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64TH CONGRESS }  
2d Session }

SENATE

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# BENJAMIN FRANKLIN SHIVELY

(Late a Senator from Indiana)

## MEMORIAL ADDRESSES

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

SIXTY-FOURTH CONGRESS  
SECOND SESSION

Proceedings in the Senate  
February 18, 1917

Proceedings in the House  
February 18, 1917

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PROF. BENJAMIN F. SHIVELY



## DEATH OF HON. BENJAMIN FRANKLIN SHIVELY

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### PROCEEDINGS IN THE SENATE

TUESDAY, *March 14, 1916.*

MR. KERN. Mr. President, the saddest duty of my official life now devolves upon me. It is to convey to the Senate the sad intelligence of the death of that distinguished Member of this body, my colleague, the Hon. BENJAMIN F. SHIVELY, of Indiana.

At another time I shall have occasion to say more regarding the life and character of the deceased. At present I offer the resolutions which I send to the desk and ask that they may be adopted.

The VICE PRESIDENT. The Secretary will read the resolutions.

The resolutions (S. Res. 129) were read and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

*Resolved*, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

*Resolved*, That as a further mark of respect his remains be removed from Washington to South Bend, Ind., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

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

The Vice President, in compliance with the provision of the second resolution, appointed Mr. Kern, Mr. Smith of

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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Arizona, Mr. Williams, Mr. Clapp, Mr. Johnson of Maine, Mr. Kenyon, Mr. Swanson, Mr. James, Mr. Sutherland, Mr. Martine of New Jersey, Mr. Phelan, and Mr. Smith of Georgia the committee on the part of the Senate.

Mr. KERN. Mr. President, as a further mark of respect to the memory of Senator SHIVELY I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 15, 1916, at 12 o'clock meridian.

WEDNESDAY, *March 15, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to this sacred moment of our day's work when in thought and aspiration we touch the boundaries of the great unseen and the eternal world and lift our hearts to the Father of our spirits. We remember in this moment one who has been called from the scenes of his earthly career into the great beyond, revered and respected by all who knew him, while those who came within the charmed circle of his personal influence held him in affection and friendship.

We bless Thee to-day for the high ideals that have been maintained in this honorable body through all its history, and by every man who closing his record here has left behind him the achievement of these ideals in his personal life and character.

Grant, we pray, to send to us to-day the influence and ministry that should come to us in an hour like this, remembering that we are passing along the same journey, serving the same great country, aspiring to the same high ideals. And we pray that Thou wilt lay Thy hand upon the heart and mind of every one of his colleagues remain-

ing here in active service, inspiring them to the reconsecration of their lives to the interests of their country and to the honor and glory of the name of the God of our fathers.

Hear us in this our prayer. Chasten us with Thy holy spirit of truth. For Christ's sake. Amen.

The VICE PRESIDENT. The Chair feels constrained to announce that last evening the Chair endeavored to secure a definite statement that the Senators named would attend the funeral of Senator SHIVELY. Owing to the suddenness of the death and the engagements of Senators, it was difficult to procure the promise of Senators who were old-time friends of Senator SHIVELY, and the Chair, without succeeding in getting definite promises, appointed the committee.

The Chair understands that the train will leave at 6.15 to-morrow night, and that the funeral will not take place until 2 o'clock Saturday afternoon in the city of South Bend. If, therefore, any of the Senators named by reason of any cause can not attend, the Chair would like to be notified as soon as possible in order that the committee may be filled up.

So long has been the personal friendship of the deceased Senator and the Vice President that the Chair will feel it his duty, as but a decent mark of courtesy for many years of personal friendship, that he should attend the funeral.

The Senate will receive a message from the House of Representatives.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, transmitted to the Senate resolutions of the House on the death of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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THURSDAY, *March 16, 1916.*

The PRESIDING OFFICER. If the Senate will indulge the Chair, the Vice President has asked the occupant of the chair to announce the appointment of the following committee to attend the funeral of the late Senator SHIVELY: Mr. Kern, Mr. Smith of Arizona, Mr. Williams, Mr. Hollis, Mr. Johnson of Maine, Mr. Poindexter, Mr. Sterling, Mr. Thompson, Mr. Ashurst, and Mr. Page.

SATURDAY, *April 1, 1916.*

The VICE PRESIDENT. The Chair lays before the Senate a note of thanks from Mrs. Shively addressed to the Senate of the United States, which will be read.

The Secretary read the note, as follows:

*To the Senate of the United States:*

Mrs. Shively and the members of her family desire to express their deep appreciation of your sympathy and extend to you their most grateful thanks for a beautiful floral wreath.

THURSDAY, *January 11, 1917.*

Mr. KERN. Mr. President, I desire to give notice that on Saturday, the 17th day of February, 1917, immediately after the routine morning business, the Senate will be asked to consider resolutions in commemoration of the life, character, and public services of Senator BENJAMIN F. SHIVELY, of Indiana; of Senator Edwin C. Burleigh, of Maine; and of Senator James P. Clarke, of Arkansas.

TUESDAY, *February 15, 1917.*

Mr. ROBINSON. Mr. President, some days ago the Senator from Indiana [Mr. Kern] gave notice that on Saturday, the 17th day of February, 1917, immediately after the routine morning business, he would ask the Senate to consider resolutions in commemoration of the life, character, and public services of the late Senator BENJAMIN F. SHIVELY, of Indiana; the late Senator Edwin C. Burleigh, of Maine; and of the late Senator James P. Clarke, of Arkansas. A

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PROCEEDINGS IN THE SENATE

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conference has been held by Senators from the States of Indiana, Maine, and Arkansas, and, at the suggestion of the Senator from Indiana [Mr. Kern] and other Senators, and for the convenience of Senators I submit a request for unanimous consent, as follows:

That the Senate convene on Sunday, February 18, 1917, at 11 o'clock a. m., to consider resolutions in commemoration of the life, character, and public services of the late Senator BENJAMIN F. SHIVELY, of Indiana; the late Senator Edwin C. Burleigh, of Maine; and the late Senator James P. Clarke, of Arkansas.

The PRESIDING OFFICER (Mr. Beckham in the chair). Is there objection to the unanimous-consent agreement? The Chair hears none, and it is so ordered.

SUNDAY, *February 18, 1917.*

Mr. KERN. Mr. President, in pursuance of the notice heretofore given, I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with profound sorrow of the death of the HON. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

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



## MEMORIAL ADDRESSES

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### ADDRESS OF MR. KERN, OF INDIANA

Mr. PRESIDENT: When it was announced in the Senate on the afternoon of the 14th of March last that the distinguished senior Senator from Indiana had passed out of life in Providence Hospital in this city but a few moments before, there was sorrow, sincere and profound, on both sides of the Chamber. While all realized the loss of one of their ablest and most honored associates, there were very many Senators who mourned the loss of a friend for whom they entertained feelings of the most affectionate regard.

The sad intelligence was not unexpected here in Washington, for all were familiar with the brave and heroic fight for life he had been making for more than a year, and many had been witnesses to the dreadful suffering he had endured and the matchless fortitude with which he had so long fought the losing battle.

And when the message announcing the end of this honorable and useful life was flashed across the mountains to the great Commonwealth whose Senator he was the expressions of sorrow were universal, and from the lake to the river there came up from the people—men and women of all parties—the strongest manifestations of their deep appreciation of the splendid services rendered by their great Senator, who for so many years and with such great ability and rare fidelity had represented them first in one and then the other branch of the National Congress.

He was born in Indiana—born and brought up on an Indiana farm—and until he attained his majority his life was spent in the midst of the good country people of his section, working on the farm in the summer, first attending and then teaching in the common schools in the winter. He knew the nature of their joys and the depth of their sorrows, and by this experience he had first-hand knowledge of the aims and purposes, the needs and desires, the hopes and aspirations of the great body of the people whom he was afterwards to serve with such distinction, and it was this knowledge thus acquired which made of him such an effective champion of popular rights.

He loved his native State and in return her people honored him and ungrudgingly gave to him the highest proof of their confidence and esteem, so that when the end came there was universal sorrow throughout the State, for one of her best-loved and most distinguished sons was “gone forever and ever by” and the face and figure so well known of all were never more to be seen amongst men.

BENJAMIN FRANKLIN SHIVELY was born in St. Joseph County, Ind., on the 20th day of March, 1857. He never resided elsewhere, and his body rests in the soil of his native county within a few miles of the place of his birth.

His father, Rev. Joel Shively, was a minister of the Gospel, his mother a devoted Christian woman, so that he was brought up under the influence and within the environment of a Christian home. His youthful experiences were those of the average farm lad in the Central West, working on the farm in the summer and attending the common schools in the winter until his eighteenth year, when he became a teacher in the schools which he had attended as a pupil, and continued to teach in the winter seasons for several years, until 1880, when he engaged in



journalistic work until 1884, in the meanwhile giving some time to the study of law.

His entry into the political field was under circumstances somewhat remarkable. In 1884, the year of the great Cleveland-Blaine campaign, Hon. William H. Calkins, who had represented the South Bend district in Congress for several terms, received the Republican nomination for governor of Indiana, and resigned his seat in Congress.

For the long term the Democrats of the district had nominated Hon. George Ford, a very able lawyer, of South Bend, now the judge of the superior court of that county. After the resignation of Mr. Calkins it became necessary to nominate a candidate to fill out his unexpired term. As St. Joseph County was the home of Mr. Ford, already nominated for the long term, the nomination for the short term would in the natural course of politics have been given to a citizen of some other county, for there were several counties in the district, and in all of them were men of such ability and distinction as to have made creditable and formidable candidates. But the attention of many had been attracted by the journalistic work of young SHIVELY, who since his majority had affiliated with the organization known as the Greenback Party—being made up in Indiana of men of character and ability, who believed with many men of both of the old political parties in the quantitative theory of money, and many of whose views as to the proper status of the greenback under the law were afterwards approved and vindicated by the Supreme Court of the United States.

As young SHIVELY's sympathies in the presidential campaign were known to be with Cleveland as against Blaine, and he had shown much ability in his newspaper work, the party leaders concluded that it would be the part of

wisdom to enlist his active service in the campaign, and the nomination was tendered him and accepted, and after a brilliant and aggressive canvass he was elected and served out the unexpired term, which ran from December, 1884, until March, 1885. He was the youngest Member of Congress, but by his manly bearing, modest demeanor, and the ability shown in committee and on the floor he won the confidence and regard of all, and a career of great usefulness was predicted for him by many party leaders.

At the end of this short term he entered the law department of the University of Michigan to continue his preparation for the legal profession and pursued his studies so energetically and successfully that he was graduated with the degree of bachelor of laws during the next year.

The district was normally Republican by considerable majority, and prior to 1884 had been represented by a Republican for many years; so in 1886 the Republicans resolved to redeem it if possible and named as their congressional candidate their strongest man, Gen. Jasper Packard, a gallant Union soldier, a skilled debater, and seasoned politician.

Mr. SHIVELY'S record, during the short term he had served, was so satisfactory that he was given the Democratic nomination without opposition. A series of joint debates was arranged, and a most interesting campaign inaugurated. Great crowds greeted the candidates at these joint meetings, and intense interest was manifested. Young SHIVELY more than met the expectations of his friends, and was hailed everywhere as the champion of the young Democracy of the State. Although the Republican State ticket carried the district, he was elected by more than a thousand majority, and his reputation as an orator and debater was firmly established.

He was reelected in 1888 and 1890, and though the unanimous choice of the party in 1892, declined the nomination that he might engage in the practice of his profession.

It was while serving his third term in Congress that he married Miss Laura Jenks, daughter of Hon. George A. Jenks, a distinguished citizen of Pennsylvania, who was Solicitor General of the United States during the first Cleveland administration. Three children were born of this union, George J., John J., and Mary M., all of whom are living and giving promise of lives of usefulness. Senator SHIVELY was tenderly devoted to his family and home.

