

Calendar No. 1705

69TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1703

ENRIQUETA KOCH V. DE JEANNERET

MARCH 2 (calendar day, MARCH 3), 1927.—Ordered to be printed

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

REPORT

[To accompany H. R. 8896]

The Committee on Claims, to whom was referred the bill (H. R. 8896) for the relief of Enriqueta Koch v. de Jeanneret, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 348, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 348, Sixty-ninth Congress, first session]

The Committee on Claims, to whom was referred the bill (H. R. 8896) for the relief of Enriqueta Koch v. de Jeanneret, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 6 strike out the figures "\$5,000" and insert in lieu thereof the figures "\$2,000."

STATEMENT OF FACTS

The full facts are stated in the following letter of the Secretary of the Navy.

List of papers bearing upon this claim are herewith attached and made a part of this report.

NAVY DEPARTMENT,
Washington, January 12, 1926.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: This department submits herewith a draft of a bill for the relief of Mrs. Enriqueta Koch v. de Jeanneret, of Valparaiso, Chile, arising out of the following circumstances.

On February 4, 1921, Lucia de Jeanneret, the daughter of Mrs. Jeanneret, and a young lady of good family, while walking in the streets of Valparaiso, Chile, was knocked down by Andrew Stanley Kondak, a drunken seaman attached to one of the ships of the Pacific Fleet, United States Navy, then at anchor in the harbor of Valparaiso. Miss Jeanneret was badly bruised about the face and her collar bone was broken.

The ships of the fleet were on the point of sailing, but Admiral Hugh Rodman, United States Navy, commander in chief of the Pacific Fleet, immediately arranged that everything be done that courtesy demanded, by visits to the injured girl and to the Peruvian authorities.

Kondek was subsequently tried by general court-martial and found guilty of drunkenness and of assaulting Miss Jeanneret and was sentenced to one year in a military prison and to receive a dishonorable discharge at the end of the sentence.

The officers and men of the fleet subscribed \$2,000 as a present to Miss Jeanneret, and this was forwarded to the American ambassador and delivered by the naval attaché to Miss Jeanneret in person, and she expressed her gratitude to the donors.

Following this Mrs. Enriqueta Koch v. de Jeanneret, on whose behalf the inclosed bill is drawn, asked for a further indemnity of \$25,000. She later reduced this request to \$5,000 and was assured by the American consul general that the matter would be forwarded to Washington with a view to its presentation to the Congress. This was done and at the request of the Secretary of State I have caused the inclosed bill to be prepared directing the payment of \$5,000 to Mrs. Jeanneret. With this are also transmitted duplicate copies of all reports and correspondence concerning the incident, of which a schedule is also attached.

I can not refrain from recalling to your attention the attack made in 1891 upon sailors of the U. S. S. *Baltimore*, because of which Chile paid an indemnity of \$75,000 for distribution to the families of the men killed and to those that were injured, and I recommend that indemnity in the sum of \$5,000 be paid to Mrs. Enriqueta Koch v. de Jeanneret by the passage of the bill here submitted.

Respectfully,

CURTIS D. WILBUR, *Secretary of the Navy.*

DEPARTMENT OF STATE,
Washington, January 28, 1926.

The Hon. CHARLES L. UNDERHILL,
*Chairman Committee on Claims,
House of Representatives.*

SIR: I have the honor to call to your attention a bill for the relief of Mrs. Enriqueta K. v. de Jeanneret, a copy of which is inclosed, which the department is advised has been forwarded to the Speaker of the House of Representatives with the recommendation of the Secretary of the Navy that it be enacted into law.

The department feels that in view of the circumstances in this case an indemnity in the amount mentioned in the bill should be paid to Mrs. de Jeanneret and concurs with the Secretary of the Navy in recommending that an appropriation of the amount mentioned be made in settlement of this matter.

I have the honor to be, sir, your obedient servant,

FRANK B. KELLOGG.

- I. Dispatch of the American consul general, March 4, 1921.
- (a) Letter of claimant to United States consul, February 17, 1921.
- (b) Medical certificate of E. B. Reed, M. D., February 17, 1921.
- (c) Medical certificate of Julio C. Gilleiuelo.
- II. Extract from report of commander in chief of the Pacific Fleet.
- III. Letter of Chief of Naval Operations to commander in chief, United States Pacific Fleet, April 29, 1921.
- IV. Commander in chief of Pacific Fleet to Chief of Naval Operations, May 16, 1921.
- V. Dispatch of American consul general at Valparaiso, August 20, 1921.
- (a) Letter of Enriqueta K. v. de Jeanneret to consul general.
- VI. Acting Secretary of the Navy to Secretary of State, October 1, 1921.
- VII. Secretary of State to Secretary of the Navy, October 25, 1921.
- (a) Secretary of State to American consul general at Valparaiso.
- VIII. Judge Advocate General to Second Assistant Secretary of State, November 2, 1921.
- IX. Third Assistant Secretary to Acting Secretary of Navy, July 27, 1922.
- (a) Embassy, Santiago, Chile, June 17, 1922.
- (m) Ambassador to vice consul, April 4, 1922.
- (n) Vice consul to ambassador, April 10, 1922.
- (o) Ambassador to vice consul, April 18, 1922.
- (p) Vice consul to ambassador, April 28, 1922.
- (x) Mrs. Jeanneret to vice consul, April 27, 1922.

- (g) Ambassador to vice consul, May 2, 1922.
- (r) Vice consul to ambassador, May 18, 1922.
- (s) Vice consul to ambassador, June 7, 1922.
- (t) Mrs. Jeanneret to vice consul, June 7, 1922.
- X. Acting Secretary of Navy to Secretary of State, September 5, 1922.
- XI. Acting Secretary of State to Secretary of Navy, September 12, 1922.
- XII. Acting Secretary of Navy to Secretary of State, September 19, 1922.

AMERICAN CONSULATE GENERAL,
Valparaíso, Chile, March 4, 1921.

Subject: Injuries received by Miss Lucia Jeanneret from an American sailor of the United States Pacific Fleet.

