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65TH CONGRESS }  
3d Session }

HOUSE OF REPRESENTATIVES

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No. 1851 }

# DANIEL WEBSTER COMSTOCK

(Late a Representative from Indiana)

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## MEMORIAL ADDRESSES

DELIVERED IN THE  
HOUSE OF REPRESENTATIVES AND THE SENATE  
OF THE UNITED STATES

SIXTY-FIFTH CONGRESS  
THIRD SESSION

Proceedings in the House  
February 17, 1918

Proceedings in the Senate  
March 2, 1919

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FRANCIS PICKENS

## DEATH OF HON. DANIEL WEBSTER COMSTOCK

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PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES

SATURDAY, *May 19, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God, our Eternal Hope, who holdest our life and appointest our lot, make us tractable unto Thy holy influence and strong to bear the burdens Thou hast laid upon us. Open Thou our spiritual ears that we may hear the call of Him who said: "Come unto Me, all ye that labor and are heavy laden, and I will give you rest. Take My yoke upon you, and learn of Me; for I am meek and lowly in heart; and ye shall find rest unto your souls. For My yoke is easy, and My burden is light."

Hear our prayer for us and for all who are bowed in sorrow and grief. Our hearts are touched once more by the visitation of the Angel of Death in our congressional home. Bless, we beseech Thee, those nearest and dearest to him and help them to learn of Him who taught us the way and the truth and the life. Amen.

Mr. DIXON. Mr. Speaker, it is with deep sorrow that I announce to the House the death in this city this morning of my colleague and friend, Judge DANIEL W. COMSTOCK, a Member of this House. At a later time I will ask that a day be selected when the Members will be given opportunity to pay appropriate tribute to his life, character, and public services. At this time I desire to present the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 83

*Resolved*, That the House has heard with profound sorrow of the death of Hon. DANIEL W. COMSTOCK, a Representative from the State of Indiana.

*Resolved*, That a committee of 16 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The Speaker appointed the following committee in accordance with the foregoing resolutions:

Mr. Dixon, Mr. Cox, Mr. Barnhart, Mr. Denman, Mr. Bland, Mr. Sanders of Indiana, Mr. Moores of Indiana, Mr. Vestal, Mr. Purnell, Mr. Wood of Indiana, Mr. Kraus, Mr. Fairfield, Mr. Timberlake, Mr. Park, Mr. Heintz, and Mr. Dewalt.

The SPEAKER. The Clerk will report the other resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect this House do now adjourn.

The resolution was unanimously agreed to; accordingly (at 3 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until 11 o'clock a. m., Monday, May 21, 1917.

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PROCEEDINGS IN THE HOUSE

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MONDAY, *May 21, 1917.*

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

*Resolved,* That the Senate has heard with deep sensibility the announcement of the death of HON. DANIEL W. COMSTOCK, late a Representative from the State of Indiana.

*Resolved,* That a committee of five Senators be appointed by the Chair to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased in Richmond, Ind.

*Resolved,* That the Secretary communicate a copy of these resolutions to the House of Representatives.

And that in compliance with the foregoing resolutions the Vice President had appointed as the committee on the part of the Senate Mr. New, Mr. Watson, Mr. Fernald, Mr. Thomas, and Mr. Hardwick.

TUESDAY, *February 5, 1918.*

MR. DIXON. Mr. Speaker, I ask unanimous consent that Sunday, February 17, be set aside for addresses on the life, character, and public services of the Hon. DANIEL W. COMSTOCK, late a Representative from Indiana.

THE SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

SATURDAY, *February 16, 1918.*

THE SPEAKER. The Chair appoints Mr. Barnhart, of Indiana, to preside to-morrow.

SUNDAY, *February 17, 1918.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. Barnhart].

Rev. George Robinson, D. D., chaplain, United States Army, retired, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Who hast set Thy glory above the heavens.

When I consider Thy heavens, the work of Thy fingers; the moon and stars which Thou hast ordained: What is man, that Thou art mindful of him? and the son of man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands. Thou hast put all things under his feet. All sheep and oxen, and the beasts of the field; the fowl of the air and the fish of the sea.

But Thou hast not only thus been mindful of man in his creation, but Thou hast been wonderfully mindful of him in his redemption! Not with silver and gold, not with all the mines of earth or the depths of every sea, could one soul of man be redeemed. The price of man's redemption must be taken from off the throne of God itself, the gift of His only begotten and well beloved Son, to become incarnate, and by a death shameful and cruel at the hands of men He came to save, atone for our sins.

O Lord, our God, we thank Thee for the life of this man in whose memory this service is held; for his devotion to his country, in his young manhood following the flag and offering his life to help to save the life and integrity of the Nation; for his service in the enactment of laws in State and National legislatures, and the interpretation and application of the laws of the land in a judicial position. May the memory of these services for his fellow men be a solace to the dear ones who most greatly mourn his loss as husband and father, and may the loving, pitying One speak the words of comfort to their hearts which no human voice can speak.



Again, in this hour of sorrow, would we lift our hearts in behalf of the land we so ardently love. O Lord Jesus, when Thou wert approaching Thy Gethsemane and Thy Calvary, Thou didst pray, "Father, save me from this hour!" So thousands of hearts in this land have prayed that our country might be saved from this time of trial. But Thou, O Christ, in submission to the Divine will, didst immediately add "But for this cause came I unto this hour." So it may be that for this cause, the cause of truth, of righteousness, and the true liberties of the nations of the earth, our Nation in the fullness of its prosperity has come to this time. And as Thou didst further pray "Father, glorify the name," so we believe that we have a right to pray Father in heaven, make this Nation glorious in the great cause to which it has set itself; that it may help to soon bring again to this troubled earth a peace which shall be founded on righteousness and truth, and justice for all that dwell on the earth.

In the name of the Lord Jesus Christ. Amen.

The Clerk read as follows:

On motion of Mr. Dixon, by unanimous consent,

*Ordered*, That Sunday, February, 17, 1918, be set apart for addresses upon the life, character, and public services of Hon. DANIEL W. COMSTOCK, late a Representative from the State of Indiana.

Mr. DIXON. Mr. Speaker, I offer the following resolutions.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. DANIEL W. COMSTOCK, late a Member of this House from the State of Indiana.

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MEMORIAL ADDRESSES: REPRESENTATIVE COMSTOCK

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*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER *pro tempore*. The Chair will first recognize the gentleman from Indiana, Mr. Elliott, the successor of the deceased.

## MEMORIAL ADDRESSES

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### ADDRESS OF MR. ELLIOTT, OF INDIANA

Mr. SPEAKER: In these days of sorrow and tribulation, when the world is on fire and we are daily called upon to witness scenes of carnage and suffering such as the world has never before been called to look upon, it is hard for us to realize, living as we do so far from the scene of conflict, what this war means to this world. It is impossible for us to conceive of the untold suffering which war brings to the nations which are engaged in it. Men who have gone through the terrible scourge of fire and blood and endured hardships and the sufferings of the late Civil War can, perhaps, in a measure, realize what it all means.

While we are now most intensely interested in the daily reports of the present war and are engaged with our own troubles connected with the terrible conflict now raging in Europe, we should not forget that we, as a Nation, owe a debt of gratitude to the veterans of the Civil War which we can never repay. But while this is true it is our duty to do what we can while the few survivors are living to lighten their burdens and make their pathways brighter, sweeter, and happier; and as they one by one pass to that undiscovered country from whose bourn no traveler ever returns it is our duty and our pleasure to render to their memories that measure of love and respect which their service to our country so richly entitles them to receive.

It is, therefore, a privilege and an honor to-day to pay this last small tribute of our love and esteem to the memory of a distinguished citizen of my native State, my friend and predecessor in this House.