In 1896 the Democratic Party of Indiana, by a well-nigh unanimous vote, gave to Mr. SHIVELY the nomination for governor of the State. It was a most exciting contest. From the time that Bryan made his great convention speech at Chicago there was not a day that was not full of dramatic interest in the Indiana campaign. SHIVELY was at his best. His oratory was second only to that of Bryan, and under the inspiring leadership of these two young champions of popular rights there was such a rallying of the hosts as has never been witnessed since.

SHIVELY was at the very forefront of the battle every day. Handsome in person, commanding in presence, with rich and resonant voice, and genuine oratory born of deep conviction, he sounded the trumpet call, and the very earth was trembling for weeks beneath the tread of the marching hosts of the people.

He went down in defeat, but it was an honorable, if not glorious, defeat. His splendid leadership was everywhere acknowledged, and he was given the complimentary vote of his party for United States Senator, while it was in the minority, and in 1909, when, for the first time

since 1893, it had the opportunity to confer the honor, it nominated and elected him to the position which he filled so honorably and with such distinguished ability to the hour of his death.

Senator SHIVELY's great ability as an orator was recognized throughout the Union, and in every campaign there were demands for him in all the debatable States, and from New England to the Pacific coast he had been a commanding figure in the field of campaign oratory.

His record in both Houses of Congress was an enviable one. Whether in the committee room, in the executive departments, in legislative work upon the floor, or in the party councils, he was always strong and effective. He rose to membership on the Ways and Means Committee of the House at a time when the tariff question was paramount and became at once conspicuous and influential in shaping the tariff policy of his party, and his addresses in both Houses on that subject were equal to the best ever delivered by any of the great party leaders.

In the Senate he served with great distinction on the Finance Committee and that on Foreign Relations and was chairman of the important and busy Committee on Pensions. During the long illness of Senator Stone he was acting chairman of the Committee on Foreign Relations and at a time when questions of great international importance were perplexing the President and the country. He proved himself equal to the great work and commanded the confidence and admiration of the President and the Secretary of State, both of whom frequently sought his counsel and prized highly the very important service he rendered them.

I came to the Senate in 1911 without legislative experience and at once sought the advice and aid of my distinguished colleague. He gave me both ungrudgingly and unselfishly, and our relations up to the day of his death

were of the most cordial character. He was deeply solicitous that there should be harmony of action between us, and on all important questions we conferred fully, so that, if possible, we might act and vote in agreement. As a result we kept in perfect accord, our only division of opinion being on the literacy test of the immigration bill, and, as we conscientiously differed on this point, there was not the slightest friction.

In the recommendations we were called upon to make for appointments to office he was generous to a fault, and, although we had scores of friends, applicants for the same positions, we never had the slightest difficulty in arriving at a satisfactory result.

It was at Senator SHIVELY's suggestion that I was made a member of the Finance Committee of the Senate within two months after I became a Member of this body, and it was on his motion two years later that I was made chairman of the majority conference.

He was a man of great heart and noble impulses, a statesman of profound learning and exalted patriotism, and he has been and will be sadly missed in the councils of the Nation.

He was my friend, and I shall never cease to honor his memory. May he rest in peace.

#### ADDRESS OF MR. NELSON, OF MINNESOTA

MR. PRESIDENT: Indiana is one of the great States carved out of the "territory northwest of the Ohio River." It was given a Territorial government in 1800, and became a State in 1816. Barring a few scattered French hamlets, most of the pioneer settlers of Indiana came from two sources, the earliest—and perhaps the greatest number—came from the States south of the Ohio River, and among this class was the family of Abraham Lincoln. This immigration was supplemented by a considerable number from the Eastern and Northeastern States. This double source of immigration led to a slight cleavage on the question of slavery at an early period in the history of the State, for, although the ordinance of 1787 had prohibited the "institution," yet an effort, which had no great strength and soon collapsed, was made for its retention. This double ethnic source from which the population of the State has sprung has no doubt, to some extent, led to the many hot and close political controversies which have prevailed, so that, politically speaking and from a party standpoint, the State has for upward of three-quarters of a century been regarded as a so-called "close State." The result of this political contention, ever recurring, has been to breed from time to time a large number of able statesmen and versatile and eloquent orators in both of the great political parties. The political battles have always been strenuous and acute, and have called for and produced aggressive and militant leaders on both sides. There has not been much room, as a rule, for such political leaders as are sometimes called "political accidents." To become a political leader in such a State and under

such conditions real and substantial ability and energy are required. Mere ancestry or wealth is of little consequence.

The fact that our late colleague, Senator SHIVELY, became one of the leaders of his party in the State of his birth, and the State which he so ably represented in this body, is ample proof of his integrity, his ability, and his qualifications as a leader. He could not have attained the prominence and leadership that was his without ability of a high order. He was not born in the lap of luxury and had no strong friends at court to give him a start in life. By his own efforts, and without help from outside sources, he managed to secure a fair education, and was admitted to the bar as a practicing lawyer. During his earlier years, while he was engaged in securing his education, he taught school, worked on the farm, and did other strenuous manual labor. Among other work in which he had been engaged in those earlier years, he informed me that during one season he operated a thrashing machine among the farmers of Wabasha County, Minn., and he seemed highly pleased with his experience in that line of activity.

Most of the bright, brainy, and active young men in the State of Indiana naturally turned to politics, and this was the case with Senator SHIVELY. At the early age of 26, in 1883, he was elected a Member of the Forty-eighth Congress and was reelected to the Fiftieth, Fifty-first, and Fifty-second Congresses. It was my fortune to be an associate of his and to serve with him in the Forty-eighth and Fiftieth Congresses. He was one of the youngest but most active Members of that body. Few Members, if any, were more prominent than he when serving their first term. During that early period of our service we boarded at the same hotel, when I became intimately acquainted with him not only officially but socially, and I found him

to be a most genial, warm-hearted, and sympathetic companion.

He was very industrious and attentive to public business, and during the latter part of his service in the House he ranked among the more prominent Members of that body. During the Fifty-first Congress he was a member of the Committee on Banking and Currency and the Committee on Indian Affairs, both very important committees; and during the Fifty-second Congress he was a prominent member of the Committee on Ways and Means.

On leaving Congress he resumed the practice of law. But his ability as a political leader and speaker soon brought him again into the political field, and in 1896 he became the candidate of his party for the governorship. While he failed to be elected, he nevertheless polled his full party vote. After an interregnum of 13 years, during which time he was busy in his profession as a lawyer, though not inactive in politics, his party in 1909 elected him a Member of the Senate, and in 1914 reelected him for a second term of six years, but it was not his fate to be permitted to serve out his second term. He passed away from this life, after a lingering illness, on the 14th day of March, 1916, during the early part of the first month of the second year of his last term, in the 58th year of his age, mourned and missed by his family, his State, his party, and his associates in this body.

Senator SHIVELY was a member of many of the important committees of this body, the most notable of which were the Committees on Finance, Foreign Relations, and Pensions. He was chairman of the Committee on Pensions, and the next in rank to the chairman of the Committee on Foreign Relations and occasionally acted as chairman of that committee. His service in the Senate was marked by the same industry and energy that had characterized him in the House of Representatives. He



was serious, conscientious, painstaking, and thorough in his work and was a disbeliever in mere perfunctory service. While not an orator in the common acceptation of the term, he was nevertheless a good and ready debater, who could give and take blows.

While it was not my privilege to hear him on the stump, from what I know of him I can well imagine that he was a strong and effective campaign speaker, whose words, coming from an honest and sincere heart and delivered without any flourish or blare, went home to the heads and hearts of his hearers. It is the man back of the word that makes the word effective and impressive. It seemed to me as though his early struggles had given a color and tone to the entire make-up of his life. There was something intensely human and sympathetic about him. Here in the Senate, as among his neighbors at home, he was always the plain, bluff BEN SHIVELY, without any frills and without an eye on the reporters' gallery. He seemed to be as proud of the fact that he had once run a thrashing machine in Minnesota as of the fact that he was one of the political leaders of his State and a prominent Member of this body.

He was a man of high character, honest, fearless, and brave—a man in whom his party had implicit confidence, and a man whom we all could trust. "BEN SHIVELY'S" word was current and good among all who knew him, here and in Indiana. That State has furnished our country with a number of great statesmen, ranking with the foremost in the entire Nation. While the deceased Senator could not perhaps be rated with the foremost of these, he was, nevertheless, near them, and as near the heart of the people of his State as any of them, typical of the brawn and brain, the soul and the heart, of the great body of the people of his State. Friend and brother, we bid thee a sorrowful and final farewell!

ADDRESS OF MR. STONE, OF MISSOURI

MR. PRESIDENT: My affection for BENJAMIN F. SHIVELY was so deep and personal and my bereavement at his sad, untimely end is so poignant that I would prefer to sit silent to-day. I say this because when I stand at the grave of one I loved and whose memory is very dear to me mere words become as sounding brass, empty and comfortless. At such a time, except for the hope we have about things shadowed in the mysteries of the great beyond, there is little in speech to soothe or inspire. True, this beautiful hope to which we cling does soften the blow, and there is inspiration in the example of a great life, but the profound regret which grips the heart goes on to the end with little surcease of sorrow. When I stand in the presence of beloved dead my heart calls more for meditation and the tribute of silence than for public utterance. And yet, in the circumstances of this ceremony I feel constrained to join with others here and speak a gentle word or two about my friend who is gone.

MR. SHIVELY was a man of high ideals. There was nothing small, much less mean, about him. He was incapable of littleness. He was kindly, but firm; genial, but not fulsome; frank, but reserved; loyal, but not boastful; clean in mind and heart, but human and considerate; fearless as any knight who ever poised a spear, yet gentle as a woman; intellectual in a high degree, endowed with great powers of analysis and with comprehensive mental scope, he was modest and unpretentious. In the full vigor of his strength, before the wasting came, he stood as a king among men and made a superb and pleasing picture to look upon. I shall not say that we may not

see his like again, but this I do say, that all in all there never lived a more manly man.

His public life, although cut short by fate with seeming cruelty, covered many years of distinguished service. He was a marvel of studious industry and profoundly conscientious in all he did. When he was at the helm we knew the pilot was fit to steer the ship. His work will stand as a shining monument to his fine intellect, his patient toil, and his stainless patriotism.

But he is gone. Never again will we feel the pressure of his hand or behold the flash of his eye or the smile upon his lips. He has gone from the transitory scenes of mortal life into a sphere of nobler activities. He has trod the unlit path that most men dread and passed on through the gateway leading into the light beyond. Of one thing I am sure—that no man ever entered upon this starless pathway with braver heart, and few have better deserved the welcoming song of the Angelic Choir as they stepped from the darkness into the sweet sunshine of the eternal Summer Land. And thus I part from dear "OLD BEN" with this salutation—Hail and farewell!

ADDRESS OF MR. SMOOT, OF UTAH

Mr. PRESIDENT: To all those who enjoyed the privilege of knowing the late BENJAMIN F. SHIVELY, a Senator from the great State of Indiana, the best tribute to his memory is an unblemished narrative faithfully describing his rare qualities of character and intellect, as has been done so splendidly by the speakers preceding me. They have portrayed him as he was in life, yet his own works speak more eloquently for him than words of mine can do. I served with him for a number of years on the Committee on Pensions of the Senate and learned of his sympathy and friendship for all those who offered their lives for the preservation of the Union. He never failed to speak or vote for a proper recognition by the Government of the services of the veterans of the Civil War.

