jumped on the running board and I told him to get off and reached for him. He jumped off and grabbed at Mrs. Imbrie's veil, dragging it loose from its fastenings on her hat, but as Mrs. Imbrie

was sitting on it and leaning against it, it pulled from his hands and hung over the side of the car as we moved on and was easily recovered. A handful of dust and dirt was thrown from the street into Mrs. Imbrie's lap by another boy.

They continued to drive into the country and returned.

This incident was investigated at the time and upon representation from our Government the boys were flogged, and the incident was closed.

A report from the legation dealing with this incident states that at the time the feeling against foreigners in Teheran was extremely intense. It was a religious season, one of effervescence. Various incidents had taken place. The British secretary of legation, a British physician, a French woman, and an Italian protégé were insulted and attacked on the streets in Teheran.

While the Department of State has received during the past two years from Mrs. Imbrie various detailed communications, some prepared with greatest care and voluminous, one letter of August 14, 1924, to the Secretary of State, eight pages long, a brief from Mrs. Imbrie, 22 pages long, including the communication addressed to secretary of the President on January 28, 1925, all of which were pressing her protest based on the tragedy to Major Imbrie, there is never one mention of the incident to herself, and this in a way would indicate that she did not consider it sufficient to justify a claim. This one mention of the incident was as follows:

My actions and attitude in the case will prove conclusively that I have not been at all mercenary. Had I been, I would have made a very serious incident of the attack upon myself four days after the killing of Major Imbrie.

Even assuming that the incident could properly form the basis of a claim for indemnity for Mrs. Imbrie, it would not affect the serious question involved in the proposition to divert any portion of the fund paid over by the Persian Government as a trust in compliance with representations made by our Government to the Persian Government. It should be in the nature of a separate claim which, assuming a proper basis for making a claim, could be more gracefully made to the Persian Government after we had kept faith with the fund already in our hands.

The only other alternative would be a direct appropriation from the Treasury upon the theory that our Government has been negligent in prosecuting a claim which the claimant herself now for the first time urges, without any reference to the fund impressed with the said trust. Such a claim, if made, would properly come before the Claims Committee and not the Foreign Affairs Committee. In fact, on behalf of Mrs. Imbrie, a bill was introduced on December 7, 1925, and referred to the Claims Committee authorizing appropriation of \$40,000 to Mrs. Imbrie as full compensation "for the death of her husband." Apparently as late as December 7, 1925, the thought had not occurred to make claim on account of the incident involving the two 12-year old boys.

The tragic experience suffered by Mrs. Imbrie and the present state of her health awakens deepest sympathy. But when it is seriously proposed to appropriate upon the unsupported statement of a claimant regarding the 12-year-old boy incident and the claimed result upon her physical condition, now urged for the first time after a lapse of nearly two years, and when it is seriously proposed that

the American Government shall violate its pledged word to a foreign power, we ought not to permit our sympathies to blind us to all sense of proportions and to the sacredness that should surround the pledged word of the American Government.

Immediately upon the murder of Major Imbrie the State Department promptly instituted a thorough investigation. One week thereafter all the facts were in the possession of the department, and on July 25 the demands were made to the Persian Government embodied in the aforesaid note of said date, and the department vigorously prosecuted to an early conclusion the claim for adequate redress.

The Persian Government in its note of July 29, 11 days after the tragedy, expressed its willingness to comply with the demands. In August all military honors were accorded by the Persian Government. On August 23 Persia had agreed to the sum of \$60,000 as indemnity for Mrs. Imbrie. On September 24 it paid over said sum of \$60,000. On October 2 a soldier who had been proven guilty was executed. On November 2 two others, including the ringleader of the mob, were executed. Punishment was meted out to 31 others, including the court-martial and punishment of 14 army and police officers, who were sentenced by court-martial on October 19. A list of the sentences, with the name and rank of the officers, is hereto attached, marked "Exhibit B." On November 9 the claim for \$110,000 was presented by our Government in the note of that date, which included the offer of our Government to establish a trust fund of the amount to be utilized for education in the United States of Persian students, which offer was promptly accepted.