The sixth congressional district of Indiana has produced some very distinguished and honorable statesmen in its day, among them Oliver P. Morton, the great war governor, who was one of President Lincoln's staunchest supporters, and whose bust now adorns the Hall of Fame adjacent to this Chamber. It has from time to time been represented in this honorable body by men whose fame was as wide as the Nation, and none was more beloved and respected in the community in which he lived than DANIEL WEBSTER COMSTOCK. His early life was not spent in luxurious ease; but he, like thousands of our best men, was brought up to work for his livelihood under the honest and frugal discipline which prevailed in the homes of the good old Quaker stock from which he descended. And it was from these sturdy ancestors that he inherited that sterling honesty and respect for the rights of others which characterized his whole life and enabled him to live through a long, busy, and honorable public career, untarnished and unchanged by his contact with the world.

He received a collegiate education at Ohio Wesleyan University, graduating in 1860, at the age of 20. He studied law and was admitted to the bar of the Henry circuit court at Newcastle, Ind., in 1862. Mr. COMSTOCK entered politics at an early age and was elected district attorney for the eleventh common pleas district of Indiana in 1862. He entered upon the duties of his office, but shortly afterwards resigned his office and, like thousands of other patriots of his time, answered his country's call, enlisting as a private in the Ninth Indiana Cavalry, although he had been offered a commission as a lieutenant. From a private he was promoted from time to time, by reason of his bravery and valiant services, and served as sergeant major, first lieutenant of Company F, captain of Company C, and subsequently was detailed as acting assistant adjutant general of the First Brigade, Seventh

Division, of the Military Division of Mississippi. He was honorably discharged from the service in 1865. He served his country faithfully and well as a soldier.

While in the Army Mr. COMSTOCK was cited for distinguished gallantry for rescuing, under fire, a wounded superior officer. While his regiment was covering a retirement one of the officers was shot and fell from his horse. Facing the enemy's fire, Mr. COMSTOCK returned to his stricken comrade's side, picked him up, and rode away with him to safety.

After the war was over Mr. COMSTOCK married Miss Josephine A. Rohrer, who, with their two daughters, Elizabeth and Clara, and their son, Paul, survive him. His military spirit was inherited by his son, who is now a major in the National Army and who bids fair to shed additional luster to his father's honored name.

Mr. COMSTOCK's career as a lawyer was that of the average successful country lawyer. He enjoyed the confidence and respect of his community at all times and was the possessor of a clientage as good as the average lawyer of his community. He served as city attorney for the city of Richmond and was elected prosecuting attorney for Wayne County, Ind., for two terms. He was elected judge of the Wayne circuit court twice, being nominated without opposition both times for that office on the Republican ticket, which in that county was equivalent to election. He served as circuit judge for about 12 years, and resigned to take a seat on the appellate bench of Indiana, serving in that capacity for about 15 years, and retiring in 1911. His legislative career consisted of a term of four years in the Indiana State senate, and he was elected a Member of the Sixty-fifth Congress, serving in that capacity a trifle over two months. It is said that it had been his life's ambition to serve his country as a Member of Congress, but fate willed that his career in

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MEMORIAL ADDRESSES: REPRESENTATIVE COMSTOCK

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Congress should be short. His services to his country in a legislative capacity were limited, and his best services were rendered as a citizen, soldier, and jurist.

Mr. COMSTOCK was honored in the last years of his life by his comrades of the Grand Army of the Republic by election to the position of grand commander for Indiana. In all of the many positions of trust reposed in him by a grateful people he made good and rendered to his constituents faithful service, and after a long and well-spent life he went to his eternal rest, loved, honored, and respected by all who knew him best.

ADDRESS OF MR. DIXON, OF INDIANA

MR. SPEAKER: For the third time during the course of my congressional service we have held exercises such as these upon the death of Indiana Members of Congress. Three Members of our State delegation have died in service during that time. First, Abraham Lincoln Brick, the young and brilliant Representative from South Bend; then our talented and gifted Senator, Benjamin F. Shively; and now DANIEL WEBSTER COMSTOCK, our learned jurist and legislator. Each was taken in the midst of useful public service.

It is a custom of this House that those who have died in service as Members here should have accorded them some memorial of the personal regard and esteem felt by those who were associated with them.

To-day we turn aside from the routine of legislation and give voice to our mingled feelings of sorrow and respect for our late lamented colleague and friend.

MR. COMSTOCK was born December 16, 1840, at Germantown, Ohio, and at the age of 20 graduated from the Ohio Wesleyan College, at Delaware, Ohio. After his graduation he located at Newcastle, Ind., and entered the struggle for a practice in his chosen profession, the law. While but 22 years of age, he had so successfully proven his ability as a lawyer that he was elected district attorney. While occupying this position he resigned the office and enlisted in the Ninth Indiana Cavalry. His faithful service as a soldier and his ability, energy, and courage were promptly recognized by his superior officers, and he was from time to time promoted, and when honorably discharged from the Army, September 2, 1865, he was acting adjutant general of the First Brigade, Seventh Division, of the Military Division of Mississippi.

His military service ended, he returned to Indiana, and in 1866 removed to Richmond; and until his death, over 50 years later, May 17, 1917, continuously resided there. In 1867 he was married, and his widow and three children survive him. The same year of his removal to Richmond he was selected as city attorney. A few years later he was elected prosecuting attorney, and held the office for four years, 1872 to 1876, and his faithful discharge of its responsible and multifarious duties gave ample assurance and promise of the capable and conscientious manner in which he performed the duties of the higher office he was later called to fill. He was industrious and studious, and these qualities, together with strict integrity and fidelity to his client, enabled him to establish a large and profitable practice. He was respectful to the court, courteous to his opponent, and frank and open in his argument to the jury, and with these exceptional qualities combined it is not surprising that he succeeded in his profession.

In 1878 he was elected to the legislature of his State as a senator, and rendered honorable and faithful service during the four years he occupied that office. Later he was elected judge of the Wayne circuit court, and after a service of six years was reelected. In October, 1896, he resigned as judge of the circuit court to accept a judgeship on the Indiana appellate court. This position he filled with honor to his State until January 1, 1911, a period of over 14 years.

As a jurist he had the respect and confidence of the bar and of the people, and his decisions were always made after careful study, mature deliberation, extensive examination of authorities, and with an honest purpose to render a just decision.

In 1913 he was selected as department commander of the Grand Army of the Republic, Department of Indiana. This position was of special interest to him, and he enjoyed its opportunities for service to his comrades. He



came into personal relationship with the soldiers of our State and renewed the friendships formed in his army life. He was always ready and anxious to render service for his comrades, and they had for him the highest respect and esteem. In 1916 he was elected as a Representative in Congress for the sixth congressional district and entered upon the discharge of its duties March 4, 1917.

Scarcely had he begun the work of his congressional service when he was called by death from his busy, active, and useful life. His services were so short that but few had the opportunity to know him intimately. Brief as that service was, he showed independence in action, individuality, and a fixed purpose to follow his matured judgment in matters of legislation. Many important matters were considered during his brief service, and while slow to determine his course yet he never hesitated to support the policy his judgment led him to believe was best. The wishes and opinions of others were considered, but never controlling.

In every position he occupied in official life, whether in early manhood as prosecuting attorney or city attorney, whether in middle life as a senator in the State legislature or as circuit judge, whether in later years as judge of the appellate court or as a Member of Congress, he so performed the duties of his trust that his record was without a blot or blemish.

Our departed friend, a soldier in war and a leader of the Grand Army in time of peace, has passed into the invisible land. Many thousands of his soldier comrades preceded him and thousands more are following him rapidly on that solemn march. The ranks of the soldiers of the Civil War are being rapidly diminished by death. But a few more years and the last of these brave men will be laid to rest and the history of their deeds be but a sacred memory; but while they are mortal their deeds are im-

mortal and will be forever cherished in the recollections of a grateful people.