His eloquence, his energy, his personal magnetism, and honesty made him a leading and interesting figure upon this floor. To my mind the most marked characteristic of this worthy man may be summed up in the simple expression, "He was an honest man." By honesty I mean more than a sense of obligation designated as commercial honor; I mean more than a mere sense of duty to obey law and to discharge legal obligations. That is superficial honesty; that is honesty which springs of policy, and may be forced by intellectual recognition of its advantages. Real honesty is a gift of God worked out in those infinite processes which compose the law of heredity, and under all circumstances, under all environments they will work out true results. BENJAMIN F. SHIVELY was a man of such honesty; a man inherently honest, as every man who knew him must testify. In his public life no person would have dared by any form of allurements even in the remotest degree to attempt to influence him in the discharge of his public service.

He was called to the beyond in the prime of life, leaving many dear friends who were grieved by the loss of one of the best and most loyal friends, one of the most genial of our distinguished public men. He left to his family more than a princely fortune could bring, because he left behind what all right-thinking men must admit was a successful life, such as thousands of American boys compelled to rely upon their own resources can look to as a model, and demonstrating the fact that fortune and business success are open to all in this our beloved America, and may be achieved without wronging a single soul.

Our hearts go out in sympathy to the immediate family and relatives of the late Senator. May the Lord be their comfort! It is but natural that they should feel the pangs of parting, yet there is solace in the knowledge that he was a child of God, and that though he has passed out of view for a short time he still lives and is but waiting for his loved ones to rejoin him under more favorable conditions. Let us rejoice in the thought thus expressed by a poet:

There is no death! The heavens may fall,  
The flowers fade and pass away,  
They only wait through wintry hours  
The coming of the May.

There is no death! An angel form  
Walks o'er the earth with silent tread,  
He bears our best loved ones away,  
And then we call them "dead."

Born into that undying life,  
They leave us but to come again.  
With joy we welcome them the same,  
Except in sin and pain.

And ever near us, though unseen,  
The dear immortal spirits tread,  
For all the boundless universe  
Is life—there are no dead.

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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There is no greater tribute I can pay him than to remind those who loved him that he was an affectionate father, a devoted husband, a faithful friend, a fearless and conscientious public servant. In short, a remarkable national character and a good man.

ADDRESS OF MR. WILLIAMS, OF MISSISSIPPI

MR. PRESIDENT: For one reason at any rate, I would prefer to have gone to that "bourn whence no traveler returns" before Senator SHIVELY went. I would have had a nobler eulogist in him than he has in me.

I shall speak to-day only of the salient and essentially chief character-making element that went to the make-up of the man.

This prevailing characteristic was utter personal unselfishness. He loved honor much, honors somewhat, money not at all. He dwelt, in thought, less upon his private affairs than upon the public business—the *res publica*, the Republic. It was his thought, his study, his conversation, almost his life. This unselfishness kept his purse empty, but it made his character noble, and kept him unstained in motive.

If he did not "love his enemies"—a hard saying of the gentle Nazarene—he at least loved his friends and served them better than he loved and served himself.

It was said of the French noblesse of the ancient régime that they had proved in a thousand ways and in a thousand places that they "knew how to die like gentlemen," but never that they "knew how to live like men." BEN SHIVELY proved that he knew how to do both—he did both.

From that part of the duration of things which we call Time, and in which we live here, many loving hands are extended unavailingly to him where he stands in that other part of it, known as Eternity—my own hand—I, sorrowing, among them.

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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Some day he and the other friends who have "crossed over the river" will beckon us over, and we, obeying their call, with vague dread of things unseen and therefore unknown, will go; and the handclasps will come, the spirit of them to endure forever.

Until then may the grace of God make us more like him in this—that we may be less selfish, live and think less self-centered, and be therefore better fitted to invoke, in a spirit resigned to life and death alike, the final blessing upon him of the Church Universal. *Requiescat in pace.*



ADDRESS OF MR. WATSON, OF INDIANA

Mr. PRESIDENT: I have not committed to paper any remarks for this occasion, because my observations will be personal rather than general.

The traits and characteristics of this noble son of Indiana have been so clearly set forth by those who have preceded me that but for the fact that I am his successor I should wholly refrain from speech on this occasion.

Mr. President, as the Senator from Missouri [Mr. Stone] so feelingly said but a few moments ago, "Senator SHIVELY is gone." We all realize the full significance of this fact. We know that our pleasing words do not reach his waiting ears; we know that he is as far beyond the reach of our short arms as are the stars that shine above us in the sky at night; we know that he sleeps now in the cold and narrow house, indifferent alike to the careless shallows and the tragic deeps of human life; and therefore it is for the living and not the dead that these exercises are of surpassing moment.

At his bier all tongues were silent, save those of praise; all lips were mute, save those of love; that were sufficient eulogy for his gentle soul; and unless by reciting the traits of character he so splendidly exemplified and which we so highly praise wherever manifested, we ourselves are impressed with the necessity of embodying those same virtues in our lives and characters, then these exercises are but sounding brass and tinkling cymbal.

Born, as the senior Senator from Indiana [Mr. Kern] has said, in 1857, he was 8 years old at the close of the Civil War; hence the fierceness of that great strife must have impressed itself upon his plastic mind. I am led

to this belief because Senator SHIVELY was a natural politician. He had great aptitude for the discussion of public questions and an uncommon desire to engage in public debate. This inclination was doubtless greatly increased by reason of the long struggle over reconstruction that followed the Civil War. His boyhood was lived in that atmosphere, and his young manhood was developed under these conditions. First in the common school, then in the college at Valparaiso, then as a school-teacher, and afterwards in the law school at Ann Arbor, he constantly developed the natural tendency of his mind for public debate, until even in those earlier days he became a master of forensic speech.

I well recall the first time I ever heard of him. I was in college, and it was in 1884. Maj. William H. Calkins was nominated that year by the Republican Party for the governorship of Indiana. Being at that time a Member of the other branch of Congress, his nomination created a vacancy. Mr. SHIVELY, then but 26 years of age, or only one year over the required constitutional limit, was nominated by the Democrats as their candidate in the succeeding contest. He conducted that campaign with such skill, such ability, and such assiduity and displayed such remarkable characteristics as a debater and a public speaker that he won in that memorable contest, although the district was normally Republican, and I can well remember that the victory achieved under those circumstances presaged the overthrow of the Republican Party at the final election.

He was reelected to the Fiftieth, Fifty-first, and Fifty-second Congresses; and although he entered that body at the age of 26, he took a leading part from the beginning, and an examination of the Record will disclose that Representative SHIVELY was prominent in all the debates relating to the protective tariff system and the Reed rules,

which were then for the first time being practiced by the House. It was in this body that he made for himself a reputation as a tariff debater and a foremost champion of free trade, and I believe him to be the ablest exponent of that doctrine that Indiana has produced for many years.

In 1892 he declined a renomination, although unanimously tendered him, and, as he afterwards said to me, "because of the irksomeness of the task of being a Member of Congress" and "because it destroyed systematic reading," for if there was anything of which Senator SHIVELY was passionately fond it was systematic reading. He was by nature a scholar. He roamed at large in all the fields of literature; he plucked its choicest flowers, and in the ample recesses of his memory stored them away to bring them forth on future occasions to please and charm, for he was ever an omniverous reader.

But his people were not content to permit him to remain in quietude, and in 1896 brought him forth to become the candidate of his party for the governorship of Indiana. Being myself in Congress at that time, I remember that I heard him with great interest in that campaign. He was a superb man physically, with a splendid head, well poised on broad shoulders. He was blessed with a resonant and resounding voice, rich and mellifluous. He had an ample vocabulary not only of Anglo-Saxon words but also of Latin derivatives, and the cogency of his thought, clothed in beautiful language, made him a most formidable antagonist in any campaign.

I recall that in 1896, in advocating the free-silver doctrine of that year, he was, in my judgment, as Senator Kern has so well said, the foremost champion in the State of Indiana of that cause. He was defeated in that campaign, but defeat did not dishearten him. In fact, no contingency ever appalled him, for he was a man not only of

titanic mold but of indomitable will, and I did not know him to be discouraged at any time, even in the midst of failing health and waning power.

In 1903 he was the caucus nominee of his party in the legislature for the United States senatorship, being pitted in that contest against Senator Albert J. Beveridge, then a candidate for reelection. In 1905 he was again the caucus nominee of the Democratic Party for the senatorship, that race being against Charles Warren Fairbanks, then a candidate for reelection. In both of these contests he was beaten, but his consent to become a candidate showed first his fealty to his party, and secondly, his willingness to sacrifice himself even in a fruitless contest.

In 1909 he was elected to the United States Senate. Of his service here you have already heard, and all of you are more familiar with it than am I, and of that I shall not speak.

My intimate acquaintance with Senator SHIVELY began when I was elected a member of the board of trustees of the State University of Indiana, of which body he was president for many years. For six years I retained membership, afterwards resigning because of the pressure of other duties, but in that six years I learned to know the man intimately, to take his intellectual and moral measure, to assess his real value, and it was at that time that I came to the conclusion that he was indeed a masterful man, intellectually and morally—a man of the loftiest ideals, a man of the purest life, a man of the finest and most enviable traits of character. I have known him on many an occasion to read through the night propped up in bed. He was a passionate lover of history and of fiction and of poetry, and many nights down in the university town of Bloomington I have sat with him and discussed all the questions that men discuss on occasions of that character. He was a most interesting conversationalist; he told a

story well and liked one; and yet his conversation was not by any means of a frivolous nature, except on rare occasions when men drop into the frivolous naturally, but his talk was rather of politics and of political opinions and of the movement of nations and the true ideals of life.

The one thing which always impressed me as being Senator SHIVELY's dominant idea in the realm of politics was his firm belief in the equality of men. He never wavered in his adherence to the fundamental doctrine of the Declaration of Independence, that all men are created equal, and he was never so eloquent and never so powerful as when he was expounding that doctrine to the people or even to an individual. The finest speech I ever heard him make was on the occasion of the celebration of a great fraternal order. It was there that he connected in a marked manner the material interests of life with the sentiments that warm the heart and exalt the soul, and showed that the man, intellectually and morally, was a type of orator and of statesman that might well be envied by any man.

So he lived and so he died. Only on one occasion, as I recall, was there any conversation between us about the future, but I remember that at one time, along about the midnight hour, while he was in waning health, he said to me, "What is the difference what becomes of any one man? We come here, play our little part on the stage, and pass away, and that is all." I said to him, "But is that all?" And I vividly remember that he turned to me and said, "Well, if I did not believe in a future, or, rather, in a continued existence, I should be of all men most miserable."

Thus he lived in that hope of another world, and he died in the belief of immortality; and well may we say on this occasion, my friends, that Senator SHIVELY's life

was a model for any young man desiring to come into success in our American Republic, for the elements so mixed in him that all the world might stand up and say of him, "Intellectually and morally, this was a man."

Mr. KERN. Mr. President, it is greatly to be regretted that the distinguished Senator from Arizona [Mr. Smith], who was to have delivered an address on this occasion, is by reason of ill health prevented from taking part in these exercises.

The bond of friendship which attached Senators Smith and SHIVELY to each other was as strong as that which bound Damon to Pythias, or Jonathan to David. It had existed for more than a quarter of a century and increased in strength as the years passed by, so that when Senator SHIVELY died the grief of Senator Smith was as if his own brother had passed away. His regret at not being able to be here to-day, to pay a tribute of respect to the memory of his dead friend, is only equaled by that of his fellow Senators, who know of the intimate personal relations to which I have referred.

The VICE PRESIDENT. Without objection, the resolutions heretofore presented by the Senator from Indiana will be unanimously adopted.

PROCEEDINGS IN THE HOUSE

TUESDAY, March 14, 1916.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

*Resolved*, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

*Resolved*, That as a further mark of respect his remains be removed from Washington to South Bend, Ind., for burial, in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

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

*Resolved*, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

That in compliance with the foregoing, the Vice President had appointed as said committee Mr. Kern, Mr. Smith of Arizona, Mr. Williams, Mr. Clapp, Mr. Johnson of Maine, Mr. Kenyon, Mr. Swanson, Mr. James, Mr. Sutherland, Mr. Martine of New Jersey, Mr. Phelan, and Mr. Smith of Georgia.