SIR: I have the honor to transmit herewith copies of a petition, also certificates of two reputable medical men of Valparaíso regarding the physical condition of a young lady named Lucia Jeanneret, residing at 914 Victoria Street, Valparaíso, who was attacked by a drunken sailor from one of the naval vessels of the United States Pacific Fleet, on February 4, 1921, the day before the fleet left, and badly injured.

Miss Jeanneret is a member of a good, respectable family in Valparaíso, and the unprovoked attack, upon the public street, by which she was badly bruised, her collar bone broken in two places, and head injured by blows from the sailor's fist, caused a mild sensation in Chilean circles when the account appeared in the newspapers the day after. Thanks to the efforts of the local officials, also by calls at the young lady's residence by myself and the intendente of the Province and the prefect of police of Valparaíso, and the expressions of regret and sympathy of Admiral Hugh Rodman, United States Navy, of the Pacific Fleet, the incident was minimized. Admiral Rodman also sent one of his aids to visit the young lady just before the departure of the fleet.

I have heard considerable comment in club circles re this incident, and comparing same to the "Baltimore incident," in which an indemnity was demanded from the Chilean Government for an attack upon an American seaman during a fight in Valparaíso, in which the seaman was killed.

I believe it would be of inestimable value in promoting the friendship of the two countries if our Government would pay the doctors' bills for the medical attention of Miss Jeanneret, also make her a payment of a sum of money as an indemnification for her sufferings and the nervous shock she has sustained as a result of the sudden and unprovoked attack, and which condition no doubt will last for many months to come. While the mother of the young lady, who is a widow, did not state any sum of money as her expectations, I believe two to three thousand dollars would be a fair sum to award, and as the family is not a rich one it would be very acceptable, and I hope some such award can be made by our Government in this case. The admiral of the United States Pacific Fleet received a report of the assault; also Capt. H. W. Schofield, United States Navy, who was in charge of the shore patrol of the fleet, and who made an investigation, I am told.

I would therefore respectfully recommend that the matter be referred to Admiral Hugh Rodman, United States Navy, commander in chief, United States Pacific Fleet, for his report and recommendation in the case, especially as regards the payment of an indemnization, which I hope it will be expedient to grant.

I have the honor to be, sir, your obedient servant,

C. F. DEICHMAN.

VALPARAÍSO, February 17, 1921.

THE UNITED STATES CONSUL.

SIR: The cruel attack of which my daughter Lucia was the victim, on the part of a drunken sailor of the United States squadron, has caused serious perturbations in our household and in the health of the victim, whose injuries are quite grave and of a nature to have an unfortunate influence throughout her entire life.

The senior officers of the squadron as well as the representatives of the United States in this country have had the kindness to extend their condolences to our family and to the young victim. This noble conduct has been duly appre-

ciated by us; nevertheless, in view of the situation in which my daughter is placed, injured in a manner whose consequences may perhaps previously impair her future, I feel impelled to resort to the Government of the United States in order that it may grant her the indemnity it considered proportionate to the injury caused to a defenseless young woman whose social situation in this port is personally known to the consul.

The accompanying medical certificates show the nature of the injuries received by Lucia and its extreme gravity.

It is my desire that you submit this claim to the well-known equanimity of the United States Government and to its noble generosity, in order that it may make good the injuries caused by members of its armed forces. I am certain that the tradition of the American Government will be maintained in this instance on the customary plane and that my daughter will receive an indemnity commensurate with the seriousness of the injury inflicted upon her, thus definitely terminating a deplorable and unfortunate incident without the necessity of taking other formal steps.

Very respectfully, your obedient servant,

(Signed)

ENRIQUETA KOCH V DE JEANNERET.

I hereby certify that the foregoing is a true copy of the signed original on file in this consulate general.

[SEAL.]

(Signed)

C. P. DEICHMAN,

Consul General of the United States of America.

FEBRUARY 17, 1921.

This is to certify that Miss Lucia Jeanneret suffered a complete fracture of the clavicle, as can be seen in the skiagram inclosed, and she also received a blow on the jaw which left her unconscious for 3 hours and only partially conscious for 20 hours afterwards. On account of the fracture and in spite of the splint she is now suffering from neuralgia of the arm and she is unable to use her jaw, as an arthritis has developed.

She will be confined to her house for four to five weeks. On account of this accident she is extremely nervous and does not sleep at night, as she is a delicate girl and very naturally was terribly shocked.

(Signed)

E. P. REED, M. D., F. A. C. S.

I hereby certify that the foregoing is a true copy of the signed original on file in this consulate general.

C. F. DEICHMEN,

Consul General of the United States of America.

FEBRUARY 17, 1921.

The undersigned physician and surgeon certifies that he has been attending Senorita Lucia Jeanneret K., 21 years of age, at her home, Victoria 914, from the 5th day of February, for contusions received the previous night, to date.

Senorita Jeanneret showed, and still shows, symptoms of cerebral commotion, deafness (due to discharge of bloody serum into the cavity of the left tympanum) and hemorrhage of the auditive conduit of the right ear. There was also an edematous infiltration of the tempora-maxillary joints.

The deafness still persists to date as does also the pain in the condyles of the maxillaries; the first of these lesions may last indefinitely which would constitute a serious injury in a person of this age.

I purposely refrain from making any statement concerning the other injuries received by Senorita Jeanneret as they do not come within my specialty.

(Signed)

JULIO G. ZILLERUELO.

I hereby certify that the foregoing is a true copy of the signed original on file in this consulate general.

[SEAL.]

(Signed)

C. P. DEICHMAN,

Consul General of the United States of America.

[Extract from report of commander in chief Pacific Fleet]

VISIT TO VALPARAISO

APRIL 29, 1921.

Correspondence has been received from American Ambassador Joseph H. Shea at Santiago, Chile, acknowledging the receipt from the Pacific Fleet of a check of \$2,000, United States currency, the result of the voluntary subscription by the personnel of the fleet in behalf of Miss Lucia Jeanneret, who was attacked and injured by one of the men of the fleet.

Accompanying the ambassador's letter was a letter from Miss Jeanneret and a clipping from a daily paper, *El Mercurio*, all of which indicate entire satisfaction on the part of Miss Jeanneret and her family at the manner in which the effort of the fleet to rectify the situation had been carried out, and the commander in chief feels that the action taken in this case has resulted in a very favorable impression being made and a very satisfactory settlement of an incident which otherwise might have become very distasteful.