The promptness with which the American Government prosecuted the investigation and presented its demands and the promptness with which our demands were complied with by the the Persian Government is probably unprecedented. Between the day of the tragedy and the final agreement as to the \$110,000, after all other conditions had been complied with, less than five months had elapsed.

A perusal of the notes exchanged between the two Governments in July and of the notes exchanged in November will completely dispose of the contention that the July notes constituted a closed contract and that the offer of our Government in the November 9 note was a gratuity. The State Department did not so consider it. This is evidenced by the said November 9 note where the department used the expression "one question which is now outstanding," and "my Government desires to effect a settlement of this question."

Even if there were basis for such a contention, the offer was made, was made in the interest of friendliness and cooperation between nations and was accepted, and we are in honor bound to keep our promise.

After such offer and acceptance to place said \$110,000 in trust, the Persian Government, if lacking confidence in our good faith, could have fully complied by making the deposit of said fund in accordance with said agreement, in which event the agreement on our part as to the disposition of said fund would have subsequently been performed without any need of authority from Congress.

The Executive acted well within its authority in making the offer. After the Persian Government had tendered its apologies and regrets and had complied with all our other demands including

the demand of said \$60,000 for Mrs. Imbrie, the military honors, the execution of three Persians, and the punishment of 31 others, including the court-martial sentence and punishment of the 14 military and police officers, our Executive in the interest of friendly relations could with propriety have withdrawn its demand for reimbursement for the *Trenton* expenses and relinquished all claim thereto. If this had been done by our Executive, no one would have ventured to offer criticism. The Executive acted well within its powers in making the lesser offer to accept as a final adequate redress the payment of said \$110,000 as a trust fund for the education of Persian students. The Secretary of State, Mr. Hughes, in making said disposition of the matter followed a precedent which had been sanctioned by Congress in the case of the Boxer indemnity. To concede that the Executive had full power and authority to arrange the understanding embodied in the July notes is to admit that authority existed to modify the arrangement in the subsequent exchange of notes.

JAS. T. BEGG.

BEN. L. FAIRCHILD.

CYRENUS COLE.

EDGAR C. ELLIS.

I agree in general with the conclusions of this minority report.

H. W. TEMPLE.

EXHIBIT A

SUMMARY OF CERTAIN AWARDS IN OTHER CASES

- (1) Heusken, secretary of the American Legation in Japan, 1861, assassinated; mob violence. Beneficiary, a widowed mother, \$10,000.
- (2) U. S. S. *Baltimore* cases, 1891. Mob attack in Valparaiso, Chile, on sailors on shore leave. One American petty officer killed outright. At least one other died from wounds. Fifteen or sixteen were seriously wounded. Beneficiaries were the injured and the families of the deceased. Indemnity for all, \$75,000.
- (3) Frank Pears killed by a sentry in Honduras, 1899. Beneficiaries, his mother and her seven children. Indemnity, \$2,000.
- (4) A Persian case. Rev. Benjamin W. Labaree was murdered by Kurds, 1904. Aggravated by the fact that these guilty were allowed to escape and never later apprehended. Beneficiary, the widow with two minor children. Indemnity, \$30,000.
- (5) Mr. Lewis L. Etzel, murdered on June 6, 1904, by Chinese soldiers. Beneficiaries, his mother and two sisters. Indemnity in Mexican money, \$25,000.
- (6) Chief Yeoman Howard LeRoy O'Brien, of U. S. S. *Monocacy*, killed during an attack on the Yangtze River, 1918. Beneficiaries, his widow and two children. Indemnity, \$25,000.

SUMMARY OF CERTAIN AWARDS IN LUSITANIA CLAIMS CASES

- (1) *For the death of Albert Lloyd Hopkins.*—At the time of his death Hopkins was receiving a salary of \$25,000 a year and was president of the Newport News Shipbuilding & Dry Dock Co. He was 44 years old and had a life expectancy of 25½ years. The life expectancies of both his widow and child exceeded his. The Mixed Claims Commission decreed that the Government of Germany was obligated to pay to the Government of the United States on behalf of (1) the widow, Mrs. May Davies Hopkins Gilmer, the sum of \$50,000, and (2) the minor, May D. Hopkins, the sum of \$80,000, both of these sums to bear interest at the rate of 5 per cent per annum from November 1, 1923. February 21, 1924. Page 353 Mixed Claims Commission Report to June 30, 1925.