Mr. DIXON. Mr. Speaker, I ask consideration of the following resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 172

*Resolved*, That the House has heard with profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, a Senator of the United States from the State of Indiana.

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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

*Resolved*, That a committee of 20 Members be appointed, on the part of the House, to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER. The Chair appoints the following committee.

The Clerk read as follows:

Mr. Barnhart, Mr. Dixon, Mr. Adair, Mr. Cox, Mr. Cullop, Mr. Cline, Mr. Moss of Indiana, Mr. Rauch, Mr. Gray of Indiana, Mr. Morrison, Mr. Lieb, Mr. Woods of Indiana, Mr. Moores of Indiana, Mr. Igoe, Mr. Treadway, Mr. Austin, Mr. Lafean, Mr. Smith of Michigan, Mr. Dunn, and Mr. Tilson.

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 agreed to; accordingly the House (at 5 o'clock and 40 minutes p. m.) adjourned until to-morrow, Wednesday, March 15, 1916, at 12 o'clock noon.

WEDNESDAY, March 15, 1916.

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

We come to Thee, O God, our heavenly Father, to renew our faith and confidence in Thee and in the overruling of Thy providence in the affairs of men that our spiritual life may be enlarged. Religion is the life of God in the soul. We pray for that life that our work may be increased in the things that make for the eternal good of man. We bless Thee for every true and noble life whose work has added to the sum of human happiness, touched by the death of one who has honored his life by an honor-



able service in the chosen field of his endeavors. Comfort his friends and family by the precious promises in the continuity of life that they may look forward with bright hopes and anticipations to a life beyond the confines of earth, where the joys of existence shall be increased and the soul shall find its full fruition in a joyful service in Thee, through Jesus Christ, our Lord. Amen.

THURSDAY, *March 16, 1916.*

The SPEAKER. Five of the members whom the Chair appointed on the committee to attend the funeral of Senator SHIVELY can not go. They are Messrs. Adair, Austin, Gray, Cox, and Treadway. In lieu of those gentlemen the Chair appoints Messrs. Ferris, Bailey, Steele of Iowa, Dyer, and Walsh.

THURSDAY, *February 8, 1917.*

Mr. DIXON. Mr. Speaker, I ask unanimous consent that Sunday, February 18, be set apart for eulogies on the life and character of the late Senator SHIVELY, of Indiana.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Sunday, the 18th of February, 1917, be set apart for eulogies on the life and character of the late Senator BENJAMIN F. SHIVELY, of Indiana. Is there objection? [After a pause.] The Chair hears none.

SUNDAY, *February 18, 1917.*

The House met at 12 o'clock noon and was called to order by Mr. Jacoway as Speaker pro tempore.

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

Infinite Spirit, Father-Soul, Thy blessing be upon us to fit us for the sacred duty of the hour, a time-honored custom, a precious memorial dear to our hearts. Two great men, public servants, Senators of the United States, have been called from labor to refreshment, from earth to

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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heaven. Ours the loss, theirs the gain; ours the sorrow, theirs the joy; ours the hope, theirs the reality; ours the struggle, theirs the victory. May the unbroken continuity of life which has come down to us out of the past, sung by poets, taught by sages, prophets, and seers, reenforced by the glorious resurrection of Jesus of Nazareth, comfort those who knew and admired them and solace those who were bound to them by the ties of love and kinship; that the heart may cease to ache and tears to flow.

Be still, sad heart! and cease repining;  
Behind the clouds is the sun still shining;  
Thy fate is the common fate of all,  
Into each life some rain must fall,  
Some days must be dark and dreary.

So teach us to wait with patience till the veil shall be rent asunder and Thy ways be made plain; and we will ascribe all praise to Thee now and evermore. Amen.

Mr. DIXON took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. Dixon, by unanimous consent,

*Ordered*, That Sunday, February 18, 1917, be set apart for addresses upon the life, character, and public services of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk a resolution, and move its adoption.

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

The Clerk read as follows:

House resolution 513.

*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

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PROCEEDINGS IN THE HOUSE

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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 the exercises of this day, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.



## MEMORIAL ADDRESSES

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### ADDRESS OF MR. BARNHART, OF INDIANA

MR. SPEAKER: The subject of our tribute to-day, Senator BENJAMIN FRANKLIN SHIVELY, was a lifelong resident of the congressional district I represent, and I knew him well as friend, citizen, and statesman. And knowing much of his scholastic and realistic inclinations as I do, I beg your indulgence while I give some extracts from Gray's *Elegy*, which he frequently quoted, as illustrative of his reflective moods and as basis for the panegyric to follow:

The curfew tolls the knell of parting day,  
The lowing herds wind slowly o'er the lea,  
The ploughman homeward plods his weary way,  
And leaves the world to darkness and to me.

Now fades the glimmering landscape on the sight,  
And all the air a solemn stillness holds,  
Save where the beetle wheels his droning flight,  
And drowsy tinklings lull the distant folds.

Th' applause of list'ning senates to command,  
The threats of pain and ruin to despise,  
To scatter plenty o'er a smiling land,  
And read their history in a nation's eyes—

Far from the madding crowd's ignoble strife  
Their sober wishes never learn'd to stray;  
Along the cool sequester'd vale of life  
They kept the noiseless tenor of their way.

One morn I miss'd him on the custom'd hill,  
Along the heath, and near his fav'rite tree:  
Another came; nor yet beside the rill,  
Nor up the lawn, nor at the wood was he.

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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The next with dirges due in sad array  
Slow through the church-way path we saw him borne.  
Approach and read (for thou canst read) the lay  
Graved on the stone beneath yon aged thorn.

Large was his bounty, and his soul sincere,  
Heaven did a recompense as largely send:  
He gave to mis'ry (all he had) a tear,  
He gained from Heav'n ('twas all he wish'd) a friend.

No further seek his merits to disclose,  
Or draw his frailties from their dread abode,  
(There they alike in trembling hope repose)  
The bosom of his Father and his God.

Such, Mr. Speaker, portrays the modest but eventful life of Senator SHIVELY. If we can grasp the marvelous spectacle of the onward march of a farmer boy from the devout environ of an humble Dunkard home through college, through the law, and through oratory to a foremost seat in his Nation's council, we have a graphic picture of the Senator whom we here honor in formal tribute.

Others will speak of Senator SHIVELY's biography specifically, but I shall only refer to that phase of his life incidentally and as it weaves into his public career. Like most great men, he started from the farm, where so many fundamentals of strength and character are given to men and women. He was industrious and ambitious, and went from common school to college, from college to editorial chair, from editorial chair to the law, from the law to the lower House of Congress, and from the House to the Senate. Incidentally he was called to many high positions of leadership in the Democratic Party, having been candidate for governor of his State, chairman of his State delegation in national conventions, and so prominent in oratory and profound in statesmanship that he was frequently talked of by his party leaders as an available candidate for both the Vice Presidency and the Presi-

dency. He voluntarily retired from Congress in 1892 after a popular service, and later was three times the nominee of his party for United States Senator, elected twice, and served in that body with national distinction for nearly seven years, having been called hence with more than five years of his second term unexpired. In this latter service he was ranking member on the Committee on Foreign Relations, and was frequently and safely consulted by President Wilson on the international troubles which beset our country.

As an orator Senator SHIVELY had a national reputation, was a foremost speaker in point of popularity in a dozen States of the Union, and in his own State there were requests for SHIVELY from the people of every county in every campaign. This popularity was due to two characteristics of the man. One was his ripe familiarity with current public questions and his captivatingly eloquent gift of presenting his arguments, and the other was his uniform fairness to the opposition.

It has been truthfully said of him that in all his life he never conducted a defensive campaign. His campaigns were aggressive. He scorned to misstate the position of his opponents; but having stated fairly the issue, no fact connected with, or consequences following, or conclusion inferable from such position escaped his attention. His knowledge of the science and philosophy of government was profound. He brought all questions to the test of organic principles, and with masterful analysis exposed the sophisms employed in defense of perverted power. His advocacy, always dignified, vindicated and strengthened the cause of his political belief by placing it on solid ground and giving the highest and best reasons for its faith. And, furthermore, Mr. SHIVELY always identified himself with the cause. When the candidate of his party he was never known in any speech to make a special ap-

peal for votes for himself. He employed all his power to advance the cause he represented and took his chances with the humblest man on the ticket. If he led his ticket, the fact was due to his engaging personality and the confidence he inspired by his freedom from personal offensiveness in the discussion of public questions, and not to any effort by himself not common to the interests of all his associates.

These admirable qualities of superior talent in both knowledge and argument were not alone the all of Senator SHIVELY'S power. His towering physique, his classical face, and his keen and penetrating eyes combined to make him a striking and impressive man, and, as his acquaintanceship grew, his rugged honesty and his sterling devotion to the cause of the masses gave him a public confidence that developed nation-wide proportions.

But in all of his illustrious political career Senator SHIVELY never approved so-called machine politics. Instead, it was ever his concern that the sentiments of the rank and file should prevail. And so his leadership was never dictatorial nor mechanical. On the contrary, his power was in his genius to analyze the situation—discern the true condition of public opinion and then serve it. Of course, this ability and his poise served him well to make him a natural leader. Without being presumptuous or demonstrative, his political bearing was at all times dignified and commanding. He was retiring rather than vain, and this was admirable to all who realize that vanity is generally the attribute of those who drift along the surface, for those who are profound are, as a rule, modest and unpretentious.

Senator SHIVELY was devoted to statesmanship and the political economy of his country. He never tired of delving into history and biography for inspiration and into philosophy and tradition for his faith. He was painstaking



ing and deliberate in the consideration of every problem that confronted him, and this analytical digest of pending questions always gave him mastery in championing constructive issues and benevolent policies. And not only was he a thinker and an orator of rare gift, but as a writer he was captivating as well. His sentences were faultlessly constructed and yet revealed no labored effort to detract from their elegant diction and captivating logic. Like the philosophers and orators of historic fame, the products of his resourceful mind and heart were masterpieces of composite English and wisdom.

Personally Senator SHIVELY was always the center of attraction in any assembly of people. Versatile in his intellectual accomplishments, amiable in presence, and generous to a fault, he easily adjusted himself to any environ. This made for a personal following as wide as his acquaintanceship. But he did not have multitudes of confidential associates. Instead, he confined close personal relations to a very few men, and it was often said of him that his most intimate and helpful friends were his books. Among the few who knew him best was Hon. John B. Stoll, one of Indiana's most illustrious journalists, and in a recent observation on Senator SHIVELY's personality he described him as one as to whose generosity there could be no diversity of opinion. He was big hearted, kindly, and self-sacrificing. Had he been a Colossus, no want brought to his attention would have been turned away unsatisfied. Often did he amplify the adage that it is more blessed to give than to receive. The warmth with which his friends always rallied around him strikingly attested his intrenchment in their admiration and devotion. And the popular esteem in which he was held in his home city was strongly exemplified on the day of his funeral, when thousands of his acquaintances lined the streets of South Bend in solemn mien, which bespoke

their pride in an illustrious and beloved fellow citizen, and their sorrow incident to his eternal leave-taking.

Was he inspired? Yes; by the help of a devoted, accomplished wife and the divine endowment of two manly sons and a dutiful daughter. I believe the best impulses of any man's life radiate around his family circle and gain strength and character in his home. And at no time did Senator SHIVELY's parental courage more richly bless his family than in his declining days, when his cheerfulness and resignation made him the same soulful companion that characterized the most thrilling triumphs of his remarkable career. He played well the part of a patriotic genius; he served well his country's call.