The following is quoted from Miss Jeanneret's letter to Capt. E. H. Durell, naval attaché, representing Ambassador Shea:

"Please, dear sir, give my sincere thanks for this gift and likewise for the good wishes that they have manifested for my health, to His Excellency Ambassador Shea, Admiral Rodman, and the officers and men of the American squadron."

The following is quoted from the ambassador's letter:

"This generous and warm-hearted action on the part of the officers and men of the fleet has been most favorably commented upon in Chile and has settled in an agreeable manner the only unpleasant incident that might have clouded the otherwise delightful memories of the fleet's visit."

HUGH RODMAN.

APRIL 29, 1921.

From: Chief of Naval Operations.

To: Commander in Chief United States Pacific Fleet.

Subject: Attack on Lucia Jeanneret, Valparaiso, Chile, by enlisted man attached to the Pacific Fleet.

1. There is transmitted herewith a copy of such extracts as are on file of correspondence received by the department in regard to the case of Miss Lucia Jeanneret of Valparaiso, Chile, who was made the victim of an assault by a sailor attached to the Pacific Fleet.

2. The American consul general in Valparaiso has addressed a communication to the Department of State, in which he suggests that a present of a sum of money, as an indemnification for her sufferings and the nervous shock she has sustained, be given to Miss Jeanneret, submitting that it is his opinion that such a present would be of inestimable value in promoting the friendship between Chile and the United States. The consul general states further that "while the mother of the young lady, who is a widow, did not state any sum of money as her expectations, I believe two to three thousand dollars would be a fair sum to award, and, as the family is not a rich one, it would be very acceptable." Before proceeding further in this matter the department desires a report in full of all the circumstances attending the case, including such investigation as may have been made to determine the identity of the offending enlisted man. It is noted that a subscription of about \$1,500 was proposed to be taken up and utilized, through the American ambassador, in order to make a suitable present to Miss Jeanneret. Information is requested as to what sum was so subscribed and what action has been taken in connection therewith.

R. E. COONTZ.

UNITED STATES PACIFIC FLEET,
U. S. S. "NEW MEXICO," FLAGSHIP,
San Pedro, Calif., May 16, 1921.

From: Commander in Chief.

To: The Chief of Naval Operations.

Subject: Assault on Miss Lucia Jeanneret.

Reference: (a) Opnav. letter 26893-1184 of April 20, 1921; (b) general report for period February 20-March 5, 1921; (c) general report for period February 6-19, 1921; (d) O. N. I. publication March 3, 1921; (4) record of general court-martial in case of Andrew Stanley Kondock, seaman, United States Navy

1. In compliance with reference (a) the following is submitted:

Miss Lucia Jeanneret was assaulted by a drink-crazed enlisted man on the streets of Valparaiso on the evening of February 4, 1921. She suffered a dislocation of the left collar bone and a contusion of the chin. During the confusion incidental to the assault the assailant escaped.

2. Everything that it was possible to do to counteract this affair was done. The chief patrol officer, Capt. Frank H. Schofield, United States Navy, called at the Jeanneret home as soon as the facts became known and offered all aid possible and apologized and sent flowers. Maj. H. F. Wirgman, of the commander in chief's staff, in company with the American consul general, called officially on the governor of the Province to express the regrets of the commander in chief. The governor expressed his appreciation of all that had been done in the case and also stated that the Jeanneret family were also very pleased with the action of the commander in chief. A subscription of \$2,000 was taken up and forwarded to the American ambassador and delivered by the naval attaché to Miss Jeanneret. The ambassador reported the family as being very grateful, as they were in straitened circumstances. Part of the ambassador's letter reads as follows:

"This generous and warm-hearted action on the part of the officers and men of the fleet has been most favorably commented on in Chile and has settled in an agreeable manner the only unpleasant incident that might have clouded the otherwise delightful memories of the fleet's visit."

3. Subsequent investigation found Andrew Stanley Kondock, seaman, United States Navy, U. S. S. *New York*, was guilty of the assault. He was tried and sentenced to 18 months' imprisonment. This sentence was reduced to one year by the department.

HAROLD F. WIRGMAN,
(By direction.)

AMERICAN CONSULATE GENERAL,
Valparaiso, Chile, August 20, 1921.

Subject: Injuries received by Miss Lucia Jeanneret from an American sailor of the United States Pacific Fleet.

The SECRETARY OF STATE,
Washington.

SIR: I have the honor to transmit herewith copy of a letter dated August 16, 1921, received from Mrs. Enriqueta K. v. de Jeanneret, together with translation of same, for transmission to the Navy Department, Washington, D. C.

This letter is in reply to the one from the Navy Department to the Secretary of State dated May 31, 1921, in reference to the assault by a drink-crazed enlisted man of the United States Pacific Fleet, on February 4, 1921, in Valparaiso, upon her daughter, Miss Lucia Jeanneret, who suffered as a result therefrom a broken collar bone, many bruises, and severe nervous shock, from which she is still suffering. The statements in the letter are correct so far as is known to this consulate general.

I have the honor to be, sir,
Your obedient servant,

C. F. DEICHMAN,
American Consul General.

(Inclosure:) Copy of letter from Mrs. Jeanneret, with translation, dated August 16, 1921:

[Translation]

Mr. C. F. DEICHMAN, City.

DEAR SIR: I beg to advise you that my daughter Lucia has received your letter of July 13, 1921, together with the copies of the communications from Mr.

Wilbur J. Carr, for the Secretary of State, at Washington, and that of Mr. Theodore Roosevelt, Secretary of the Navy.

It is obvious from both that they desire to terminate the case regarding the fierce assault perpetrated on my daughter, who is enduring and always shall suffer, a neuralgia which will embitter her life as a result of the unpleasant consequences of the attack, that is as far as we know now—since the medical diagnosis is that she is not free from developing in time other complications of a serious and very deplorable nature.