As a member of the congressional committee appointed to attend the funeral of our late colleague I was deeply impressed with the high esteem in which JUDGE COMSTOCK was held by his neighbors, as evidenced by their sorrow when they turned out to pay their last tribute to their friend.

The people of his city had honored him in life, and they did not fail in his death to breathe the tenderest sentiments of affection and sympathy over his remains.

The most accurate test of a man's character is the estimation in which he is held by those who knew him longest and best.

No higher tribute can be paid to a man than to be able to truthfully say of him at the end of a long life that he had held until the end the affection and confidence of his neighbors.

We to-day attest our esteem for our late colleague, DANIEL WEBSTER COMSTOCK. We point with a just pride to a record of an honorable, honored, and patriotic man. We admire his record as a citizen, a soldier, a jurist, and public servant.

ADDRESS OF MR. DENTON, OF INDIANA

Mr. SPEAKER: It was my fortune to have been quite well acquainted with Judge COMSTOCK. I appeared before him quite frequently when he was a judge on the bench of the appellate court of Indiana, and I also frequently met him in a social way. I found during my acquaintance with him that we were both graduates of the same college, the Ohio Wesleyan University, and this established a bond of friendship between us which continued till the time of his death. He was a lovable character and always the perfect gentleman, and one always felt better after meeting him. In his work on the bench he was honest and conscientious and sought to get at the justice of a cause instead of deciding it on legal technicalities. His long service on the bench of the Indiana appellate court, which continued past the period of life when most men have retired on account of age, shows the confidence and esteem in which he was held by his fellow citizens, as well as the vigor of his mind.

I had frequent occasion to meet him and talk with him in the early part of the extra session of this Congress, and there was a certain bond of friendship and mutual sympathy between us from the fact that we were partners in distress, both going through the experiences that fall to the lot of a new Member. He was intensely patriotic and loyal, and evinced an interest in public affairs far beyond that shown by most men of his advanced age. He was one of the most faithful attendants in the House and could always be found on the floor, listening intently whenever anything was going on affecting the interests of the country during those strenuous days following the entrance of America into the world war. Indeed, I have no doubt he

shortened his life by his faithful and intense application to his duties in the strenuous days of the early part of the last session of Congress, the most strenuous, let us hope, that this Nation will ever experience.

He has fought a good fight, has served his country well and faithfully, and died in harness. He met his end as he would have wished to—fighting for his country in the hour of her supreme crisis, forgetting partisanship for the time being, and remembering only that he was an American. All honor to his memory.

The SPEAKER *pro tempore*. It seems especially fitting that this audience should be composed so largely of young men wearing the uniform of United States soldiery, indicative of their readiness to go forth and defend the principles of freedom and liberty that have made our country all that it is, and it is especially appropriate that here in this assembly of Members of Congress are two comrades of the deceased Member, men who have already contributed of their life and substance and made their sacrifice to the cause of liberty. Of these two I shall now recognize the gentleman from Ohio, Gen. Sherwood, and then Comrade Osborne, of California.

#### ADDRESS OF MR. SHERWOOD, OF OHIO

MR. SPEAKER: I presume I knew Col. COMSTOCK as well, if not better, than any Member outside of his own State delegation. I met with him on several Grand Army occasions. I was with him at a very notable dinner, perhaps as notable as was ever held in the Capital, given by Senator Page, of Vermont, to the 12 oldest men in Congress. At that dinner there was more ancient history, perhaps, recited, and as much patriotic history as at any gathering ever held in this Capital.

I can not arise to-day and speak to the memory of an old comrade without growing reminiscent. Of the 435 Members of this House of Representatives, I believe there are only three soldiers here now who survive the Civil War—Hollingsworth, of Ohio; Osborne, of California; and myself. It is a sad reflection that after all of these passing years perhaps we are nearing the end of the service of the men who served in that great war, and I can not help but call up some of those memories to-day.

I can see to-day the red-clay roads of northern Georgia, hot and baking under the July sun. I can see long lines of dusty blue pass by with tattered banners, and under their slouch hats I can see the hardy and stern features of stalwart men. I can see the fresh earth of the battle fields and the unburied dead. I can see Atlanta from behind her black-mouthed cannon, and on her bold green hills I can hear the roar of 200,000 muskets. And I can see Atlanta from a nearer view—I can see above her domes and steeples the flag of my country and of yours. And if I look back over those 110 days of skirmish and battle I can see the graves of 40,000 of our brave comrades.

We know what this war cost. It was the most peculiar war in all history. It had features that attached to no other war, either before or since. In all the armies of the Union, numbering 2,212,272 men from first to last, I never heard of a soldier who went insane. It was a cheerful war. Now, if you will examine the statistics in Berlin and Paris of the soldiers of Germany and of France—I have not the statistics of England—you will find that 5 per cent of all the soldiers that have been in for a year in those terrible trenches have gone insane.

Every man who stood behind a gun in our war knew just what he was fighting for. And another feature of the war was that it was one where the soldiers on the march and around the bivouac fires at night sung patriotic songs of their own composition. That never happened before in any war on this continent or on the Continent of Europe. In the seven years of the American Revolution they did not have a patriotic song except Yankee Doodle, and the words of it are very simple. It is the music that made Yankee Doodle popular, so well adapted to the fife and the drum. In the War of 1812 there were no patriotic songs sung that were written by a soldier; and the only one written was written by Francis Scott Key, the Star-Spangled Banner, which was not sung until the close of the war and was never sung in the war by a soldier. The record of the Mexican War does not show a single patriotic song that was sung. In the great Civil War we had over 100 patriotic songs.

And one of the other peculiarities of our war was that every soldier was in sight. The trenches were only waist deep. In the war in Europe the armies are out of sight.

Col. Comstock in his career illustrated the average career of the American soldier. There was more determination, more continuity, in that war than in any war of all time. Let me illustrate. On the 4th of November, 1864, our army was marching to that desperate struggle at

Franklin, Tenn. It was presidential election day. Tickets then-were printed. We did not have the Australian ballot. The Ohio soldiers were allowed to vote. The tickets had been sent to me for my regiment, the One hundred and eleventh Ohio, and the One hundred and eighteenth Ohio. We were on a forced march that day. I rode back to the rear and secured an ambulance, and I appointed three private soldiers to go in that ambulance as judges of the election. I took an old camp kettle and put it in the ambulance to receive the ballots, and when we halted, as we used to do, about every eight miles, allowed the soldiers to vote. And we counted the votes that night by the light of a bivouac fire. Now, this was in the darkest period of the Civil War. It was only in the preceding August that Abraham Lincoln wrote a letter, and that letter is now in existence, expressing the feeling that he was not going to be reelected. He was discouraged about the universal gloom that hung over this country.. I wanted to give you this to illustrate the courage, the fortitude, of the soldiers at that time. In the whole regiment, one-third of whom were Democrats, with a Democrat, Gen. McClellan, running for President, there were only seven votes against Abraham Lincoln.

We have never had in this country too many men of heart and brains and morals and courage in public life, and at no period in our history have men of this type been more needed than now. No time in our history has there ever been a more urgent demand for just men of courage, patriotism, and ability on the floor of Congress.

Col. COMSTOCK was a soldier and jurist of this type.

It was our own poet of patriotism, Fitz-Greene Halleck, who wrote, in Marco Bozzaris, this pathetic and heart-rending couplet:

Come to the bridal chamber, Death!  
Come to the mother's when she feels  
For the first time her first-born's breath!  
And thou art terrible!

But more terrible is the loss of a fully equipped man, mentally and morally, because his loss is not only to the family, the wife, the child, but to the State. The one loss to the other is as the rosebud compared with the full-blown rose, grown fragrant and beautiful in God's sunshine. And the example of a well-rounded man, of power and influence for the good of his fellow man, does not attach to the newborn child.