But for FRANK SHIVELY, as we so familiarly knew him, life's pilgrimage is ended, and the mystery of life and death is as complex to us who are left as when time began and the stars sang together in pæans of praise to the Omnipotent. And those of us who have suffered the pangs of unspeakable sorrow when death's messenger has ruthlessly called our loved ones from us can only know that they are in their eternal home where, and only where, the mystery is unfolded, a mystery that neither philosophy nor science solves, a mystery which only the consolation of a religious faith can in any degree clarify. We can explain by natural and scientific research almost anything but the problem of human life and the possibilities and probabilities of the hereafter. And these are comprehensible only by those blessed by the comforts of a living faith in Him who doeth all things well.

Here on earth we may accomplish much, and it is our duty to give all the assistance we can to the world's work. Personal satisfaction and consolation teach us all that such is our mission. And unless we contribute our share to the discharge of life's real responsibilities, watchman, what of the night? After we have accumulated wealth,

after we have surrounded ourselves with home and family and friends, after we have achieved distinction in scholastic and social endeavor, and after we have stood in the leadership of men in social or political power—after all these and probably many more accomplishments there will come a day for all of us when, weary of it all, we will lie feverishly and fretfully on a couch that has furnished us refreshing rest in all of the years gone by; we will be surrounded by the family and friends that have been our mainstay of strength always; we will be attended by the best medical skill our abundance of money can employ; and in the midst of it all when it would naturally be expected that we would continue to depend on these earthly agencies for help, we will turn our backs upon it all and, reaching a palsying hand out into space, we will beseechingly implore:

Lead, kindly Light.

#### ADDRESS OF MR. COX, OF INDIANA

Mr. SPEAKER: In the order of nature, which moves with unerring certainty in obedience with fixed laws, Senator BENJAMIN F. SHIVELY has gone to that repose we call death. In the midst of his labors, while yet a young man, by no means having reached the zenith of his powers, crowned with honors meritoriously bestowed, with a future illumined with lights of promise, this friend and colleague of ours was suddenly stricken by death. Anything we may add will not add anything to the fame of our deceased colleague, friend, and coworker that the people of Indiana who honored him most will not now freely record.

To me this is a solemn occasion to meet my colleagues here upon the floor of the House, the scene of so many activities and victories won by him, in commemoration of his life and death. It was not my pleasure to know him intimately until he became a Member of the Senate. I knew of him prior to that date, but it had not been my pleasure to come in close touch and contact with him. His name was a familiar household word to the citizens of the State of Indiana and to the Nation long before he entered the Senate. He was born on the 20th of March, 1857, of poor, humble, yet honorable parents. His road to success in life was by no means an easy one. It was beset with stones, confronted with many difficulties; but possessed of a strong physique, endowed with a keen and piercing intellect, he moved forward, aided by an indomitable will, succeeded in reaching a commanding position in the national councils of the people. He was not born with a silver spoon in his mouth. Inured in

early life to hardship, toil, and drudgery, his very surroundings furnished the means, the ladder by which he succeeded in making life a success. Left an orphan early in life, he was compelled to depend on his own resources, and resolving to win in the struggle of life he set about to acquire a fundamental education to arm and equip himself for the struggle.

He was graduated from the Northern Indiana Normal School in Indiana and, later completed a course at our university at Bloomington, Ind. He elected to follow the law as a life profession, and to equip himself in this work he graduated at the law department at Ann Arbor, Mich., with credit and honor to himself and the university as well.

Senator SHIVELY had not only a brilliant but a penetrating and analytical mind. While recognized as a sound lawyer by the legal profession of the State, if he had not been caught by the lure of politics and devoted his time and energy to his chosen profession no doubt he would have ranked as one of the leading lawyers of the Nation. He was a student, a historian, as conversant with ancient, medieval, and modern history as a child is with the alphabet. He lived among the classics of the past, and through his intimate knowledge of history he was able to blend the past, present, and the future into a harmonious whole.

To him history, events, and epochs were constantly repeating themselves, and his erudite knowledge of the past to him was a signboard unerringly pointing the way to the future.

A profound philosopher, able through his strong brain to follow a proposition from its first to its last analysis, and after he dissected, criticized, and analyzed a proposition it was the last say on the subject. Through his keen, penetrating intellect he quickly separated the chaff from the wheat, and when done few there were who dared dispute with him on the finished product of his thought.

Senator SHIVELY was in no sense a man that might be called a "trimmer" or "policy man"; in no sense a man willing to follow the lines of least resistance. Never afraid to rush in where angels dared not tread, he traveled along the lines from the known to the unknown; reasoning from cause to effect, he was able to arrive at certain definite conclusions on a proposition where he applied the genius of his thought.

Once having made up his mind that he was right, he was as unyielding as the rocks of Gibraltar. No power on earth could shake him in his views or make him yield a solitary point from what he thought to be right. In no sense a follower of public opinion, but always in advance of it, paving the way and molding public opinion himself as he moved onward and forward, always blazing the way, never waiting to have it blazed by others.

He was a fluent talker, seldom dealt in high-sounding phrases, yet able to hold his audiences spellbound for hours at a time while discussing the most common subjects of economic life involving the existence of our country.

He was elected to Congress in 1887 from the thirteenth Indiana congressional district, and voluntarily retired to private life to engage in the practice of law at his home in South Bend, Ind., in 1894; but the memorable campaign of 1896 called him to the front, this time as his party's candidate for governor of Indiana. After the most memorable and exciting campaign ever held in the State, barring none except that of 1860, he was defeated by a small majority, not because of any weakness on his part or lack of brilliancy, logic, or argument thrown into the campaign by him, but because the things to which his party was pledged went down to defeat. Every child 10 years of age who heard his speeches and arguments in

that campaign will remember him until they reach their threescore and ten, or fourscore if by reason of strength they be permitted to live that long.

Accepting defeat as magnanimously as he entered the contest, he again retired to the practice of law in his native city, but each campaign thereafter he was found on the hustings taking an active part in behalf of his party.

He was a Democrat in principle, precept, and example. He believed in the Jeffersonian principles of government and never afraid under any and all circumstances to espouse and defend them under any and all circumstances. Never a pessimist, always an optimist, a believer in the future triumph of these principles, and though he lived to see them defeated time and again, yet he firmly believed that time would vindicate them; that they would rise supreme and triumphant as the rule and doctrine not only of our Government but of all the world.

At the Kansas City convention in 1900 he was offered the nomination for Vice President at the hands of his party, but declined this proffered honor.

He reached the goal of his ambition in 1909 when elected by the legislature of the State of Indiana to represent the State in the Senate of the United States, and was reelected to this commanding position in 1914.

Some of the brightest men of our Nation have served our State in the United States Senate since Indiana took her place among the sister States of the Nation. During this time she has had her Lanes, her Whites, her Julians, her Voorhees, her Harrisons, and her Mortons, and a host of others, and along with these intellectual giants stands and will forever stand the name of BENJAMIN F. SHIVELY as a monument of glory and an honor to the greatness of the intellectuality of the people of Indiana.

He soon took front rank in the Senate, meeting veteran legislators of many years' experience in open debate face to face. His opponents quickly learned that he was a foe-man worthy of their steel. Always courteous, both in private and in public life, never overaggressive but always able to defend himself and his position under any and all circumstances. His early education and training of mind peculiarly fitted him for a public career in life. His broad mind, his wide grasp of things made him master of the situation. He was especially strong on many of the great economic questions of the day, particularly the tariff and financial questions, the two fundamental problems on which the economic existence of all governments rest.

I am not putting it too strongly when I say he was a complete master of the tariff question. By nature and training a firm believer in the equal rights of men engaged in the struggle of life, and believing that a high protective tariff favored the few as against the many and that it enabled the few to control and monopolize the natural resources of our Nation, to oppress the many for the benefit of the few, he became not only a bitter foe but an implacable enemy of all private monopolies and at the same time an able defender and a nation-wide champion of the rights of the individual man, and whenever and wherever he assailed this unjust system of taxation, whether in or out of Congress, he tore to shreds and tatters the argument of the advocates of monopoly. Many of his speeches and arguments on this subject will go down in history unanswerable, unassailed, because they were and are logically sound.

Perhaps the crowning work of his life along this line was exemplified in the enactment of the Underwood tariff law. While it does not bear his name, yet every paragraph, every section, and every schedule in that law bears the impress of his great mind. He firmly believed



that if this bill was given a chance that it would tear the mask from the face of monopoly and restore equal rights, equal opportunities to every man seeking to acquire and maintain his rights.

He cared nothing about the trappings or the garments by which a proposition was clothed, but was constantly searching for the principle in it, and when he found it, if it squared itself with his ideals of right, he gave it earnest and loyal support. On the other hand, if it did not square itself with his ideals of right, he openly repudiated it at every opportunity hailing itself to him so to do.

While Senator SHIVELY had phenomenal success in life, there was nothing accidental about it. It came to him because he deserved it, because he worked for it, and because he had the ability and courage to possess it. He was elected among many ambitious men; not by any tricks of fate, not by a wheel of fortune, but because he possessed those qualities which make for greatness, brain power, energy, singleness of purpose, and indomitable courage to carry these traits of character into execution.

There was nothing sentimental about it. His devotion to duty was his creed. Absolute and exact justice to all and everybody alike was to him an obsession. Honesty and loyalty were the points by which he ever steered his course; true to his conscience, true to his oath, and true to his obligations to the people who called him to their service, were his guiding stars and the groundworks upon which he built for himself a monument more to be prized and more enduring than the marble slab which marks his final resting place.

From this memorial exercise let us, the living, learn a new lesson that is as old as sacred history itself. The lesson is, "It is better to go to the house of mourning than to go to the house of feasting; that is the end of all

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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men; and the living will lay it to his heart." A sanctuary of sorrow is a crucible in which to purify the soul. It reminds us that in the midst of life there is death. Let the premature death of Senator SHIVELY be a constant reminder to us of the serious meaning of that heavenly decree, "Man is born to die." Let us bear in mind that our days may be consumed with impotent and helpless grief or our life shrouded with dispiriting gloom, but rather that we may be impelled to make timely preparation for the coming of the inevitable hour in which every man must surrender his own soul to God, who gave it.

Husband, father, friend:

Farewell. \* \* \*

All our hearts are buried with you.

All our thoughts go onward with you.

Come not back again to labor,

Come not back again to suffer,

Where the famine and the fever

Wear the heart and waste the body.

Soon our tasks will be completed,

Soon your footsteps we shall follow,

To the isles of the blessed,

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To the land of the hereafter.

Mr. Barnhart took the chair as Speaker pro tempore.

#### ADDRESS OF MR. DIXON, OF INDIANA

Mr. SPEAKER: To-day we turn aside for a brief period from the active and laborious routine of legislation to pay our homage to the life, character, and public service of one of Indiana's most distinguished and illustrious sons, Hon. BENJAMIN FRANKLIN SHIVELY, late a Senator from the State of Indiana.

It has been the custom here that those who have died in the congressional service of their country should have accorded them some permanent memorial of the personal regard and esteem felt by those who were associated with them in this service. Civilized nations have always mingled with their sorrow commemoration of the noble qualities of the dead. BENJAMIN F. SHIVELY was born March 20, 1857, in St. Joseph County, Ind. He was the son of Rev. and Mrs. Joel Shively, natives of Pennsylvania, who had emigrated to the West and settled in St. Joseph County, Ind., in 1854. Religiously they were of the Dunkard faith.

Young SHIVELY's early life was spent upon his father's farm, and during the winter he attended school. He later attended the Nothern Indiana Normal School at Valparaiso. During the years from 1875 to 1880 he taught school, six terms in all, and then engaged in journalism as the editor of a Greenback and Antimonopoly paper called The New Era. This paper was especially filled with editorials, and the young editor found pleasure in the preparation of strong and vigorous articles in support of Greenback and Antimonopoly doctrines and championed the cause with fervor, zeal, and unusual ability. In 1882 Mr. SHIVELY was the candidate of the Greenback

Party for Congress for the Forty-eighth Congress. In that contest William H. Calkins, the Republican candidate, was elected over his Democratic opponent by 391 plurality, while Mr. SHIVELY received 1,943 votes. Mr. Calkins was nominated for governor in 1884, during the Forty-eighth Congress, and resigned October 20, 1884, to make that race.