The gentlemen mentioned state in their communication that the \$2,000 sent by the sailors of the American Navy should be sufficient as an indemnity. I must advise you, sir, in connection with this, that this amount was only sufficient to defray the protracted treatment, which even now, though in a lesser degree, but still quite expensive, my Lucia must continue. There is a tergiversation in the communications of the facts, which after I have explained them, will serve to add to my exposition of the case as related above. The communications state that my daughter's collar bone was dislocated, which is quite different from the fracture she suffered, having to endure four painful operations before the bone was set in the right position. The jaw was certainly dislocated, besides receiving internal contusions and cerebral commotion. All these statements are based on medical certificates and photographs taken ad hoc already submitted to you.

Let this suffice as far as the physical effects are concerned. But what about the moral effects? The immaculate name of my daughter has been buffeted about. Some, those having noble sentiments, were indignant, execrating the culprit and pitying the victim, while others who probably we should not take into consideration made offensive remarks, and a newspaper made use of her name in an advertisement. These unpleasant features, together with the sufferings of the victim and her family, have no price.

I shall leave the appraisement to your high criterion. In another passage of the communications sent me it is stated that the assailant escaped, availing himself of the momentary confusion. This is a false imputation, as Mr. Schofield, in command of the American patrol, brought two sailors to our house, who witnessed the assault, and furthermore, all the newspapers shortly after published the fact that the sailor, Andrew S. Kondek, of the dreadnaught *New York*, had been tried on March 14 before a general court-martial for assaulting my daughter, reduced from the rank he held, sentenced to 18 months in the naval prison, and was to be discharged from the Navy.

This severe punishment does not in any way benefit my daughter, who pleaded clemency for the culprit, yet it gives an indication of the ferociousness of the attack. Therefore, dear sir, I trust you will advise my nation the details of my statement of the case as made herein.

I remain very grateful for your kindness.

Yours very respectfully and sincerely,

(Signed) ENRIQUETA K. V. DE JEANNERET.

OCTOBER 1, 1921.

SIR: Acknowledgment is made of your letter of the 19th instant, inclosing a dispatch from the American consul general at Valpariso, relative to the attack by a sailor on Miss Lucia Jeanneret.

Referring to my letter to you on the subject under date of May 31, 1921, you will note that I quoted from a report of the commander in chief of the Pacific Fleet, in which he, in turn, quoted from a letter from the American ambassador, who, after acknowledging receipt of the sum of \$2,000 subscribed by the fleet, said as follows:

"This generous and warm-hearted action on the part of the officers and men of the fleet has been most favorably commented on in Chile and has settled in an agreeable manner the only unpleasant incident that might have clouded the otherwise delightful memories of the fleet's visit."

It had been supposed from this statement, that the matter was closed to the satisfaction of all parties; but this seems not to have been the case, from the letter of Miss Jeanneret's mother, which the consul general forwards, and for the statements in which he vouches so far as known to him.

Mrs. Jeanneret seems to be satisfied with the contribution of the fleet, so far as the personal injury is concerned, but seeks further indemnity, in an amount not stated, for the indignity and humiliation arising out of the attack.

In his dispatch of March 4, 1921, the consul general said: "I believe that two or three thousand dollars would be a fair sum to award." The smaller of these sums was given by the fleet.

The report of Admiral Rodman, from which I quoted in my previous letter, was a general report on the operations of the fleet, and included a paragraph devoted to the visit to Valparaíso, in which he quotes the following from a letter from Miss Jeanneret, as follows:

"Please, dear sir, give my sincere thanks for this gift, and likewise for the good wishes that they have manifested for my health, to His Excellency Ambassador Shea, Admiral Rodman, and the officers and men of the American Squadron."

The statement in Mrs. Jeanneret's letter relative to Kondek's court-martial and sentence has been verified, although this had not been called to my attention when I wrote you in May. The information that the guilty man escaped was derived from a newspaper clipping from a Valparaíso paper.

As you are fully aware, any further indemnity must be the result of special legislation. I am at a loss to determine just what recommendation should be made to the Congress in the matter, and will be guided by your advice, which is solicited.

Sincerely yours,

THEODORE ROOSEVELT,
Acting Secretary of the Navy.

The SECRETARY OF STATE.

DEPARTMENT OF STATE,
Washington, October 25, 1921.

The SECRETARY OF THE NAVY.

SIR: I have received Mr. Roosevelt's letter of October 1, 1921, in reply to a letter of September 19 from this department in regard to the desire of Mrs. Enriqueta K. v. de Jeanneret to obtain further compensation for her daughter, Lucia, because of injuries received as the result of an attack by a drunken sailor of the Pacific Fleet. It appears from the letter that the Navy Department has no funds from which a further indemnity can be granted, even if it were warranted by the facts and circumstances of the case, and that special legislation will be necessary for the payment of a further indemnity. As to this matter, you request the advice of this department.

It appears to this department that before deciding whether it will be proper to ask Congress to make a special appropriation to further indemnify Miss de Jeanneret, a more complete report concerning her condition should be obtained.

I inclose for your consideration a copy of a proposed instruction to the consul general at Valparaíso, directing him to make such a report. You are requested to inform this department whether you desire to have this instruction sent and whether your department will defray the expense of an additional examination. Miss de Jeanneret should the consul deem this necessary.

I have the honor to be, sir,

Your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary
(For the Secretary of State).

OCTOBER 10, 1921.

CARL F. DEICHMEN, Esq.,
American Consul General, Valparaíso, Chile.

SIR: Your dispatch No. 264, of August 20 last, transmitting a copy and translation of a letter from Mrs. Enriqueta K. v. de Jeanneret, concerning the question of compensation for injuries received by her daughter, Miss Lucia de Jeanneret, as the result of an attack by a drunken sailor of the Pacific Fleet, during its visit to Chile, was duly received. Copies of the dispatch and letter were sent to the Navy Department, and I inclose a copy of a letter of October 1 from Acting Secretary of the Navy Roosevelt, from which it appears that the Navy Department has no funds from which a further indemnity can be granted to Miss de Jeanneret, even if it is true that the amount of \$2,000 already granted to her is insufficient. It appears that, in order to make further reparation, special legislation will be necessary.