One of the greatest of Athenian philosophers said:

Most of all, fellow citizens, if your sons ask whose example they shall imitate, what will you say? For you know well it is not music, nor the gymnasium, nor the schools that mold young men. It is much more—the public proclamation, the public example. If you take one whose life has no high purpose and crown him in the theater, every boy who sees it is corrupted. Beware, therefore, Athenians, remembering posterity will rejudge your judgment and that the character of a city is determined by the character of the men it crowns.

Two thousand years have elapsed since this classic was uttered, and it is still vital and valuable. The hope and ambition of our young men of to-day is fostered and fed by the character of the men the people of this Republic send into our highest legislative body. Col. COMSTOCK'S example is a potent teacher to the young men of his district and his State. Example teaches without a tongue. It is silent, but its action for good is more forcible than words, however eloquent.

And I must not fail to commend Col. COMSTOCK'S patriotism. He won his promotions in battle, but his patriotism was in harmony with the humane theory that the future of this country depends more upon the virtue and purposes of the people than upon a bannered army with shot-ted guns.

In the throes of human contention and fierce ambition came that mighty conflict of 1861-1865, from which a new nation was born, and now, after long years, when the bit-



terness of strife has vanished and we can calmly recount the common deeds of valor and devotion, the immortal flower song of the young English poet, James Collins, of over a century and a half ago, comes as a sweet solace to blossom in our hearts and lives :

How sleep the brave who sink to rest,  
By all their country's wishes blest?  
When spring with dewy fingers cold  
Returns to deck each hallowed mold,  
There honor comes a pilgrim gray  
To bless the turf that wraps their clay.

Never before has there been such a spectacle in all the ages, since history was born in the womb of the dead centuries, as when on Memorial Days, with the rose and the lily North and the lotus and the magnolia South the men who wore the blue and the men who wore the gray clasp hands in fraternal kinship, remembering that God is good, and consecrating themselves to fraternity and unity and a mighty future.

ADDRESS OF MR. OSBORNE, OF CALIFORNIA

MR. SPEAKER: While I had known of the high character and exalted reputation as a jurist of Judge DANIEL WEBSTER COMSTOCK, of Indiana, for many years, it was not my good fortune to make his personal acquaintance until I met him in this Chamber in April last. I had known that Judge COMSTOCK was one of the four Union soldiers of the Civil War elected to the Sixty-fifth Congress; that he held a place of very great respect in the national membership of the Grand Army of the Republic, and I had written him from my home in California that I was looking forward with anticipations of pleasure to meeting him personally.

That pleasure was realized on this floor on the historic 2d day of April, 1917, when the Sixty-fifth Congress met in the extraordinary war session.

Judge COMSTOCK's personality was most prepossessing. It was marked by geniality, kindness, and frankness of thought and expression. It was easy to see why he commanded such universal respect and affection.

During the few months that we were privileged to enjoy his membership of the House of Representatives it was my custom to exchange views with him almost daily on the grave questions then before Congress. His mind was rich in the fruits of study, knowledge, and experience, and his heart glowed with the same unquenchable fires of patriotism and love of country which inspired him in his young manhood to serve his country as a gallant cavalryman in the Ninth Indiana. I am glad to acknowledge that I received from his fine intelligence and lofty national ideals many inspiring suggestions as to the best

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ADDRESS OF MR. OSBORNE, OF CALIFORNIA

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service which might be rendered to our country in the present time of stress and war.

I am glad that I knew Judge COMSTOCK. I admired and loved him while living. Our American Nation is enriched by the lives of men like him. The memory of his exalted character, his services in the tented field, and later as a learned jurist and wise legislator, is a glorious part of our heritage as American citizens. Wise, brave, and honest friend and comrade, hail and farewell!

Mr. Elliott took the chair as Speaker pro tempore.

ADDRESS OF MR. BARNHART, OF INDIANA

MR. SPEAKER: To have been a soldier who fought in defense of his country and fought in such a way as to merit promotion from the ranks to commanding officer, and a citizen who was elected district attorney, prosecuting attorney, circuit court judge, appellate court judge, department commander of the Grand Army of the Republic, and Congressman, is a substantial and unusual reward of merit for any man. Add to these honors the esteem of a community which knew him for half a century and the love of a devoted family and you have a word picture of a typical Indiana citizen—DANIEL WEBSTER COMSTOCK.

Unfortunately for me, Mr. COMSTOCK's service in Congress was of such short duration that I had only a passing acquaintance with him, but I saw and heard enough of him to most favorably impress me with his earnestness and his patriotism. While old in years he was new in Congress, and therefore he did not actively participate in proceedings while here, but when he did speak he commanded marked attention and profound respect, for the membership saw in him the pronounced elements of a good man and a ripe scholar.

It will matter little in the day of judgment—

Says the author of John Inglesant—

by what name you have been called, whether Catholic or Protestant, Jesuit or Jansenist, Jew or Gentile. These and similar things are mere accidents of birth and circumstance. But it will matter greatly whether, having chosen your part, you follow it faithfully to the end.

Abraham Lincoln once said:

I am not bound to win, but I am bound to be true; I am not bound to succeed in all that I undertake, but I am bound to live up to what light I have; it is my duty to stand with anyone who is right, stand with him as long as he is right, and part with him when he goes wrong.

My brief acquaintance with Mr. COMSTOCK led me to believe that his standard of life was in harmony with both the foregoing tests of good citizenship, and if I am right in this estimate his career as husband, parent, citizen, soldier, jurist, and statesman is a more eloquent eulogy on a life well spent than any I could pronounce.

But in these times, when the life of our Nation is in danger and a cruel war is raging, the soldier phase of the deceased's life record furnishes special inspiration for encomium. War is a dreadful thing, and the man who quits the peaceful pursuits of life and happiness to bare his breast to the shafts of death for his country's sake emblazons his own glory on the scroll of fame. He says good-by to home and family and friends; he lays down his well-begun endeavor to make a financial success of life in such a way that he is sure to be loser when he returns; he braves the danger of physical hardships, disease, homesickness, and injury or death at the hands of the enemy, and does it without any hope of reward, except the consolation in the coming years that he did his duty.

And I wonder if we who remain at home fully appreciate the sacrifice a man makes who goes forth to fight for his country. I doubt it. I see too many evidences that some of us want to make money out of the country's misfortune which necessitates the dying of soldiers at the front. I see evidences that many of us refuse to make any sacrifices of money or pleasure or comfort to show our fighting legions that we are arm in arm with them in self-sacrifice, that they may be as comfortable, healthy, and

safe as possible. A famous general and celebrated humanitarian has declared that we ought to quit our social pleasures until we are sure that the lives of our soldier boys are out of danger and that we ought not to dance and "high-fly" socially while the brutal dagger of an enemy is being aimed at the hearts of our boys and the blight of destruction of liberty is darkening the sunshine of life itself. Oh, if we could only realize what the old soldiers, like the one we honor here to-day, know of the horrors of war, not only on battle field but in the suffering ever after by those who are touched by its dreadful brutality, we would more fully appreciate the blessings of life in a land of the free. Most of us live in an air of self-asserted divine right, oblivious of the fact that our splendid country and its matchless institutions are such as the result of misery and death in many hard-fought battles for freedom. This is no time for pleasure seeking and money grabbing by those who do not have to fight; and if DANIEL COMSTOCK were on this floor with his comrades and colleagues to-day he would join them in emphatically approving what I am saying.

I know what it is to say farewell to a manly boy as he leaves for the front. On a lovely morning last summer I arose in a home made such only in name by a visitation of death and accompanied a splendid young fellow to a railway station where he was to take an early morning train for the far West to enter upon the gruesome but patriotic duty of drilling men to fight to kill in order that our country may live. I was greatly inspired by his cheerful courage in leaving his boyhood home, of so many pleasant memories, to go, God knows where, to risk his life that others may live free from oppression. And when the train came I said to him: "Good-by, fine boy. God bless you and keep you and bring you back in the full spirit of honor and manhood taught you by your mother."