The Democrats had already nominated Hon. George Ford as their candidate for the Forty-ninth Congress, and a vacancy now existed for the unexpired term of the Forty-eighth Congress. Mr. SHIVELY having made the race at the preceding election as the candidate of the Greenback Party, both the Republicans and Democrats eagerly reached out for him to become their candidate for the unexpired term. Being much more in sympathy with the Democrats than the Republicans, he became the candidate of the Democratic Party for the unexpired term and with the expected and natural result that both Messrs. Ford and SHIVELY were elected, the Greenbackers and Democrats supporting each of these candidates and each elected by over 2,000 majority.

Mr. SHIVELY entered Congress December 1, 1884, and served until March 4, 1885, and was the youngest Member in that Congress, being not quite 28 years of age. The Congressional Directory of that Congress in its biographical sketch of Mr. SHIVELY, and no doubt the data, at least, was furnished by him, states that he was elected as an Antimonopolist and that he was in 1883 secretary of its national organization.

After his retirement from Congress he entered the law department of the University of Michigan at Ann Arbor and graduated therefrom in 1886 and then began the practice of the law at South Bend, Ind. Mr. SHIVELY was nominated as a Democrat in 1886 as candidate for the Fiftieth Congress, and was reelected to the Fifty-first and

Fifty-second Congresses. In the Fiftieth Congress he was a member of the Committees on Indian Affairs and Indian Depredation Claims. In the following Congress he was continued as a member of the Committee on Indian Affairs and was also a member of the Committee on Banking and Currency. The work of this latter committee was better suited to his taste and line of study. In the bitter contest for Speakership in the Fifty-second Congress he early espoused the cause of Mr. Crisp, who was elected and assigned him to membership on the Ways and Means Committee. He had given the subject of taxation a special study and was thoroughly equipped for the work of that committee. Early in 1892 Mr. SHIVELY published a letter to his constituency announcing that he would not again be a candidate and that he expected to retire from public life at the end of that term. He again entered into the practice of his profession, but he was deeply interested in public affairs and continued an active participant in political campaigns and party organization. He served as city attorney of South Bend, as also attorney for the city school board.

In 1892 he was offered a renomination to Congress, and again in 1894, but each time he refused, preferring to remain in the practice of his chosen profession. In 1896 he was nominated by the Democratic Party as its candidate for governor, and made a vigorous and brilliant campaign. The political contest of that year was extremely bitter and stubbornly fought, but Mr. SHIVELY not only endeared himself to the members of his own party but won the admiration and respect of all our people, but, with his party, was defeated by a small majority in the election. In 1906 he was again nominated for Congress, but was defeated in the election. In 1903 Mr. SHIVELY received the complimentary vote of the Democratic members of the legislature for United States Senator. In 1905

he again was the Democratic nominee for the United States Senate, and received the votes of the Democratic members of the Indiana Legislature.

In 1893 he was selected a trustee of Indiana State University, and remained trustee continuously thereafter until his death, being president of the board at that time.

In 1909 he was selected by the caucus of Democratic members of the legislature on the twentieth ballot as their candidate for United States Senator, and later was elected by the legislature and took his seat March 4, 1909. In 1914 he was reelected to the Senate by the popular vote, and was the first Senator from Indiana to be elected under the law for the election of Senators by the direct vote of the people. This election by popular vote was adjudged by him as the proudest event of his political life. During his service in the Senate he was a member of the Census Committee, chairman of the Pension Committee, member of the Committee on Foreign Relations, and also member of the Committee on Finance.

As chairman of the Pension Committee he enthroned himself in the affections of the old soldiers of the country by his broad-minded, generous, and loyal service. No soldier ever had a firmer friend.

He was acting chairman of the Foreign Relations Committee during the period of our complications and trouble with Mexico and was the close adviser and confidant of the President during that period and was the spokesman of the administration on that subject upon the floor of the Senate.

When the Underwood bill was sent to the Senate Mr. SHIVELY, in committee, on the floor of the Senate, and in the conference meeting, was active and vigorous in upholding the principles upon which said bill was constructed. While not fully agreeing with all its many minor items, he was steadfast, earnest, and sincere in its

support and passage. From the beginning of his public career he made a specialty of the study of the tariff, and he became one of the recognized authorities on that subject. There is hardly a place in Indiana where he has not discussed this question, and always with clearness and ability, and our people have marveled at the wide range of his information and admired his ability to present the same with such force and effectiveness. He was possessed of a strong mentality which enabled him to readily grasp and solve great problems.

Senator SHIVELY was sworn in at the beginning of the Sixty-fourth Congress but never returned to the Senate Chamber. The disease that finally terminated his career had been making steady inroad on his vitality and was regarded as necessarily a fatal one. No man made a more determined fight for life, and up to within a few weeks of his death he talked about work he would do when he regained his strength and health. When death finally ended his sufferings on March 14, 1916, and the sad news was flashed over the wires, there were countless deeply saddened firesides in the State that gave him birth and that had repeatedly showered high honors upon him.

On June 19, 1889, he was married to Miss Emma Laura Jenks, the accomplished daughter of Hon. George L. Jenks, Solicitor General under President Cleveland. The devoted widow and three children survive him.

Mr. SHIVELY was endowed by nature with all the charms of a fine physical presence and with an intellectuality of the highest order. He was tall and graceful, with a handsome face, an engaging countenance, a commanding and attractive address, and an orator whose messages were listened to attentively, and whose clear and persuasive logic enabled him to appeal to the judgment of his hearers. His speeches appealed to the judgment and not to the emotions. He dwelt in facts rather than fancies and

in reason rather than in high-sounding phrases. He was one of the most forceful, pleasing, and magnetic speakers who ever graced the political forum of our State. He was always serious in his speeches, seldom, if ever, relieving the same by humor or anecdote, but they always bristled with facts and figures.

He was loyal to his friends, steadfast in his friendships. At times subjected to bitter and unjust criticism himself, he never deserted a friend who was himself under fire when he felt that the fire was unfair and unjust, even though his loyalty might bring to himself added criticism. He knew that the penalty of public life was criticism and ingratitude, but he bore them bravely. When political friends sought his aid for preferment and place, he sought to give to each unprejudiced and friendly consideration. When one would seek to improve his own chances by the repetition of rumors or reflections against other candidates, that man invariably ruined his own chances for the place. Dealing with others on a high plane of fairness and justice he had no patience with those who adopted a different course. He was slow to make a promise, but when once made it was fulfilled if he had the power to make it good.

Although a partisan in politics and holding firmly to the principles of his party, he was free from narrow partisanship and liberal and generous in granting to those with whom he differed the belief that their judgments were equally sincere and honest as his own. He was not one who was inclined to find fault with those with whom he differed.

He was a politician in the highest and broadest sense of that term. A politician does not mean in its proper sense one whose aims and ambitions are solely selfish and who seeks only his own advancement without regard to means or method employed, but rather one who has an intense



interest in public affairs, fixed ideas as to politics and principles, ability to command respect and win the confidence of men, and who seeks power and place in the hope that he can be of larger service to his fellow man. With no thought other than the public good, with no ambition but to faithfully perform his duty, then the politician becomes the safe legislator and statesman, and such was the man, the politician, and statesman, BENJAMIN F. SHIVELY.

In every relation of life he did his duty as an enlightened judgment dictated and as a quickened conscience approved. In all his life, whatever position he occupied, as a teacher, a journalist, a lawyer, or a public official, never was the integrity of his conduct or the purity of his motives questioned. He did not speak often in the Senate, but when he did he prepared his speeches with infinite care, study, and thought; his words were well chosen, his sentences carefully balanced, and his diction was perfect.

Mr. SHIVELY was never sensational or spectacular, neither was he vain or egotistical. He never spoke for the purpose of self-glory nor for the purpose of appearing in the public limelight. He never advertised himself nor posed and played for the galleries. He was modest and unassuming and had the complete confidence and respect of his colleagues. He was respected for his abilities and honored for his services. With dignity and with modesty he performed his labors, doing great things, but "unheralded and unsung" by himself. In the committee room, where the real work of Congress is done, he made his great impression on legislation.

Indiana has produced many distinguished men, and is proud of their records and achievements; she has had many illustrious public men and statesmen; she has given to the service of the Nation men whose services have not only honored them but reflected honor upon the State; she has given to the Senate Hendricks and Morton, Mc-

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MEMORIAL ADDRESSES: SENATOR SHIVELY

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Donald and Turpie, Harrison and Voorhees, and now SHIVELY is added to the list of our departed Senators whose services have shed a luster on our State and left their impress upon the Nation.

It is impossible to state in formal phrase the many noble qualities of his heart and mind. He had no malice in his heart, no envy in his thoughts, and was always the same, always a gentleman in manner and in speech. I was a member of the committee appointed to attend his funeral, and I know the sincere grief felt by the people of his city and his State. The day of his funeral all business was suspended in every avenue of trade, and all sought to pay their last tribute to their departed friend and neighbor. As they honored him in life, they honored his memory after death by breathing the tenderest and most loving sentiments of affection and love.

Heaven portions it thus—the old mystery dim—  
It is midnight to us; it is morning to him.

These were the words written of a friend by Indiana's most gifted and beloved poet, James Whitcomb Riley.

Mr. Dixon resumed the chair as Speaker pro tempore.

ADDRESS OF MR. ADAIR, OF INDIANA

MR. SPEAKER: We are here to-day in compliance with a commendable and well-observed rule of this House to pay tribute to the life, character, and public service of Hon. BENJAMIN F. SHIVELY, late a United States Senator from Indiana.

I learned to know Senator SHIVELY more than 30 years ago, when he first served as a Member of this House. I was a young man at that time, interested to some extent in the legislation of the country, and was a great admirer of Senator SHIVELY and the course he pursued as a Member of Congress. I watched him with much interest, admired the work he did here, and was indeed sorry when he decided not to be a candidate for reelection. I felt at that time that his services were needed in this body and that it was a loss to our State and to our Nation to have him retire from Congress. After leaving this body I met him occasionally, but my close acquaintance with him began in 1896, when he was a candidate for governor of our State. It was my pleasure and privilege to be with him considerably during that campaign. I spoke from the same platform with him at a number of places in the congressional district I have the honor to represent, and it was then I learned his true worth and his remarkable ability. In my humble opinion the most remarkable speeches ever made in the State of Indiana were made by Senator SHIVELY in the campaign of 1896. I heard it said during that campaign that his speeches were too deep, or, to use the common phrase, that he shot over the heads of his audiences. But the consensus of opinion was that the speeches made by him upon the issues of that

campaign and upon the great questions confronting the American people at that time were the soundest and most convincing of any delivered in the State. He held the attention and won the admiration of all who heard him. After that campaign I met him many times, and our friendship ripened and grew as the years passed by. It was a deserved recognition when Indiana saw fit to send him to the Senate of the United States. When he was chosen to that position I knew he would do credit to himself, to his party, and to the State of Indiana. He came to that body not as strong physically as he might have been, not as able as he had been in the past to render hard, arduous service; yet he contributed his part in the consideration of the great problems coming before Congress. He had been a Member of that body only a few weeks until you could hear it remarked among the membership of the Senate that he was one of the most intellectual men of that body and the kind of a man who would have been chosen to do the most difficult task that could have been assigned to any Member of the United States Senate.

He served his first term and the people of Indiana said, "Well done, thou good and faithful servant," and by popular vote of the people sent him back to that body for another six years. At the beginning of his second term his health was so undermined that he was not able physically to meet the task before him.