Before discussing this matter again with the Secretary of the Navy, this department desires to receive from you a further and more complete report, in order that it may be decided whether the indemnity granted to Miss de Jeanneret is, in view of all the facts and circumstances, inadequate; and if so, what additional amount should be granted. In particular, you will please endeavor to

ascertain and report whether the \$2,000 already paid "was only sufficient to defray the protracted treatment," as alleged by Mrs. de Jeanneret, and whether her daughter is still suffering from the injuries and will probably continue to suffer therefrom, so that further medical treatment will be necessary. If it seems impossible to rely upon the statements of the physician who has treated Miss de Jeanneret, you may employ another physician to make a special examination.

I am, sir,

Your obedient servant,

(For the Secretary of State).

NOVEMBER 2, 1921.

SIR: By direction of the Secretary of the Navy I acknowledge your letter of October 25 last, relative to the injury to Miss Lucia de Jeanneret, at Valparaiso.

In reply to your inquiry the department has no funds to compensate a consulting physician, as suggested in your draft of dispatch to the consul general. Upon inquiry it is also found that there is no possibility of a naval surgeon being in those waters for some time to come.

Sincerely yours,

J. L. LATIMER,

Judge Advocate General of the Navy.

Hon. ALVEY A. ADEE,

*Second Assistant Secretary,
State Department.*

DEPARTMENT OF STATE,
Washington, July 27, 1922.

The ACTING SECRETARY OF THE NAVY.

SIR: Referring to previous correspondence in regard to an attack upon Miss Lucia Jeanneret, of Valparaiso, by a drunken sailor of the United States Pacific Fleet, and especially to your letter of October 1, 1921, I have the honor to inclose a copy of a dispatch from the embassy at Santiago, transmitting additional correspondence concerning the occurrence, and to inquire whether you would be willing to join in a recommendation to Congress that the sum of \$5,000 be appropriated as damages for Miss Jeanneret.

I have the honor to be, sir, your obedient servant,

ROBERT WOODS BLISS,

*Third Assistant Secretary
(For the Secretary of State).*

SANTIAGO, CHILE, *June 17, 1922.*

The SECRETARY OF STATE,
Washington, D. C.

SIR: Pursuant to the department's instructions No. 305 of February 27, 1922, concerning the indemnity claimed by Mrs. Enriqueta K. de Jeanneret for the injuries received by her daughter in Valparaiso on February 4, 1921, at the hand of an American sailor, I have the honor to transmit herewith copies of the correspondence exchanged between this mission and the consulate general at Valparaiso with the object of assisting the department to fix a reasonable indemnification to Miss Jeanneret in the event that Congress is disposed to make the necessary appropriation.

From the consulate general's communication of April 10, and the reply of the embassy dated April 18, last, it will be noted that Vice Consul Thompson expressed the belief that the sum of \$2,000 would be adequate to indemnify Miss Jeanneret, and that Ambassador Collier, having concurred in this belief, instructed the vice consul in charge to endeavor to obtain from Mrs. Jeanneret her agreement, in writing, to accept the aforementioned amount.

The attention of the department is invited to Vice Consul Thompson's communication of April 28, 1922, informing the embassy as follows:

"I am now in receipt of a letter from Mrs. Jeanneret, copy and translation of which are inclosed, in which she states her willingness to accept the sum of \$5,000, thus closing the whole incident. This is a material change from her former

demand for \$25,000. It is, of course, difficult to say whether the amount of \$2,000 or of \$5,000 should be recommended, as it is largely a question of determining upon a reasonable sum."

It will also be observed that on May 18 Mr. Thompson stated that "In reply, I regret to inform the embassy that Mrs. de Jeanneret has refused to consider this sum" (\$2,000).

With the communication of the consulate general of the 7th instant, there is inclosed a copy and translation of a letter, signed by Mrs. de Jeanneret and her daughter, who was married several months ago, in which they declare that \$5,000 is the minimum sum which they can accept as a compensation.

In view of the opinion expressed in the department's instruction under acknowledgment that it is most desirable for the sake of the United States in Chile that proper amends be made, I venture to suggest that the sum of \$5,000, which neither Mr. Thompson nor I consider exorbitant, be recommended to Congress as sufficient reparation for the injury done to Miss Lucia Jeanneret by a member of the armed forces of the United States.

I have the honor to be, sir, your obedient servant,

JOHN F. MARTIN,
Chargé d'Affaires ad interim.

EMBASSY OF THE UNITED STATES OF AMERICA,
Santiago, Chile, April 4, 1922.

S. REID THOMPSON, Esq.,
American Vice Consul in Charge, Valparaiso.

SIR: With reference to previous correspondence in the case of Miss Lucia Jeanneret, I am directed by the ambassador to inform you that he is in receipt of an instruction from the Department of State, dated February 27, 1922, transmitting a copy of Consul General Deichman's dispatch No. 360 of January 18, 1922, concerning an indemnity of \$25,000 which is claimed by Mrs. Enriqueta K. de Jeanneret for the injuries sustained by her daughter.

The ambassador is informed that the Department of State has taken this matter up with the Navy Department and has learned that it has no funds from which further indemnity can be paid to Miss Jeanneret. However, it appears that the Navy Department is willing to join the Department of State in a recommendation to Congress for a special appropriation if the facts and circumstances of the case warrant it.

The State Department is of the opinion that although the disgraceful attack upon Miss Jeanneret must have caused her great mental as well as physical suffering, the indemnity now demanded by her mother is exorbitant.

Since, however, it is desirable, for the sake of the prestige of the United States in Chile, that proper amends be made, the ambassador would be glad to receive from you a report setting forth any new developments in the case. At the same time you will please state whether, in your judgment, any further indemnity should be granted to Miss Jeanneret, and if so, what amount.

I am, sir, your obedient servant,

(Signed) JOHN F. MARTIN,
First Secretary of Embassy.

* AMERICAN CONSULAR SERVICE,
Valparaiso, Chile, April 10, 1922.

The Hon WILLIAM MILLER COLLIER,
American Ambassador, Santiago, Chile.