- (2) *Edwin W. Friend*.—Teacher, 28 years. The widow was awarded \$10,000 for herself and \$10,000 as guardian of her child.
- (3) *Theodore Naish*.—Civil engineer; 59 years old; salary, \$1,500; and he also received a life annuity of \$300. No children. The widow was permanently injured in the catastrophe. She was awarded \$12,500.
- (4) *Henry Jordan Salt*.—Salesman; 37 years old; salary, \$3,500 a year. He left a widow and daughter and son, 42, 10, and 2½ years old. The widow died before the case was presented. The two orphans were awarded \$15,000 each.
- (5) *Edmond E. Barchard*.—Mining engineer; 40 years old; salary, \$4,000 per year. Prospects good. Sole support of his wife, who was left destitute. No children. Award: \$10,000 to widow, who married again about two years after his death.
- (6) *Patrick Callan*.—Callan was a foreman, 46 years old, earning \$1,500 a year. His widow was awarded \$7,500; and a daughter, who was 18 at the time of the catastrophe, was awarded \$2,500.
- (7) *Thomas James Silva*.—Twenty-seven years old. He left a widow, a son, and a daughter, 26, 3, and eight-twelfths years of age, respectively. He was earning \$2,400 a year. Awards: To the widow, \$7,500; to the boy, \$9,000; to the girl, \$10,000.
- (8) *Maurice B. Medbury*.—Fifty years old. He left a widow of 53, a daughter of 25, and two sons, 20 and 19 years old, respectively. His income was apparently small. Award: To the widow, only, \$7,500.
- (9) *Alfred Gwynne Vanderbilt*.—Thirty-seven years old; his widow was 33, and the orphans 13 years, 2 years, 7 months, respectively. On the ground that his income was apparently solely derived from property which descended to his widow and children, no award was made to them or any one of them.
- (10) *William Mitchelhill*.—Forty-four years old; his widow was 42; their child 3 years. Business man with an income of from \$4,000 to \$5,000. The widow was awarded \$20,000 and the young child \$10,000.
- (11) *Page, John H.*—Forty-five years eight months old. Survived by widow about 44, wholly dependent upon him. Decedent was vice president of one firm and managing director of another, and drew two salaries, aggregating \$15,000. His business prospects were bright. His widow, Cora A. Page, was awarded \$80,000.
- (12) *Thomas Bloomfield*.—Lawyer and insurance writer of 50 years, enjoying a salary of \$6,000 and good prospects. No children. The widow was awarded \$45,000.
- (13) *Trumbull, Isaac B.*—Thirty-three years old and was drawing salaries aggregating \$20,000. He left a widow and a daughter, 32 and 13 years old, respectively. The widow was awarded \$50,000 and the daughter \$25,000.
- (14) *Mills, Charles Veitch*.—Thirty-three years old; his wife was 28. The decedent was earning \$4,000 and his prospects of advancement were bright. No children. The widow was awarded \$40,000.
- (15) *Brown, William H. H.*—Business man, 34 years old, who was earning rather more than \$5,000 per year. He left a widow 27 years old and two sons, 4 and 1 year old, respectively. The widow remarried about 3 years after the disaster. Awards: To the widow, \$10,000; to the children, \$15,000 each.
- (16) *Bilicke, Albert Clay*.—A business man about 54 years old, who left an estate of \$2,706,864. His widow and son and daughter were 49, 13, and 11½ years old. The widow was permanently injured. The widow was awarded \$50,000 and the two children \$30,000 each.
- (17) *Stone, Herbert Stuart*.—Forty-four years old; his widow, 36, and three children, 13, 11, and 10 years old. His earned income was \$16,000 a year and his prospects were bright. Awards: To the widow, \$50,000; to the children, \$15,000, \$20,000, and \$20,000, respectively.
- (18) *Adams, Arthur Henry*.—Forty-six years old and was earning a salary of \$13,000 per year. His prospects of advancement were fair. He left a widow and a son 19 years old. His widow was awarded \$70,000.
- (19) *Francis Kellett*.—Forty-seven years old. Income \$6,500. Widow and son 13 years old. Award: Widow, \$30,000; orphan, \$15,000.
- (20) *Arthur R. Foley*.—Fifty-one years old; salary, \$3,120. Widow and daughter 15 years old. Award: Widow, \$25,000; orphan, \$5,000.