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ADDRESS OF MR. BARNHART, OF INDIANA

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And when I saw him comfortably seated in the train I entered my auto and drove home. And as I went the black gloom of despair seemed to engulf me until I suddenly aroused to the realization that to our principles of liberty I owed the happiness and prosperity of me and mine, and I said, with an unction of soul never before felt:

Our Father's God to Thee,  
Author of Liberty,  
To Thee I sing.  
Long may our land be bright  
With Freedom's holy light;  
Protect it by Thy might,  
Great God, our King.

At Mr. COMSTOCK's funeral, at Richmond, Ind., I heard many tributes from neighbors and friends to his splendid citizenship and his earnest patriotism. I heard a former illustrious Member of this House, Hon. Henry U. Johnson, give eloquent public testimony to Mr. COMSTOCK's worth to his community and to his country, and I saw a great concourse of people bow in silent resignation to the inevitable as Mother Earth closed over all that was mortal of our beloved colleague. And as we turned and slowly started back, to serious responsibilities for the living, we all silently and reverently invoked the benediction:

Peace to his ashes and honor to his memory.

#### ADDRESS OF MR. WOOD, OF INDIANA

MR. SPEAKER: I shall never forget the first time I saw Judge COMSTOCK. It is now more than a quarter of a century ago. It was at Indianapolis, the occasion being a Republican State convention. His personality and his figure were so marked that you would pick him out, no matter how large the concourse of people. Tall, straight as an Indian, with high cheek bones, aquiline nose, and prominent features, to my mind he was a present-generation representation of the old Roman tribune; and throughout his long life, active as it always was, he maintained that same activity of body up to the very time of his death. The last time that he ever visited this Capitol he walked up here from his hotel, the Dewey, on the morning of that day, and as I saw him coming into the House Office Building he seemed to walk with all the agility of young manhood.

His type is rapidly passing; and, as has been suggested here, in his passing is to be found a most forceful reminder—with what a heavy hand mortality has laid itself upon the survivors of the Civil War! For a long time after the close of the Civil War this body was dominated by the veterans of that war, and for many years thereafter they were a power in the legislation of this country. One after another they have passed away until to-day there is a very small remnant of them left. There were five elected to the Sixty-fifth Congress. Two of them are gone. I am happy to find here to-day, paying tribute, two of those who remain. Not long will it be until the veterans of the Civil War with us will be only a memory.

Indiana contributed to that great conflict 221,000 men. Five thousand of them answered the last call last year.



But 18,000 now remain. Every 15 minutes of time announces the death of a soldier of the Civil War. So, as I say, not long will it be until with us they will be only a memory.

Throughout his long career Judge COMSTOCK was most active in the affairs of life. Very nearly one-half of his lifetime was spent in public office, in the discharge of public duties; and to my mind it is one of the greatest tributes that can possibly be paid to his manhood that he should have been so highly respected not only by the people of the community in which he lived, and honored by them, respected not only by the State to which he gave so much, and signally honored by that State, but at last respected by the United States.

True, he was permitted to give only a small measure of his time and ability to the Congress of the United States. Yet what little he did give was evidence of the fact of his willingness to do and his capacity to perform. On the three or four occasions when he spoke before this body upon questions that were of most vital importance and concern to the country he was listened to with attentive ears, and the words of wisdom that came from his lips found lodgment in the hearts of the men he addressed because of the sincerity which they well knew prompted their speaking.

Throughout all the busy life of DANIEL W. COMSTOCK there was ever with him that natural human desire for companionship, for the mingling with his fellow men, and his friendships were strong and true. When I went to Richmond to attend the funeral I saw among those who came to pay the last tribute of respect Judge Joseph M. Rabb, of Logansport. They were old friends; they had been soldiers together and jurists together, friends ever; and I thought if ever there was a true tribute of respect paid it was paid by Judge Rabb, for he had traveled far

to pay this tribute. Many a time have I been regaled in listening to those two men, bantering each other with good-natured jokes and jests, and the bright humor and sharp repartee that passed between them was ever a delight.

The tribute that was paid to Judge COMSTOCK by Henry U. Johnson, one of the most eloquent men that the State of Indiana has ever produced and one of the most eloquent men whose voice was ever heard in this Chamber, on the occasion of the funeral exercises in Richmond, I thought was most remarkable. It was not one of those fulsome tributes that are too often paid to the memory of men who are dead, but it was a recital to those old friends and neighbors and acquaintances of Judge COMSTOCK'S life as it was, as it had been spent among them, and as they all knew it; and I felt that here is a tribute to a man that should be cherished forever by those of his kindred and friends left behind, for it was a most worthy tribute to a splendid character.

As that day we wended our way through the winding streets of that beautiful cemetery where we laid him away to rest among those who had passed before him, of his friends and acquaintances, I felt that it was a most fitting receptacle for all that was mortal of our colleague and friend. There we laid him in the shade of two forest trees that will stand as vigils over his grave for many years to come, and through their boughs a requiem will be chanted to his memory by each passing breeze. There he rests, and rests well, after long years of active service. He died as all of us should wish to die—in the full possession of an active body and strong mentality. Death at such a time is a fitting crown to life.

Mr. Barnhart resumed the chair as Speaker pro tempore.

#### ADDRESS OF MR. MOORES, OF INDIANA

MR. SPEAKER: DANIEL W. COMSTOCK was a fine type of the first generation of children born in what had been the old Northwest Territory. The pioneers who came across the Alleghenies to build homes in the wilderness were the sturdy, adventurous sons of the most vigorous of the old colonial stock. They came in almost equal numbers from the northern and southern colonies and were men of courage, force, and determination, and largely of good education. In their associations in their new homes they were not in any way sectional, but from the very first intermarried with families of pioneers who had come from colonies far removed from their own places of birth. Many of the pioneers had served in the American Revolution, as had also the fathers of most of the others.

Judge COMSTOCK was born in 1840, at Germantown, midway between Dayton and Hamilton, Ohio, and was the son of a reputable physician, Dr. James Comstock, of a colonial family famed for its achievements in medicine, chemistry, and physics, born in Connecticut, himself the son of a soldier of the Revolution. The mother, Mary Wade Croke, a native of Virginia, was the daughter of Richard Croke, a native of Ireland, who came of a family of lawyers and jurists justly eminent in the English and Irish courts from the time of King Henry VIII.

DANIEL W. COMSTOCK was graduated in 1860 from Ohio Wesleyan University, at Delaware, Ohio, where he was contemporary with the poet John James Piatt, for years librarian of the National House of Representatives. A year later he located in Indiana and was admitted to the bar. In the summer of 1862 he was elected district attorney for the common pleas, and shortly after was tendered

by Gov. Morton a commission in the volunteer forces, which he refused on the ground that he had assumed the duties of prosecutor. The reverses of the spring of 1863, however, convinced Comstock that his duty to the Nation was more urgent than that he owed his State, and, willing and glad to respond to the call for more men, he resigned his office and enlisted as a private in a veteran regiment, the Ninth Indiana Cavalry. His regiment was a fighting one and was many times in action on the battle field. By rapid successive promotions he became sergeant major, first lieutenant, and captain in the line, and after the end of the war served for several months as brigade assistant adjutant general of the Seventh Division of the Military Division of Mississippi. Finally, discharged September 18, 1865, he returned to Indiana, took up law practice in Richmond, and married the wife who now survives him. Almost at once he was chosen city attorney of Richmond and was elected prosecuting attorney in 1872 and again in 1874. He represented Wayne County in the State senate from 1878 to 1882. In 1884 he was elected circuit judge and served for 12 years, resigning in 1896 to accept a seat on the bench of the appellate court of the State, where he served until January, 1911, having been elected three times a judge of the appellate court of Indiana. He was department commander of the Grand Army of the Republic for his State in 1913, and in 1916 was elected Representative in Congress from his district, which his party had not previously carried for years.