SIR: I have the honor to acknowledge the receipt of the embassy's communication of April 4, 1922, with reference to an indemnity claimed by Mrs. Enriqueta K. de Jeanneret for injuries received by her daughter at the hands of an American sailor during the visit of the American fleet to this port in February, 1921. The embassy states that the Navy Department is willing to join the Department of State in a recommendation to Congress for a special appropriation if the facts and circumstances of the case warrant it, and requests a statement from me as to whether any further indemnity should be granted to Miss Jeanneret; and if so, what amount. I note that a copy of Consul General Deichman's dispatch No. 360, of January 18, 1922, in the premises has been transmitted to the embassy.

There are no new developments in this case to report. Mrs. de Jeanneret, in

her letter of August 16, 1921, inclosed in Consul General Deichman's dispatch No. 264, dated August 20, 1921, a copy of which was transmitted to the embassy, states that the amount of \$2,000 sent by the men of the fleet was "only sufficient to defray the expenses of the protracted treatment" necessary. But it appears from Doctor Reed's letter of January 14, 1922, inclosed in Consul General Deichman's dispatch No. 360, that his bill of \$300, United States currency, for professional services in this case has never been paid and he requests the consulate general to submit it to the United States Government. The bill for operations submitted by Doctor Zilleruelo (see dispatch No. 360) is dated January 14, 1922, and has apparently never been paid. I think it very probable that Mrs. de Jeanneret spent the money received from the enlisted men in household expenditures, clothing, etc., and that very little of it was actually spent in medical attention for her daughter. In any event, the amount of \$2,000 which was donated is considered to have been ample to cover all expenses incident to the complete recovery of Miss Jeanneret, who was attended by Doctor Reed for the last time in July, 1921.

Mrs. de Jeanneret has from the beginning considered the sum of \$2,000 donated by the sailors of the fleet as a gift and in no way as an indemnity. I believe that in order to close up the affair satisfactorily a special appropriation of \$2,000 should be recommended to Congress, not for the purpose of covering any expenses incurred in Miss Jeanneret's recovery, but for recompensing in a measure the disgraceful attack by a member of our armed forces.

I have the honor to be, sir, your obedient servant,

(Signed) S. REID THOMPSON,
American Vice Consul in Charge.

SANTIAGO, CHILE, April 18, 1922.

S. REID THOMPSON, Esq.,
American Vice Consul in Charge.
American Consulate-General, Valparaiso.

SIR: In reply to your communication of April 10, 1922, in which you suggest that the sum of \$2,000 would be ample to meet the indemnity claimed by Mrs. Enriqueta K. de Jeanneret for the injuries received by her daughter in February, 1921, I am directed by the ambassador to request that you call on the Jeanneret family and inform them that if they will accept \$2,000 as full indemnity the ambassador will recommend that Congress appropriate that amount. You, of course, appreciate that it would be unwise on your part to admit any liability by the United States Government, and you will therefore explain that the act is one of grace and generosity.

The ambassador believes that Miss Jeanneret's agreement should be in writing, although it may be informal and take the form of a letter.

In am, sir, your obedient servant,

JOHN F. MARTIN,
First Secretary of Embassy.

VALPARAISO, CHILE, April 28, 1922.

The Hon. WILLIAM MILLER COLLIER,
American Ambassador, Santiago, Chile.

SIR: I have the honor to report that pursuant to the embassy's instruction of April 18, 1922, I interviewed a sister-in-law of Mrs. Enriqueta K. de Jeanneret and informed her that the ambassador was disposed to recommend that Congress appropriate the amount of \$2,000 as an act of generosity on the part of the United States Government toward Miss Lucia Jeanneret on account of the injuries she had received in February, 1921, at the hands of a sailor of the United States Navy, and requested a reply in writing as to whether this was acceptable as a settlement of the whole affair. Mrs. Enriqueta K. de Jeanneret and her daughter live in Quillota. I pointed out that it was not a question of setting a price on her daughter's injuries, but that under the present conditions it would be very difficult to approach Congress with a petition for a greater sum than \$2,000. I am now in receipt of a letter from Mrs. Jeanneret, copy and translation of which are inclosed, in which she states her willingness to accept the sum of \$5,000, thus closing the whole incident. This is a material change from her former demand for \$25,000. It is, of course, difficult to say whether the amount of

\$2,000 or of \$5,000 should be recommended, as it is largely a question of determining upon a reasonable sum.

I have the honor to be, sir, your obedient servant,

(Signed)

S. REID THOMPSON,
American Vice Consul in Charge.

[Translation]

QUILLOTA, April 27, 1922.

The AMERICAN CONSUL.

DEAR SIR: I acknowledge the receipt of your letter of the 21st instant. According to the information given to my sister-in-law, with reference to your letter, your Government would be disposed to grant me (??) \$2,000 U. S. G. as indemnity for the attack against my daughter Lucia, a sum which I consider very insignificant considering the magnitude of the affair and its disastrous consequences. But in view of the crisis in your country which you state prevents granting the amount requested, I therefore propose making a reduction in the amount requested and will be satisfied with \$5,000 U. S. G., thus ending the entire affair.

Awaiting your reply with justice to my claim, I remain,

Yours truly,

(Signed)

ENRIQUETA K. DE JEANNERET.

DEAR MADAM: I would be obliged if you would call at this consulate general to speak to you concerning a matter which is of interest to you.

Very truly yours,

S. REID THOMPSON,

SANTIAGO, CHILE, May 2, 1922.

S. REID THOMPSON, Esq.,

American Vice Consul in Charge, Valparaiso.

SIR: In reply to your communication of April 28, 1922, concerning the indemnity demanded by Mrs. Enriqueta K. de Jeanneret, for injuries sustained by her daughter last year, I am directed by the ambassador to inform you that in his opinion the sum of \$2,000 is adequate to indemnify Miss Lucia Jeanneret for her injuries.

You will accordingly endeavor to obtain from Mrs. de Jeanneret her agreement, in writing, to accept the aforementioned amount in the event that Congress makes the necessary appropriation.

I am, sir, your obedient servant,

(Signed)

JOHN F. MARTIN,
First Secretary of Embassy.

VALPARAISO, CHILE, May 18, 1922.

JOHN F. MARTIN, Esq.,

*American Chargé d'Affaires ad interim,
Santiago, Chile.*

SIR: I have the honor to acknowledge the receipt of the embassy's communication of May 2, 1922, requesting me to endeavor to obtain from Mrs. de Jeanneret her agreement in writing to accept the sum of \$2,000 which the ambassador considers adequate to indemnify her daughter, Lucia, for her injuries received last year, in the event that Congress should make the necessary appropriations.