EXHIBIT B

SENTENCES HANDED DOWN BY PERSIAN COURT-MARTIAL IN CASES OF PERSIAN OFFICERS AND NONCOMMISSIONED OFFICERS (POLICE INCLUDED)

OCTOBER 19, 1924.

Col. Hassan Agha Ismaili, commander of Pahlevi Regiment at time of Imbrie killing, relieved of command.

Second Lieut. Jehan Bash Khan, of the Pahlevi Guard Regiment, who was guard officer of the day, dishonorably dismissed.

Maj. Seyid Ebrahim Khan, inspector in the General Army, Finance Department, degraded to captaincy, dismissed from line duty.

Capt. Fatollah Khan Bahnam, chief of commissariat of tenth district, degraded to first lieutenanty.

Second Lieut. Habibollah Khan, Pahlevi Guard Regiment, one month's imprisonment.

Second Lieut. Nasrollah Khan Ghance, of the police, one month's imprisonment.

Second Lieut. Mostophe Khan, cavalry brigade, two weeks' imprisonment.

First Lieut. Ali Akbar Khan Housnang, guard officer of central police commissariat, degraded to second lieutenanty.

Second Lieut. Gholam Hossein Mirza, guard officer of the police commissariat of Arg (district No. 1), one grade degradation.

Maj. Gholam Ali Khan Omid, Reza-Pur Guard Regiment, one month's imprisonment.

Sergt. Gholam Reza Khan, Reza Pur Regiment, dishonorably dismissed.

Sergeant Yahya, Pahlevi Regiment, four months' imprisonment and degradation to rank of private.

Soleiman Khan, police patrol, Class II, sentinel at main entrance of police station, dishonorably dismissed.

Second Sergeant Yabya, acting guard officer of the commissariat of cavalry police, two months' imprisonment.



(17) Yabouh Housnang - Lawyer and husband of 30 years, having a salary of \$2,000 and good prospects. No children. The widow was awarded \$20,000.

(18) Yabouh, Yabouh W. - Thirty-three years old and was having earnings \$20,000. He left a widow and a daughter, 22 and 18 years old, respectively. The widow was awarded \$20,000 and the daughter \$25,000.

(19) Mulla Gholam Yabouh - Thirty-three years old; his wife was 22. The deceased was earning \$2,000 and his prospects of advancement were bright. No children. The widow was awarded \$20,000.

(20) Yabouh, Housnang W. - Business man, 34 years old, who was earning rather more than \$2,000 per year. He left a widow 27 years old and two sons, 4 and 1 year old, respectively. The widow remained about 3 years after the disaster. Awards: To the widow \$10,000; to the children \$15,000 each.

(21) Mulla Yabouh - A business man, about 34 years old, who had an estate of \$2,700,000. His widow and son and daughter were 18, 13, and 12 years old. The widow was pecuniarily injured. The widow was awarded \$20,000 and the two children \$20,000 each.

(22) Yabouh, Yabouh W. - Forty-four years old; his widow 26, and three children, 12, 11, and 10 years old. His earned income was \$18,000 a year and his prospects were bright. Awards: To the widow, \$20,000; to the children, \$15,000 and \$20,000, respectively.

(23) Yabouh, Yabouh W. - Forty-six years old and was earning a salary of \$12,000 per year. His prospects of advancement were bright. He left a widow and a son 19 years old. The widow was awarded \$20,000.

(24) Yabouh, Yabouh W. - Forty-seven years old. Income \$2,500. Widow and son 13 years old. Awards: Widow, \$20,000; orphan, \$15,000.

(25) Yabouh, Yabouh W. - Fifty-one years old; salary \$2,120. Widow and daughter 15 years old. Awards: Widow, \$25,000; orphan, \$5,000.