It is the privilege of few men to give as many years to the service of their communities, the State, and the Nation as was the fortune of our late associate. As soldier, lawyer, legislator, and jurist he served conspicuously, faithfully, and creditably for practically the entire period of his manhood by a clean life, zealous devotion to duty,

and sterling honesty, avoiding even the breath of scandal or the suspicion of wrongdoing.

From the story of his life the first and greatest lesson to be learned is that of service.

At the very outset of his career in his chosen profession, honored by being given an office which offered a most enviable opportunity for achieving distinction in his profession, he cheerfully gave it up to go to the front as a common soldier, although, at a time when men were not so sorely needed, he had refused military command. Entering as a raw recruit a veteran cavalry regiment, the jest and byword of his more experienced comrades, he had the good fortune to be sent almost at once into one of the fiercest battles of the Civil War and to carry off from the field of battle under a steady fire from the enemy the body of his commander, wounded almost to the death. Repeated acts of heroism during a campaign of rather more than a month of hard fighting won for the recruit his first promotion, and the others speedily followed in the rapidly changing panorama of the latter months of the war. Such was the esteem in which he was held by the people of his city, his county, his circuit, his district, and his State that Judge COMSTOCK met a constant demand for public service and was given scant opportunity to take rank in his chosen profession, the law.

He was a man of fine presence, with courteous and engaging manners. His opinions as a judge are clear and concise, without any attempt at rhetorical expression; they briefly state the facts, the issue, and the principles of law involved in the decision, with abundant and apt reference to authority. He never criticizes counsel, nor does he inject into his opinions lengthy discussions of broad legal questions in only a general way applicable to the matters at issue. They are as a rule of little interest even to lawyers, but in form and expression they are ideal.

He was a ready, fluent, and forcible speaker, but never wearisome; and his oratory possessed imagination and poetic expression. During his short service in the House he spoke but three times, and then briefly—on April 14 (page 673), supporting the emergency bond issue; on April 27 (page 1405), advocating the enlistment of volunteers in preference to conscription; and on May 3 (page 1774), supporting an amendment to the espionage bill. From his speech of April 27 I quote:

Having grown up in the belief that one who makes to his country the offering of his life should live ever after in its grateful memory . . . the impression formed in youth has been emphasized by reading. . . .

On fateful fields of the Republic monuments are erected, on which are raised, in bronze and marble, figures of the volunteer soldier and sailor, in honor of the defenders of our common country—not to the conscript. The volunteer system has been characterized on the floor of the House as archaic, and even as vicious.

High praise has been given to the volunteers of 1861. They were volunteers, without distinction of age or sex. On both sides of the line men, women, and boys entered into honorable rivalry in aiding the cause in which they believed.

"The wife whose babe first smiled that day,  
The fair young bride of yester eve, and matron gay,  
And aged sire, all saw loved warriors haste away,  
And deemed it sin to grieve."

The result of that spirit, the hearty discharge of duty, converted an age which had become commonplace and sordid into one of heroism and self-denial.

Archaic is of Greek origin and means old. I admit the charge. The immortal 300 who defended the famous pass; Horatius, who held the bridge; Curtius, who threw himself into the breach to save his country; the young American who fired the shot heard "round the world"; the heroes of Concord and Lexington; the men who fought with Warren at Bunker Hill; the victors at Kings Mountain; those who gave the Hornets Nest its name; Francis Marion, the swamp fox; the illy fed, illy clothed, and poorly paid

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ADDRESS OF MR. MOORES, OF INDIANA

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men who constituted an army—an army in name only—and followed the Father of his Country through the vicissitudes of the Revolution until privileged to see the banner of the proud mother country lowered to her victorious and rebellious sons; and the brave men who died in defense of the Alamo were volunteers. It has been truly said that all our wars, practically, have been fought and won by volunteers. All that is past—it should not be forgotten. \* \* \*

In the great war in which we are engaged we are going to furnish, either as volunteers or conscripts, or as both, all the men necessary to its successful prosecution. In essentials we are all standing by the President; and the only question now is, Shall the army be raised by the volunteer or conscriptive system? All are agreed as to the end, but differ as to the means. \* \* \*

A reference to the first American, the only Washington, always awakens interest and commands respect. This is due to the fact that we cherish his memory with religious gratitude. In whatever position or attitude history presents him, we look upon him with veneration and affection. As just as Cato, without his austerity; as brave as Caesar, without his sinister ambition, what views he expressed upon any subject are accepted as almost conclusive. The letters of the great Washington read by my distinguished friend from California on the subject must be read in connection with the times and conditions under which they were written. That time was when the country was impoverished, when Tories were busy in conspiracies and work against the colonies, and the future of the struggling Republic looked dark. Bad men were sowing dissensions in the colonial ranks, attacking even the character of their unselfish leader, challenging his integrity as a man, and denying him merit as a soldier. Such conditions do not exist here. \* \* \*

Certainly it is proper to take into account the spirit of the men, as soldiers, who offer without compulsion to serve, and those whose service is enforced. Heretofore we have thought it worth while to permit men to volunteer and serve their country as units, continuing the associations of civil life; boys that grew up on adjoining farms, perhaps attended the same school, to continue the associations in the same regimental and company units. It has worked well in the past. The proposed conscription does not contemplate the continuance of these relations; and men and boys, however intimate and close their associations were, may be separated and sent to widely different fields.

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MEMORIAL ADDRESSES: REPRESENTATIVE COMSTOCK

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Service in war in defense of our representative Government is a duty, but it need not be devoid of sentiment. With the service, if we would make it most effective in connection with the discharge of duty, may also go along the amenities of war, the comradeship growing out of mutual toil and suffering; the "martial courtesy which lends to danger grace, to valor pride"; relieving and mitigating its sad offices. . . .

To-day we mourn one ripe in years, who, after a long life devoted to the service of others and crowded with honors, has been taken for higher duties. In life he had our trust, our utmost confidence in his integrity, our love—and we shall long remember him as a brave, modest, courteous, kindly, Christian gentleman.

Of him we can say as a great poet said of one of our greatest captains:

Glory and honor and fame and everlasting laudation  
For our captains who loved not war, but fought for the life of  
the Nation;  
Who knew that, in all the land, one slave meant strife, not peace;  
Who fought for freedom, not glory; made war that war might  
cease.

Glory and honor and fame; the beating of muffled drums;  
The wailing funeral dirge, as the flag-wrapped coffin comes:  
Fame and honor and glory; and joy for a noble soul,  
For a full and splendid life, and laureled rest at the goal.

But better than martial woe, and the pageant of civic sorrow;  
Better than praise of to-day, or the statue we build to-morrow;  
Better than honor and glory, and history's iron pen,  
Was the thought of duty done and the love of his fellow men.



ADDRESS OF MR. FAIRFIELD, OF INDIANA

MR. SPEAKER: The splendid tributes of respect that have been paid to the memory of Judge COMSTOCK by gentlemen who knew him but confirm the impressions that were made upon my mind in a very brief association with him in this House. Perhaps the strangeness that is common to us all when first we are permitted to enter the House, drawn from a continental area representing 100,000,000 of people, was as strange to him, though aged, as to us, for every new experience puts a new stamp upon a man, and no sooner is it given than it seems as if the whole concourse of events had been directed to that end. My first meeting with our colleague was in Indianapolis, just a few weeks before the assembling of Congress—simply a passing touch; and yet, having known something of his public career, I became immediately interested in his personality.