In reply, I regret to inform the embassy that Mrs. de Jeanneret has refused to consider this sum. She informs me that a member of the family will call at the embassy with regard to the case, as she wishes to take it up directly. I shall be glad to be of any possible assistance in this affair upon further instruction.

I have the honor to be, Sir, your obedient servant,

(Signed)

S. REID THOMPSON,
American Vice Consul in Charge

AMERICAN CONSULAR SERVICE,
Valparaiso, Chile, June 7, 1922.

JOHN F. MARTIN, Esq.,
American Charge d'Affaires ad interim,
Santiago, Chile.

SIR: With reference to the embassy's verbal instruction in the matter of the claim made by Mrs. Enriqueta K. de Jeanneret in behalf of her daughter, Lucia, for injuries received at the hands of a sailor of the United States Navy in February, 1921, I have the honor to inclose a letter received from Mrs. de Jeanneret and her daughter in which they state \$5,000 is the lowest sum that they can accept as a compensation in case Congress makes the necessary appropriation.

I have the honor to be, Sir, your obedient servant,

(Signed) S. REID THOMPSON,
American Vice Consul in Charge.

QUILLOTA, June 7, 1922.

S. REID THOMPSON, Esq.,
Vice Consul in Charge, American Consulate General, Valparaiso.

MY DEAR SIR: Referring to the various conversations which we have recently had with the object of determining a sum which would be acceptable to me in order to close the incident which was provoked by a sailor of the American Fleet and in which my daughter Lucia was injured in the month of February, 1921, I wish to inform you again that the sum of \$2,000 which has been suggested to me as a possible indemnity on the part of your Government would not be sufficient to relieve our moral and physical sufferings, nor to defray the expenses that I have had to incur in order to partially restore the health of my daughter.

I still have faith, my dear sir, in the spirit of benevolence and justice of your Government as well as those who have charge of presenting my petition and those in whose power its approval rests, and in view of the considerations set forth by you, I hereby renounce my claim to \$25,000, which I had previously stipulated, having resigned myself to accepting as a minimum \$5,000, United States currency, in order to terminate in an equitable manner the above-mentioned incident.

Thanking you in anticipation of your taking the necessary steps as soon as possible to obtain for me the last mentioned amount, and appreciating your very courteous attentions, I am,

Very truly yours,

(Signed) ENRIQUETA K. DE JEANNERET.

I agree to the foregoing:

(Signed) LUCIA JEANNERET KOCH.

At present:

(Signed) LUCIA J. DE GACITUA.

DEPARTMENT OF THE NAVY,
Washington, D. C., September 5, 1922.

HON. CHARLES E. HUGHES,
The Secretary of State, Washington, D. C.

SIR: Acknowledgment is made of your letter of July 27 last, asking whether this department will be willing to join in a recommendation to Congress that the sum of \$5,000 be appropriated to cover damages to Miss Lucia Jeanneret, of Valparaiso, resulting from an attack by a drunken sailor of the United States Pacific Fleet.

The papers attached to your communication have been carefully examined, and you are advised that the department will willingly join in such a recommendation.

Sincerely yours,

T. ROOSEVELT,
Acting Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, September 12, 1922.

The SECRETARY OF THE NAVY.

SIR: I have the honor to acknowledge the receipt of your department's letter of September 5, 1922, regarding the case of Miss Lucia Jeanneret, of Valparaiso, Chile, in which it is stated that your department is disposed to join in a recommendation to Congress that the sum of \$5,000 be appropriated as damages for Miss Jeanneret.

I beg to inform you that since the claim in question can not be regarded as an international one, inasmuch as it has not been presented to this Government by the Chilean Government, but has been presented informally by Miss Jeanneret through the American consul general at Valparaiso, the department is of the opinion that it can not appropriately take the initial action with a view to obtaining an appropriation from Congress. Since the matter appears to be one for adjustment by your department, it is believed that the Navy Department might appropriately present the case to Congress.

I may say, however, that upon the receipt of information that the Navy Department has recommended to Congress that the sum of \$5,000 be appropriated for Miss Jeanneret, this department will be pleased to forward communications to the appropriate committees of Congress recommending the appropriation of the above amount in settlement of the matter.

I have the honor to be, sir, your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary
(For the Acting Secretary of State).

SEPTEMBER 19, 1922.

HON. CHARLES E. HUGHES,
Secretary of State.

SIR: Acknowledgment is made of your letter of September 12 relative to the claim for damages of Miss Jeanneret, of Valparaiso, Chile. In accordance with your suggestion the case will be prepared and submitted to Congress at the opening of the next session.

Sincerely yours,

T. ROOSEVELT,
Acting Secretary of the Navy.

AMERICAN CONSULATE GENERAL,
Valparaiso, Chile, August 12, 1924.

Subject: Claim of Mrs. Enriqueta K. v. de Jeanneret against Navy Department for physical damages suffered by daughter at the hands of an American sailor.

The SECRETARY OF STATE,
Washington.

SIR: I have the honor to refer to my dispatch No. 201, dated March 4, 1921, and to dispatch No. 360, dated January 18, 1922, relative to the claim of Mrs. Enriqueta K. v. de Jeanneret for injuries inflicted upon her daughter by a drunken sailor of the United States Pacific Fleet in February, 1921.

I have the honor to inform the Department of State that Mrs. Jeanneret called at this consulate general to make inquiry as to the status of this claim, that is, whether or not the Navy Department has obtained an appropriation to cover the amount of this claim which is now placed at \$5,000, United States currency, the amount I believe agreed upon between Mrs. Jeanneret and the Embassy at Santiago. Mrs. Jeanneret is quite anxious to obtain the settlement of this claim, stating that her financial condition is such that this money or any part thereof that the United States Government may see fit to give her would be gratefully accepted.

It is therefore respectfully requested that an expression of opinion be obtained from the Navy Department as to the prospects of an early payment of this claim to Mrs. Jeanneret.