It is a fine thing to see a man battling against tremendous adversities of life. It is an inspiration to see a great soul endeavoring to overcome the moral and physical difficulties of the world. But to observe at close hand a man fighting for his life against such transcendent obstacles with supreme cheerfulness and rare courage will perhaps leave to you and to me a stimulus for the public good, a contribution to our official standards, greater than any forensic triumphs that may resound through this Hall.

Eloquence may be sometimes preserved by the records of this House; wit may here and there leave a shaft to be seen in after years; reason and exposition may cleave the clouds of our doubts; but I suspect I voice the inner conscience of the membership of the House when I observe that you and I are most helped in the discharge of our public duties by contact with a clean, lofty soul standing firm amidst racking pain and lowering clouds that gather about the end of the journey and knowing no hypocrisy and no cant. One may consider himself fortunate whose privilege it has been to serve and associate with such a character.

Mr. Speaker, the future historian who writes the history of our Nation and of our lawmaking bodies will give a high place to the statesmanship and ability of Senator SHIVELY. In his death the wife and children have lost a loving and faithful father, I have lost a good and true friend, the State of Indiana an able, faithful, and conscientious representative, and the Nation a statesman worth while.

## ADDRESS OF MR. WOOD, OF INDIANA

MR. SPEAKER: Plutarch has told us that—

Not by lamentations and mournful chants ought we to celebrate the funeral of a good man, but by hymns, for in ceasing to be numbered with mortals, he enters upon the heritage of a diviner life.

It occurs to me that these words have a peculiarly fitting application in considering the passing away of Senator SHIVELY. He was sick for a long time. Courageously did he battle against the ravages of disease. By his sheer indomitable spirit was his life prolonged. He did not surrender. He fell fighting that mysterious foe we call death. Though a sufferer long, he was not weary of this life, and the fact that he was not weary of this life is the best evidence of his being prepared for the life hereafter. For it has been said that "a man is not quite ready for another world who is altogether tired of this." Therefore, I am of the opinion that if Senator SHIVELY could speak to us to-day he would say, "Lament not and mourn not, but rejoice that I am enjoying the heritage of a diviner life."

If there was any one evil that Senator SHIVELY detested above another, it was sham or hypocrisy, and he possessed a rare faculty for detecting it. He religiously abstained from its practice throughout his life. Now that he is dead his friends will not do his memory the injustice of indulging it through the use of fulsome flattery. In life he made no attempt to make himself appear what he was not, and in passing he left a fame that needs no superficial laudation. He believed, like Warwick believed, that—

Hypocrisy desires to appear, rather than to be, good; honesty, to be good rather than seem so. Fools purchase reputation by the sale of desert; wise men seek desert even at the hazard of reputation.

In consequence he was without ostentation, which is said to be the signal flag of hypocrisy.

He was not a self-advertiser. He shrank from it as he would from a plague. It was hard indeed for a newspaper man to get anything from him that seemed to be in praise of himself or his accomplishment. He was content to be judged by his works rather than by words used to advertise his works, and right well did his works speak for themselves. They have made for him a place that is secure in the annals of the State that so signally honored him and in the Nation he served so long and well.

He loved his friends and his friends loved him. He made friendships by the giving of friendship. His friendship was not "like the shadow of the morning, decreasing every hour," but it was "like the shadow of the evening, which strengthens with the setting sun of life." His was the friendship that is characteristic of broad minds. It overlooked the faults and frailties of his fellow men and remembered only their virtues. In turn he learned his virtues from his friends who loved him and who buried his faults in the sand. He was indeed an exemplar of Socrates, who said:

Get not your friends by bare compliments, but by giving them sensible tokens of your love. It is well worth while to learn how to win the heart of a man the right way. Force is of no use to make or preserve a friend, who is an animal that is never caught nor tamed but by kindness and pleasure. Excite them by your civilities and show them that you desire nothing more than their satisfaction; oblige with all your soul that friend who has made you a present of his own.

The most precious jewels that we can possess in this life of trial are love and friendship. These were possessed by Senator SHIVELY, and he gave of them as freely as he received.

Peace to his ashes.

#### ADDRESS OF MR. CULLOP, OF INDIANA

Mr. SPEAKER: It is said that death loves a shining mark. When death laid its cold and icy hand on BENJAMIN F. SHIVELY it captured a shining mark. I first met Senator SHIVELY in the notable campaign of 1896, when he was the candidate of the Democratic Party for governor, waging one of the most active and able canvasses ever made in that State for a great office.

He was a striking figure; tall, erect, large in stature, with a handsome face, of distinguished appearance, he attracted the audiences before whom he spoke and created enthusiasm not alone by the manner in which he spoke but by the unanswerable logic, the clear and convincing arguments he made before the people.

The campaign of 1896 was one of the bitterest, perhaps, we have had in Indiana, a State of bitter political contests, and during my recollection of political campaigns in that State I never knew a candidate for governor who bore himself more nobly and with more grandeur than BENJAMIN F. SHIVELY did in that great contest. Defeated as he was by a small majority, yet he came out of the contest stronger with the people of Indiana than he had ever been before. He was elected four times to a seat in the National House of Representatives and twice a United States Senator from Indiana. These marks of distinction and of honor were not given to him by political intrigue but were given to him upon his merit. He was not the creature of machine politics; he was too independent for that; but all the honors he received he won by his merit. He was strong with the people. They believed in him. He had their confidence, and, best of all, he it



said, he never betrayed it. This was the source of his strength. This was why he held the confidence of the people and why they rallied around his standard and bore it bravely to victory. In him they had a friend upon whom they could rely, a strong and sturdy advocate of every cause for the advancement of their welfare.

Mr. Speaker, because of the evenly divided sentiment in politics in Indiana it has been blessed in the United States Senate by some of the greatest minds that have adorned that great legislative body. Men famed for their ability, their eloquence and statesmanship, men who have shaped legislation and molded public opinion, men who have fashioned the destiny of this great Republic; and when impartial history is written of the great work these men have performed Senator SHIVELY will take high rank because of his splendid services, his great ability, and his unswerving fidelity to the cause of the people.

Indiana has been signally fortunate in the great men in the last half century who have represented it in the United States Senate, the greatest lawmaking body in all the world. The people of Indiana are proud of these great men and their splendid achievements. It is one of the richest legacies they possess, and they are proud of the fact that BENJAMIN F. SHIVELY took high rank among these great statesmen, proud of the fact that he performed his duty in keeping with the other illustrious men who had been commissioned to represent that State in the National Congress and raised higher the standard of American statesmanship. We mourn his death, the loss of his wise counsel, and his genial association. We realize the value of his public service, of his great abilities, and how he labored to promote the welfare of the people. These redound to his honor and enshrine his name in the affections of a grateful public.

ADDRESS OF MR. CLINE, OF INDIANA

MR. SPEAKER: I court the opportunity to speak very briefly of the subject of this occasion. I knew BENJAMIN FRANKLIN SHIVELY for many years. He was a finished specimen of American citizenship, a patriot and a statesman. He was a wise, courageous, and capable man. He had many superior qualities, chiefest among which was his unflinching integrity. You and I, as the years creep over us, come more and more to place a high estimate on the man who trusts in other men, who believes that the essential elements that come into correct living are made so by such a devotion to them that they become our ideals. I like a man who has faith in his fellows, who is the antithesis of he who doubts, mistrusts, and suspicions. Such a man has lost the value of living, in that he has himself written early across his life the word "failure." Two of the great words in the English tongue are faith and hope. In both of these symbols BEN SHIVELY lived and wrought a useful life. May I say, without formality, that Senator SHIVELY was on common ground with Indiana's greatest statesmen. There is one essential particular that adds luster to his integrity and his name and leaves untarnished his political career—he died a poor man. In that particular, strange as it may appear, he has a place with all of Indiana's prominent men once in public life. It is a singular coincidence that Hendricks, McDonald, Voorhees, and Turpie were all men in very moderate circumstances. That fact alone is a fine heritage to the youth of that great State. He was like these splendid men in another way. He was the peer of that galaxy of profound thinkers of the State of whom the people are justly proud.

Senator SHIVELY was not an offensive partisan, though long an active and consistent supporter of his party. His devotion to it is shown in the fact that in the days when it met with the greatest reverses he submitted to its call when a candidacy on the State ticket was absolutely hopeless.

Year in and year out he traveled back and forth across the State, detailing before great audiences the principles of the political faith in which he believed without the hope of any reward except the patriotic duty well discharged. His ability and fairness in discussion won for him friends by the thousands. In 1908, when his party came to power in Indiana, he was readily chosen as its representative in the United States Senate. I need not relate to you the story of his successes. It is familiar to all. It is full of glory. When the Democratic Party came into power in 1912 the President of the United States found in him a safe counselor. In 1914, when he sought reelection at the hands of the people of his State, his popularity and ability were shown by the fact that though unopposed for renomination he ran many thousands ahead of his ticket both at the primary and in the election.

He was recognized all over Indiana and throughout the country as an authority on the subject of national taxation. Probably no contemporary in Congress has given so much time and study to that subject as had Senator SHIVELY. Let me quote a paragraph from one of his speeches to show the breadth of thought and strong patriotism of this man:

The solution of our problems does not lie alone in writing the rates of duty a little higher or a little lower, or in writing no rates at all, but in the coordination, control, and equitable distribution of all those commingling agencies of our production and distribution, in all of which every man must contribute under law an untiring service to produce and distribute the material good won

by such study, such devotion, such patriotism to the myriads "who have sprung from the earth's bosom in this summer of political liberty."

Senator SHIVELY was also a warm advocate of legislation in the interest of labor. When the proposition arose concerning the addition of a new member to the President's Cabinet to represent labor, he delivered an able speech on the bill on February 26, 1913, to establish a Department of Labor. I select one paragraph of that speech to show the breadth of thought on this important subject:

The American Declaration of Independence was an unqualified challenge to the whole political doctrine and philosophy of Aristotle. That some of those who subscribed to that instrument were not entirely free from the spirit of caste we can easily believe. Yet it was issued at a time when then existing institutions and dogmas were under the white heat of a remorseless intellectual and moral inquisition, and many cherished idols of power were being cast down and melted away in the flame of a revolution that signalized a new conception of the true form and functions of government. It is easily conceivable that in the fervor and enthusiasm of that revolution the sponsors of the great declaration regarded the humblest toiler in the Colonies as of more value to society than the whole tribe of titled parasites bred at princely courts of kingly power.

In every field of legislation he was a thorough student. He was a man of great value to the country at large. I have often admired him for his large-heartedness and sturdy character. He was a man of lofty purposes and high ideals. He was so well regarded by his party that in the St. Louis convention in 1908 he could have had the vice presidential nomination had he desired it. He was, in the largest sense, a patriot, and his service was always an unselfish one. In his death Indiana lost one of her foremost citizens and the country a man of the highest honor. He was a man of courage. Fortune never smiled upon him. What he was he accomplished through his

own efforts and his resolution to conquer whatever obstacles challenged his success. I can not help but speak the word of Sarah K. Bolton, so applicable to the life and character of the distinguished Senator:

I like the man who faces what he must  
With step triumphant and a heart of cheer;  
Who fights the daily battle without fear;  
Sees his hopes fail, yet keeps unfaltering trust  
That God is God; that somehow, true and just,  
His plans work out; for mortals not a tear  
Is shed when fortune, which the world holds dear,  
Falls from his grasp; better, with love, a crust  
Than living in dishonor; envies not  
Nor loses faith in man, but does his best  
Nor ever mourns over his humbler lot,  
But with a smile and words of hope gives zest  
To every toiler; he alone is great  
Who by life heroic conquers fate.

ADDRESS OF MR. LIEB, OF INDIANA

MR. SPEAKER: When BENJAMIN FRANKLIN SHIVELY died, full of years of public service, there was lost to this country one of the ablest statesmen of all times. Possessed with a great mind that encompassed and illumined every subject he touched, Senator SHIVELY ranked high in the annals of American statecraft. As a student, as a teacher, as an editor, as a lawyer, as a Member of the House of Representatives, as a Member of the Senate, as a man among men, he gave all who came in contact with him through each step of his career the same impression of indomitable character, courage, and ability. He was not a leader of men in the usual acceptance of the term; he was more than that; he was the diviner of ways, the solver of difficulties, the meeter of trying situations, the one man who was equal to every emergency.