When he came here his striking figure challenged the attention of all. The gentleness of his manner, the kindly quality that characterized his speech, together with the care with which he uttered his judgments, signified to me that the habits of his life had been the habits of a thoughtful man. No doubt all of us in these times are moved with any allusions to the soldier life. I can understand that all the things that draw men together are experienced by the soldier; a common thought, a common interest, a common suffering, a common sacrifice. To my mind there has been to-day the thought of the deeper current that ran through his life history. I was but a child of 5 when the Civil War broke out. To me it is scarcely a memory. Indistinct, far away, as if from another age, there comes a slight memory of troops parading and of

having been led by my father in safety beside the cavalry, and then I remember, too, on two or three other occasions indistinctly how my childish heart was stirred by martial music and the tramp, tramp, tramp of the boys as they marched away.

The years that have intervened, however, have made incarnate some of the phases of that mighty struggle, and the recent experiences in my home have intensified and deepened the significance of it all. When that call came from President Wilson in our recent Mexican trouble, out from my own home one young man, strong, and loving liberty, gave himself to his country only to come back to be carried out to the hill beyond the town to wait the resurrection morn. Ah, men, I have counted it an honor that his grave should be marked with a simple stone that is given to the private. The deeper current had run through the thought of that young man's life, and he and the older man would not have been strangers had they met here on the floor of this House. It was fortunate that DANIEL W. COMSTOCK was permitted to have a part in that great struggle in the great Civil War, to be a determining factor in seeing to it that the principles which have made this Government possible in perpetuity were made safe by the sacrifice of his time, his talent, and the endangering of his life.

The name of Oliver P. Morton has been mentioned upon the floor of this House to-day. In one of the keenest fought political battles of all the stress of that war Oliver P. Morton went before the people of our State and said:

The Constitution and laws of the United States operate immediately and directly upon the individual and not upon the State and as if there were no States intervening.

He succeeded in that conflict, and no doubt DANIEL W. COMSTOCK worked to the end that that principle might

obtain in human government; and after the lapse of more than 50 years to be permitted upon this floor to vote for bills that make it possible that this war shall be efficiently conducted was but a vote in harmony with the convictions of a lifetime. Fortunate, indeed, was his entrance into the Congress of the United States. He was wise, careful, dignified, kind, gentle—one of the old school; aged, indeed, but not decrepit, but retaining the fierce fires intellectually of his youth, held by the firmness of his judgment and directed effectively in the doing of his duty.

May I not in passing say that perhaps the aged are not appreciated as they should be? I know no benediction like that of the young man coming close to the man of age, worthy, of high ideals, strong and yet tempered by his experiences—no greater benediction can come to any young man. So I have sought to know the older men of the House, perhaps reckoned among them, and yet with more than 20 years between Mr. Comstock and myself. May we not prize to-day the opportunity to have listened to the recounting of the experiences of his life? We have come here from strangely differing communities. We have known each other for but a short time, and yet the membership of this House has been tied together by a common experience, by the mighty responsibilities that have been put upon the individual Members, in a way that could not have occurred probably in several sessions. I felt a little diffident even about speaking to-day, because I had not known Mr. Comstock intimately. But after having heard gentlemen talk who knew of his career I shall feel that in a sense I knew him. I felt, even in the short acquaintance, that I could learn to love and respect permanently the life that was behind him, because he bore in his attitude toward men and in the manner in which he addressed this House evidence of a cultivated mind and a gentle spirit.

ADDRESS OF MR. PURNELL, OF INDIANA

MR. SPEAKER: For many years I have known of Judge COMSTOCK as a soldier of the Civil War, as a commander in that great struggle, as prosecuting attorney, as circuit judge, as appellate judge, as department commander of the Grand Army of the Republic, and as one of the leading citizens of the great State of Indiana.

I do not recall that I ever saw him or knew who he was until the 2d day of April, 1917, when we, as new Members-elect, marched down this aisle together to take the oath of office as Members of this body. I was attracted to him then and have since learned to know and love him. His tall, stately form, his keen sense of humor, his ability as a lawyer and jurist, his record as a soldier, and the general big-heartedness of the man combined to make him distinctly fascinating. Another fact entered into our brief comradeship. He and I represented the two extremes of age of the Indiana delegation, he being the oldest Member and I the youngest. In fact, with two or three exceptions, we represented the same extremes in the entire House of Representatives. When I refer to his age I do not mean to suggest that he was old, except in years and experience. To do so would do a great injustice to his memory. He was exceptionally young in mind and actions. I have observed that many people live in the past proportionately as they advance in years. It was not so with him. Judge COMSTOCK was a student of modern questions. He referred to the past only that he might profit by the experience it gave him and thereby build the better for the future. He was intensely interested in the success and conduct of this war. His only regret, as expressed to me many times, was that he could not shake off the 50 years

that have come and gone since he served on the field of battle and give again to his country the same service he rendered then.

I attended his funeral and observed the high and exalted place he held in the hearts of those who knew him best. His friends and neighbors loved and respected him. To my mind this is the real test of the man. I helped to carry his lifeless form to its last resting place. When we reached the hallowed spot I thought I had never seen a more wonderful setting. Between two stately trees on the crest of a sloping hill we laid him to rest, and there he sleeps in a cemetery covered with beautiful grass and foliage and shaded by majestic trees. It looked more like a natural park than a city of the dead. What a fitting end this was to a busy and successful life. To die in the harness, so to speak, in possession of all one's faculties and at the end of a long and useful life should be the ambition of every man. Such a life can not end with death. Such was the life of our departed colleague. His State and Nation could ill afford to lose him. His services to both will long be remembered and appreciated by a grateful people.

The SPEAKER pro tempore. Under the special order authorizing these services, the House now stands adjourned.

Accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 18, 1918, at 12 o'clock noon.



PROCEEDINGS IN THE SENATE

SATURDAY, *May 19, 1917.*

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of DANIEL W. COMSTOCK, late a Representative from the State of Indiana, and transmitted resolutions of the House thereon.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

*May 19, 1917.*

*Resolved,* That the House has heard with profound sorrow of the death of Hon. DANIEL W. COMSTOCK, a Representative from the State of Indiana.

*Resolved,* That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved,* That as a further mark of respect this House do now adjourn.

Mr. NEW. Mr. President, it is with great sorrow that I have to announce to the Senate the death of Hon. DANIEL W. COMSTOCK, a Representative in Congress from the sixth congressional district of Indiana. Judge COMSTOCK served his State loyally and gallantly as a soldier of the Union in the great Civil War and at various times has

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MEMORIAL ADDRESSES: REPRESENTATIVE COMSTOCK

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served his State with honor and distinction on the bench of its higher courts. He was gallant and brave as a soldier, efficient and distinguished as a jurist, and was serving honorably and with credit as a Representative in Congress at the time of his unexpected death.

Mr. President, on some future day I shall ask the Senate to designate a time at which appropriate tribute may be paid to the memory of the deceased Representative. For the present I offer the resolutions which I send to the desk and ask for their adoption.

The resolutions were read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. DANIEL W. COMSTOCK, late a Representative from the State of Indiana.

*Resolved*, That a committee of five Senators be appointed by the Chair to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased in Richmond, Ind.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The Presiding Officer, under the second clause of the resolutions, appointed as the committee on the part of the Senate Mr. New, Mr. Watson, Mr. Fernald, Mr. Thomas, and Mr. Hardwick.

Mr. NEW. Mr. President, as a further mark of respect to the memory of the deceased Representative I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 55 minutes p. m., Saturday, May 19, 1917) the Senate adjourned until Monday, May 21, 1917, at 12 o'clock meridian.

MONDAY, February 25, 1919.

Mr. NEW. Mr. President, I desire to give notice that on Sunday next, March 2, at the conclusion of the eulogies on



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PROCEEDINGS IN THE SENATE

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the late Senator Husting, of Wisconsin, and the late Representative Davidson, of Wisconsin, I shall ask the Senate to consider resolutions on the life, character, and public services of HON. DANIEL W. COMSTOCK, late a Representative from the State of Indiana.

SUNDAY, *March 2, 1919.*

(Legislative day of Saturday, March 1, 1919.)