I have the honor to be, sir, your obedient servant,

C. F. DEICHMAN,
American Consul General.

DEPARTMENT OF STATE,
September 18, 1924.

The SECRETARY OF THE NAVY.

SIR: I have the honor to refer to your letters of September 5 and September 19, 1922, with reference to the proposal to submit a recommendation to Congress that the sum of \$5,000 be appropriated to cover damages to Miss Lucia Jeanneret, of Valparaiso, Chile, resulting from an attack by a sailor of the United States Pacific Fleet, and to inclose a copy of a further despatch on the subject from the American consul general at Valparaiso, dated August 12, 1924, reporting that inquiry has been made as to the status of the case by Miss Jeanneret's mother, who is anxious to obtain settlement as early as possible.

The department would be pleased to be informed of the nature of the reply which it may make to the consul general in response to Mrs. Jeanneret's inquiries.

I have the honor to be, sir, your obedient servant,

WILBUR J. CARR,
Assistant Secretary
(For the Secretary of State).

AMERICAN CONSULATE GENERAL,
Valparaiso, Chile, March 12, 1925.

Subject: Claim of Mrs. Enriqueta K. v. de Jeanneret against Navy Department for physical damages suffered by daughter at the hands of an American sailor.

The SECRETARY OF STATE,
Washington.

SIR: I have the honor to refer to my dispatch No. 201, dated March 4, 1921, and to dispatch No. 360, dated January 18, 1922, relative to the claim of Mrs. Enriqueta K. v. de Jeanneret for injuries inflicted upon her daughter by a drunken sailor of the United States Pacific Fleet in February, 1921.

I have the honor to inform the Department of State that Mrs. Jeanneret called at this consulate general to make inquiry as to the status of this claim; that is, whether or not the Navy Department has obtained an appropriation to cover the amount of this claim, which is now placed at \$5,000, United States currency, the amount I believe agreed upon between Mrs. Jeanneret and the embassy at Santiago. Mrs. Jeanneret is quite anxious to obtain a settlement of this claim, which has now been pending over two years, and I would respectfully ask that I be informed of the present status of the case to relieve Mrs. Jeanneret's anxiety as to its outcome.

I have the honor to be, sir, your obedient servant,

C. F. DEICHMAN,
American Consul General.

DEPARTMENT OF STATE,
Washington, April 9, 1925.

The SECRETARY OF THE NAVY.

SIR: Referring to previous correspondence with your department in the matter of the claim of Mrs. Enriqueta K. v. de Jeanneret, of Valparaiso, Chile, for injuries inflicted upon her daughter by a drunken sailor of the United States Pacific Fleet in February, 1921, I now have the honor to inclose a copy of a dispatch of March 12, 1925, from the American Consul General at Valparaiso, Chile, inquiring on behalf of Mrs. Jeanneret as to the present status of this claim, i. e., whether or not the Navy Department has obtained an appropriation to cover the amount of this claim placed at \$5,000 United States currency.

I have the honor to be, sir, your obedient servant,

JOSEPH C. GREW,
Under Secretary
(For the Secretary of State).

AUGUST 17, 1925.

The Hon. FRANK B. KELLOGG,
Secretary of State.

SIR: I beg to acknowledge receipt of your letter, So. 411.25 J 34/1, relative to injury done to the daughter of Mrs. Henriqueta K. v. de Jeanneret, of Valparaiso, Chile. It is requested that this claimant be informed that at the

coming session of the Congress in December next everything practicable will be done to secure the passage of legislation for her relief in the sum of \$5,000 as agreed to indemnify her. The case has, unfortunately, been overlooked in previous presentations of proposed legislation.

Respectfully,

(Signed)

T. DOUGLAS ROBINSON,
Acting Secretary of the Navy.

A BILL for the relief of Enriqueta Koch v. de Jeanneret

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Enriqueta Koch v. de Jeanneret, of Valparaiso, Chile, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 as complete indemnity for injuries to Lucia de Jeanneret, her daughter, occasioned by an assault at Valparaiso by Andrew Stanley Kondek, seaman, United States Navy, on February 4, 1921, and as reimbursement of all expenses caused thereby.

A BILL For the relief of Enriqueta Koch v. de Jeanneret

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Enriqueta Koch v. de Jeanneret, of Valparaiso, Chile, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 as complete indemnity for injuries to Lucia de Jeanneret, her daughter, occasioned by an assault at Valparaiso by Andrew Stanley Kondek, seaman, United States Navy, on February 4, 1921, and as reimbursement of all expenses caused thereby.

DEPARTMENT OF STATE,
Washington, February 15, 1926.

HON. CHARLES L. UNDERHILL,
*Chairman Committee on Claims,
House of Representatives.*

SIR: I have the honor to refer to the department's communication of recent date, recommending an appropriation of \$5,000 in satisfaction of the claim against the United States of Miss Lucia de Jeanneret, a Chilean subject, who was assaulted by a seaman of the United States Navy, and to your inquiry concerning the disposition made of the funds paid to the United States by Chile in 1891 for distribution to the seamen of the U. S. S. *Baltimore*, injured by a mob at Valparaiso, Chile.

You are informed that on October 14, 1892, the department sent to the Secretary of the Navy an order drawn by the Director of the Treasury of Chile upon the Chilean minister at Paris for \$75,000 payable 30 days after sight, indorsed to his order, to be distributed among the seamen of the U. S. S. *Baltimore*, who received personal injuries, and the families of the two seamen who were killed at Valparaiso on October 16, 1891.

I have the honor to be, sir, your obedient servant,

FRANK B. KELLOGG.

NAVY DEPARTMENT,
Washington, February 6, 1926.

JOHN HELMUS, Esq.,
*Clerk Committee on Claims,
House of Representatives.*

SIR: In reply to your inquiry by telephone you will find an account of the attack on sailors of the U. S. S. *Baltimore* in Valparaiso, Chile, in the annual report of the Secretary of the Navy for 1891, at pages 21 to 30. In the Secretary's annual report for 1892 and 1893, at page 42, you will find a statement that Chile has paid an indemnity for the attack mentioned.

This is in connection with the bill for the relief of Enriqueta Koch v de Jeanneret.

Respectfully,

E. H. CAMPBELL,
Judge Advocate General of the Navy.