The sad intelligence of the death of Senator SHIVELY, while not unexpected, owing to his long and brave fight for life, came as a shock to the Nation. It seemed almost impossible to think he had passed into the—

Sinless, stirless rest,  
That change which never changes.

Taken by the hand of death from his seat in the Upper Body of Congress, his colleagues were moved as men are seldom moved.

Among the membership of the Senate not one of his colleagues could boast of service in Congress prior to the term when he first served in the House of Representatives in 1884. It was an unusual commentary that he should be the youngest Member of Congress upon his ascension to statesmanship in Washington and that he

should be the oldest in the point of priority of service among his colleagues of his own political party in the Senate at his death. It was the Forty-eighth Congress when Senator SHIVELY was elected to the House of Representatives. In this same House of Representatives Nathan Goff, of West Virginia, and Knute Nelson, of Minnesota, like Senator SHIVELY, were serving their first terms in the Lower Body of Congress. While 33 other Senators of the Sixty-fourth Congress had previously held seats in the House of Representatives, none of them had served prior to the Forty-ninth Congress.

Some of my colleagues have spoken before me and have touched upon the splendid traits of the late Senator's character and life. Every word of tribute that has been uttered voices my sentiments. The esteem I had for Senator SHIVELY grew more pronounced through the advancing years of the acquaintanceship I had with him. I speak not in extolling a man whom I knew only through association in the National Capitol, but through an association dating back to the early eighties, when the young and resourceful man began to make his mark as a Democrat and as an orator. I first met him in Indianapolis at a political gathering. From then until his death, a period of more than 30 years, I came in contact with him often.

On the occasion of one of his last speeches before his election to the United States Senate I had the pleasure of introducing him to an audience at Rockport, my home city. This was during the campaign of 1908. I will never forget the impression he made in discussing the tariff issue. It was the most wonderful exposition on this subject that I had ever heard. Eloquent in his oratory, but simple in his explanation of the principles of this great question, he held his audience in breathless attention. Senator SHIVELY had all his life specialized on tariff and taxation, and at the time of his death there was a popular belief in Washington that he had few equals in knowledge of the tariff.

Anyone well acquainted with Senator SHIVELY could not help but be impressed with his retiring manners.

He was a man who studiously shunned the embellishments of life. He cared nothing for the glory of a personal victory. As long as he won, he was satisfied. To gloat over a triumph over his political adversaries or to get out and hurrah over his political successes was not a trait in his character. Simplicity was always a craving in him. One of his friends remarked at his funeral, when others had noticed the simplicity of the rites:

Why, he wouldn't even let us celebrate his election to the Senate. We wanted to get up a big jollification, but FRANK vetoed it firmly. He simply would not do an ostentatious thing. He loved the quiet of close communion with his friends.

I always found Senator SHIVELY to be a man easy to approach. He never refused an audience unless circumstances made it impossible. Even when his health failed him almost completely he received his friends in his office in the Capitol ready as ever to give his ear to whatever might be brought to his attention. I visited him several times when he was too fatigued to sit at his office desk. But each time he lay on his couch and evidenced his usual interest in the affairs that had come up, even though pain was written on the contours of his face when he talked and listened. I was a visitor at his bedside in the hospital a short time before his death, and in his greatly weakened condition he evidenced a surprising interest in the prevailing topics of the day. Until the very last he was keenly alert to the wants and needs of his constituency.

It is in the community in which a man has made his home that one gets a true insight into his character and esteem in which he is to be most critically observed. While I knew Senator SHIVELY well enough to judge his many worthy traits through and through, I perhaps never appreciated more fully the high regard in which he was



generally held than on the sad occasion when his body was borne through the streets of South Bend. It seemed as though the whole city had turned out.

South Bend is a large manufacturing city, and I judged from the faces and dress of the throngs that lined the streets and visited the SHIVELY home that workmen from the factories had joined with the bankers, the tradesmen, the professional men, and men in all walks of life in paying tribute to the fellow townsman they had all loved. Here, then, was a man who had gained eminence by no fluke. His own people had been sincere in their suffrage to him in his many battles of campaign, red fire, and oratory, and in the harbor of the final refuge he was borne through silent avenues of a grieving people.

No wealth had been left behind this son of Indiana soil, but what is more greatly cherished—a good name—was bequeathed to a people who had thrilled in the thought of this priceless legacy.

The life of Senator SHIVELY was great in years and great in achievements. His work in this mundane sphere of action has ended. He will be missed by his colleagues and by his countrymen, but the greatest loss will be to his fond and noble wife and children, to whom he was a devoted husband and a loving father. May they have comfort in his honorable and successful life.

ADDRESS OF MR. GRAY, OF INDIANA

Mr. SPEAKER: Time is a great analyzer of facts. Time is a great demonstrator of truth. Time is a great vindicator of principles and policies and men. Time will tell. In the great final analysis time will weigh and consider and determine the right and the true worth and merit of men. When time has weighed and decreed its estimate of great national policies and public men it will place the name of BENJAMIN F. SHIVELY among the great men of the State he honored by his representation and among the great leaders in the Nation he served.

Men build great monuments and raise enduring marble shafts to hold up their names after death. They erect great buildings, structures, and imposing statuary to hold up their names after death. Men climb to dizzy heights and chisel their names upon some high rock or lofty crag to hold up their names after death.

But in time the monument and enduring shaft will crumble away. In time the great building, structure, or imposing statuary will fall to the earth. In time the elements will erase the name chiseled in the high rock or overhanging crag. In time every vestige, trace, and evidence of the efforts of men in a material and physical way to perpetuate their names will be obliterated from the earth.

But BENJAMIN F. SHIVELY has built his monument in the great principles and policies of government for which he has stood and defended and promoted by his ability as a statesman and an orator of the highest rank.

There are some men who have obtained high rank, distinction, and national reputation because their names

have been linked or associated with great and important acts of legislation in Congress, when the real labors by which the legislation has been framed and enacted into law have been performed by others. Many times men thus take credit and obtain fame by reason of their place and position in the enactment of great legislative measures, and not by virtue of performing greater duties or more able services than others. But the honor, credit, and distinction won by BENJAMIN F. SHIVELY has been won by sheer force of his abilities as a statesman, his talents as an orator, and his zeal and indefatigable industry in the study of public questions, and his advocacy on the floor of the House of Representatives and the Senate where he has served the people of his country.

Mr. Speaker, I regret that circumstances have denied me an opportunity to express my full appreciation and to speak at greater length on the life and services of BENJAMIN F. SHIVELY, late Senator from Indiana, but I could not refrain from speaking these few words in honor of his memory.

#### ADDRESS OF MR. MORRISON, OF INDIANA

Mr. SPEAKER: The people of the State of Indiana had through many years of his political and official public life come to know intimately and to hold in highest esteem the man whose memory we are met to-day to honor, the late Senator BENJAMIN F. SHIVELY, of Indiana.

Born and reared in St. Joseph County, Ind., he resided in that county during all of his eventful and honorable life. He was long the most distinguished citizen of the city of South Bend, was an honor to the city, and was honored highly by all its people.

His was a strong, active, and analytical mind. He was ever a thorough student. He acquired a thorough knowledge of the facts in every case and a clear grasp of the principles involved. He traced much of the unorthodox teachings of political adventurers to "intellectual sloth," rather than to a deliberate purpose to sacrifice correct principles for temporary convenience or personal advantage. In his own life intellectual sloth was never for a moment tolerated.

Senator SHIVELY was elected to represent his district in the Forty-eighth, Fiftieth, Fifty-first, and Fifty-second Congresses, at the end of which service he voluntarily retired from public life and to the practice of his chosen profession—the law. By that time he had gained a reputation for high character and great ability that made it impossible for him to live a retired and quiet life, free from active participation in political and other forms of public activity and service. His party made insistent and incessant demands upon him. It desired the benefit of his learning, ability, and sound judgment, and it never appealed to him in vain.

In times of public agitation and resulting political and social unrest Senator SHIVELY did not seek to avoid problems by denying their existence, nor by misstating their terms, nor by minimizing their importance, nor yet by attempting to sense out the trend of public thought and following the line of least resistance. It has not been my privilege to enjoy the friendship and to receive the helpful advice of any man who had a broader, deeper, or more accurate knowledge of American history or the fundamental principles of the American Government. He believed in our institutions. He knew them with the thoroughness that spares no labor and overlooks no detail, and was ever ready to give a reason for the faith that was in him. Like the founders of the Republic, he knew the centuries of human history out of which came the almost superhuman wisdom with which the fathers framed the Constitution and established the elementary powers, purposes, and activities of the Central Government of our people, exercising in full and exclusive sovereignty the powers, and performing effectively the duties cast upon it by the fundamental law of the land. He knew the division of powers and duties that necessarily results from our dual form of government, believed in it with all his mind and heart, and refused in times of peace and tranquillity or in times of excitement or in response to the dangers of political storm or stress to forget that there is a dividing line or to change his mind as to just where it lies.

To him who has not studied the history of the past all suggested changes in the organic or statute law of the Nation or of the State are equally novel. They are as novel to their proponents as they are to other persons, if all are alike unfamiliar with fact, the times, and the circumstances of their prior presentations, discussions, trials, and successes or failures. To Senator SHIVELY most of

them were ancient history, and to him history furnished irrefutable evidence of the degree of merit or demerit that must at last be credited to each of them by enlightened public opinion. This element of his intellectual equipment enabled him to maintain a steadfast position in all circumstances and to pursue a straight course through every maze of conflicting interests and ill-considered opinions of men. Every student of public questions in Indiana gave great weight to Senator SHIVELY's deliberate and final judgment. They learned only of his last and best thought, for he was accustomed to investigate, learn, weigh, and consider before he undertook to discuss a public question. He did not seek men out and attempt to impress his opinions upon them. They had learned to seek him out that they might have the benefit of his ability, scholarship, and sound judgment.

Senator SHIVELY was truly great as an advocate of his views upon public questions. He spoke without manuscript or notes, but not without preparation. The speech as it fell from his lips was ready for publication, and needed not to be edited or revised.

He did not seek to impress men with his eloquence. He sought only to enlighten their minds and move their wills. When he was at his strongest and best his hearers sat in solemn silence and he read the verdict of their approval in the stillness of their rapt attention, rather than in their rounds of thunderous applause.

His service in the Senate of the United States came at a time when his ability, character, characteristics, and his intellectual attainments and habits gave to him peculiar fitness to meet the exact duties that were immediately cast upon him. So long as his physical strength would permit he was a trusted and safe adviser to the President in the decision of those first questions growing out of our foreign complications, the correct decision of which has made

possible the correct and unimpeachable record which the President has made in the establishment and maintenance of his foreign policy.

To us his death seemed untimely and his brethren can not but mourn. And yet it is not for us to judge of the times and the seasons. We can not know what his full mission was or when he had completed his allotted task. We only know that his ability was great, his attainments were high, he was faithful to every trust, and rendered a public service worthy of the great man he truly was.

His character, attainments, record, and high achievements make it impossible to write the history of his State or country without paying homage to his name. To wife, daughter, and sons he left a precious heritage of blessed memories and of public honors and gratitude the value and consolation of which they alone can ever know.

We who have known him best and to whom his friendship was dearest and most helpful shall ever think of him as one of the greatest of the great men Indiana has given to our national life.

The SPEAKER pro tempore. According to the terms of the resolution heretofore adopted, the House will now stand adjourned.

Thereupon (at 3 o'clock p. m.) the House adjourned until to-morrow, Monday, February 19, 1917, at 12 o'clock noon.



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