The Senate met at 1 o'clock p. m., on the expiration of the recess.

Mr. NEW. Mr. President, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 484) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate assembles as a mark of respect to the memory of Hon. DANIEL W. COMSTOCK, late a Representative from the State of Indiana, in pursuance of an order heretofore made, in order that fitting tribute may be paid to his high character and distinguished public services.

*Resolved*, That the Senate again expresses its profound sorrow at the death of the late Representative from Indiana.

*Resolved*, That the Secretary transmit a copy of these resolutions to the House of Representatives and to the family of the deceased.



## MEMORIAL ADDRESSES

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### ADDRESS OF MR. NEW, OF INDIANA

MR. PRESIDENT: When a good man and a faithful public servant dies it is well that those who knew him in life should make acknowledgment of the character and the value of his service. Therefore, Mr. President, I rise in my seat to-day to pay a brief but well-deserved tribute to DANIEL W. COMSTOCK, late a Representative in Congress from the sixth Indiana district, for he was both.

The life of this man was typical of all that is best in American manhood—the most enviable and commendable manhood of the world in which we live. As boy and youth his lot was that of the average American boy of his State and generation. His greatest desire was that he might acquire an education, and this he won in spite of many obstacles which to other men would have been insurmountable, being graduated from the Ohio Wesleyan University in 1860, when but 20 years of age.

He took up his home and entered upon the practice of the law in Henry County, Ind., and two years later had so established himself in the esteem and the confidence of the people that he was elected by them as prosecuting attorney for his district.

It was at this time that Mr. COMSTOCK showed the stuff that was in him. The great Civil War was devastating the country. He not only heard the call to duty but responded to it by surrendering his office and the competency which it guaranteed and enlisting in the Army of the Union as a member of the Ninth Indiana Cavalry. As

a soldier of his country he distinguished himself, having received special commendation for unusual bravery in action.

He served as a soldier until late in 1865, when there was no longer need for soldiers. Then he returned to Indiana and took up his residence at Richmond, resuming the practice of the law. It was not long until his friends and neighbors recognized that his fairness, his evident sense of justice, demonstrated his fitness for the bench, and he was elected judge of the court of that circuit. There he served with such credit that his party later nominated and elected him to the appellate court of the State, where for 15 years he was universally known and recognized as a wise and just judge.

Mr. President, ambition is a worthy thing; indeed, it may be said that it embraces most of all that is best in men. It is said that it was Judge Comstock's ambition to serve his district in the Congress of the United States, and this ambition was happily gratified when, in 1916, he was elected to represent a district that has furnished to the Hoosier State and to the country some of the most illustrious names in our history. Judge Comstock's name is worthy to be associated with the names of those great men.

But, Mr. President, Providence decreed that Judge Comstock's congressional career should be but brief. He lived only three months after having assumed his office; but in that time he had demonstrated his qualities for service, as he had in every previous instance.

It is a matter of genuine regret to all who knew him that he should have so soon succumbed; but he has left behind him the record of a life well spent and the respect and the affection not only of his colleagues but of all who knew him.

## ADDRESS OF MR. WATSON, OF INDIANA

Mr. PRESIDENT: I have not had the opportunity to commit to paper any remarks for this occasion, and within the limits of the allotted time I can not adequately estimate the life, the character, and the services of this distinguished citizen of my State.

He was born in 1840 and died in 1917, thus living in an eventful and, in fact, in an heroic period of the Republic. Like other boys, he played about, all unconscious of the tragic events that were shaping about him and in the final and triumphant culmination of which he was to play a conspicuous part.

After finishing the common schools he entered the university at Delaware and graduated there in 1860. Subsequently, as my colleague [Mr. New] has already said, he began to practice law at Newcastle; but shortly after entering upon the practice of his chosen profession he heard the call of duty, and that to him was a louder call than the demands of selfish ambition. He enlisted in the Army and served there with distinction until late in the year 1865. He entered as a private; he retired as a captain, thus showing the faithfulness of his service to his country in the time of its distress.

Subsequently he settled in the city of Richmond, Ind., and entered upon the practice of his profession; was chosen prosecuting attorney for two terms, judge of the common pleas court for 12 years, and afterwards was for 15 years a member of the appellate bench of the State of Indiana.

It was a matter of the greatest pride to him that he had showed his love for his country by service in the Army, and his devotion to his fellow soldiers and comrades of

the war of 1861 was such that they afterwards chose him as the department commander of the Grand Army of the Republic for the State of Indiana.

The Commonwealth to which we belong, Mr. President, furnished to the Nation 208,000 soldiers, as I recall, during the Civil War, and yet it is somewhat singular that in that hotbed of politics, notwithstanding the fact that the soldiers exerted such a very great influence on the political life of the State and directed the political energies of both political parties, but one of the soldiers of the Civil War found his way into this body from that State, and that was Gen. Benjamin Harrison, afterwards President of the United States.

It is another fact that we may well mention on this occasion, that Judge COMSTOCK was the last soldier of the Civil War to be elected to Congress from the State of Indiana, and, in the very nature of things, is the very last that will be so chosen. Therefore, as we remember him to-day as a man, as an individual, as a citizen, and as a patriot we also pay something of tribute to the soldiers of the Civil War, for, as I have said, his service in the Army was his chief pride in life.

Mr. President, sometimes we are apt to think that the heroic days of the Republic have gone, and perhaps gone forever, and there are those among us who are constantly mourning the decadence of the race. The flight of time casts a halo about men. As an instance of this fact we are prone to speak of Senators of the days gone by as giants, and men in a way deprecate the existing condition of affairs and minimize those who at this time represent States in this great body and in its associate at the other end of the Capitol; but, after all, in the future, when history writes with her unerring hand the real truth of the present time, she will undoubtedly recite that the men who this day represent the States of the Union in this body

and who represent the people of the various districts in the associate body measure up in patriotism, in character, and in high purpose with those of any preceding day in the history of the Republic.

Sometimes we have thought that we were so devoted to commercialism and so wedded to the thought of the accumulation of wealth that the great virtues were ebbing away, that men had lost that ruggedness of character and those essential fundamentals that make for sterling manhood and for the highest character of American patriotism, but when we reflect upon Chateau-Thierry, upon St. Mihiel, and upon the Argonne Forest we see that the virtues are still here and that in any time of stress or peril the same ruggedness of character, the same virility of manhood that characterized the generation gone will respond upon the call of the country.

Therefore I do not despair of the institutions founded by the fathers and handed down to us at such a great sacrifice of blood and of treasure, and I attribute this persistence of patriotism and this continuity of manhood to the noble example of men like the subject of these remarks.

Judge COMSTOCK represented for two months the district I had the honor to represent as a Member of the House of Representatives for a dozen years. For 25 years he and I were intimate personal and political friends and associates, and, echoing what the honored Vice President said to me but a few moments ago, he was one of the most delightful men it has ever been my privilege to know. He was a magnificent specimen of physical manhood; he had splendid traits and characteristics that showed in his very countenance and ever displayed themselves to all his friends in his social intercourse.

He was a just judge; he was an upright man; he was a conscientious lawyer; he was a true patriot; he was a

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MEMORIAL ADDRESSES: REPRESENTATIVE COMSTOCK

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noble citizen of the Republic; and we do well in the midst of the turmoil and even the tragedy of life, as it is now being enacted in the world, to withdraw for a brief period and pay our tribute of respect to this splendid man, who served his generation well and who has fallen asleep.

Mr. President, in accordance with arrangements heretofore made, I now move that, as a further mark of respect to the memory of the deceased Senator and Representatives, the Senate take a recess until to-morrow morning at 10 o'clock.

The motion was unanimously agreed to; and (at 3 o'clock and 40 minutes p. m., Sunday, March 2) the Senate took a recess until to-morrow, Monday, March 3, 1919, at 10 o'clock a. m.















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