

GENERAL ORDER }
No. 35.

NAVY DEPARTMENT,
WASHINGTON, March 23, 1901.

The Department publishes herewith for the information of the service, the following correspondence concerning the rescue of Ishi Tomizi, ship's cook, of the the flagship *Chicago*, by Sergeant J. H. Helms, U. S. M. C.:

U. S. F. S. CHICAGO, FIRST RATE.
MONTEVIDEO, URUGUAY, January 11, 1901.

SIR: I have the honor to invite attention to the gallant conduct of Sergeant J. H. Helms, of the Marine Guard of this vessel, who has for the second time distinguished himself by promptly going to the rescue of a drowning man.

The circumstances of the latter case are as follows: While some of the crew were swimming yesterday evening at about 6.45, Ishi Tomizi, warrant officers' cook, showed signs of exhaustion and was in immediate danger of drowning, no one else being near him. Sergeant J. H. Helms, who was on deck in uniform, jumped overboard at once, and supported Tomizi until the whaleboat, which was lying off a short distance, reached the spot and rescued them.

Very respectfully,

E. F. QUALTROUGH,
Lieut. Commander, U. S. N., Executive Officer.

The COMMANDING OFFICER,
U. S. S. *Chicago*.

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SOUTH ATLANTIC STATION,
U. S. F. S. CHICAGO, FIRST RATE,
MONTEVIDEO, URUGUAY, January 12, 1901.

SIR: 1. I have the honor to enclose herewith a copy of a letter reporting the gallant conduct of Sergeant J. H. Helms, U. S. M. C., in jumping overboard from this vessel on January 8, in this harbor, to rescue Ishi Tomizi, warrant officers' cook, who was in imminent danger of drowning.

2. This is the second time that Sergeant Helms has distinguished himself while under my command, the former occasion being when he jumped overboard from a tug in a rough sea to save Second-class Fireman W. Gallagher from drowning, and for which action he received a letter of commendation from the Commandant of the Marine Corps, dated August 9, 1900.

3. I therefore take pleasure in recommending Sergeant Helms for a medal of honor or such other form of approval as the Department may see fit to bestow for repeated gallant conduct.

Very respectfully,

C. H. ROCKWELL,
Captain, U. S. N., Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.,
United States of America.

—
First endorsement.

FLAGSHIP CHICAGO,
MONTEVIDEO, URUGUAY, January 12, 1901.

Forwarded approved.

W. S. SCHLEY,
Rear Admiral, U. S. N., Commander in Chief.

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Second endorsement.

BUREAU OF NAVIGATION,
NAVY DEPARTMENT,
February 28, 1901.

Commanding Officer U. S. F. S. *Chicago* reports gallantry of Sergeant J. H. Helms, U. S. M. C.

Respectfully referred to the Secretary of the Navy. The within-named J. H. Helms, sergeant, U. S. M. C., jumped overboard from the *Chicago* while that vessel was lying in the harbor of Montevideo, Uruguay, and rescued from drowning Ishi Tomizi, a warrant officers' cook, who was one of a number of the crew who were swimming near the vessel. While this is the second time that Sergeant Helms has rescued a person from drowning, the Bureau is of opinion that it is not an instance in which a medal of honor should be awarded. The conditions of the vessel being at anchor and the sea smooth enough for the crew to be permitted to engage in swimming exercises, suggest that Sergeant Helms could

not have been in imminent danger in the rescue of the man above mentioned. The opinion is further expressed that medals of honor should only be awarded for extraordinary heroism.

3. In view of the foregoing, and the fact that he has on a former occasion received a commendatory letter from the Commandant of the U. S. Marine Corps under date of August 9, 1900, the Bureau has the honor to recommend that J. H. Helms, sergeant, U. S. M. C., may be given a commendatory letter from the Department for the rescue of Ishi Tomizi, warrant officers' cook.

A. S. CROWNINSHIELD,
Chief of Bureau.

Third endorsement.

NAVY DEPARTMENT,
March 1, 1901.

Referred to the Judge Advocate General for opinion.

F. W. HACKETT,
Assistant Secretary.

Fourth endorsement.

NAVY DEPARTMENT,
OFFICE OF JUDGE ADVOCATE GENERAL,
March 11, 1901.

Commanding Officer U. S. F. S. *Chicago* recommends that medal of honor be awarded Sergeant J. H. Helms, U. S. M. C., for rescue of Ishi Tomizi, ship's cook, from drowning.

Respectfully returned to the Assistant Secretary of the Navy.

While by a liberal construction of section 1407 of the Revised Statutes the Department has on several occasions awarded medals of honor thereunder to enlisted men of the Marine Corps, I have always had considerable doubt whether the provisions of said section extend to the cases of marines.

The recent act, however, "for the reward of enlisted men of the Navy and Marine Corps," approved March 3, 1901, provides:

"That any enlisted man of the * * * Marine Corps who shall have * * * displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section fourteen hundred and seven of the Revised Statutes."

This case would appear to come within the scope of the above-quoted act, if in the Department's judgment the rescue of Tomizi by Sergeant Helms may be regarded as a display of "extraordinary heroism." Upon this question, however, as to which it is not presumed my opinion is called for, it is suggested that the views of the Commandant of the Marine Corps be obtained before final action is taken.

SAMUEL C. LEMLY,
Judge Advocate General.

Fifth endorsement.

NAVY DEPARTMENT,
March 12, 1901.

Commanding Officer U. S. F. S. *Chicago* recommends that medal of honor be awarded Sergeant J. H. Helms, U. S. M. C., for rescue of Ishi Tomizi, ship's cook, from drowning.

Referred to the Commandant of the Marine Corps, calling attention to the fourth endorsement hereon, and for report and recommendation.

F. W. HACKETT,
Assistant Secretary.

Sixth endorsement.

HEADQUARTERS U. S. MARINE CORPS,
WASHINGTON, D. C., *March 15, 1901.*

Commanding Officer U. S. F. S. *Chicago* recommends that medal of honor be awarded Sergeant J. H. Helms, U. S. M. C., for rescue of Ishi Tomizi, ship's cook, from drowning.

Respectfully referred to the Secretary of the Navy.

The attached papers show that Sergeant J. H. Helms, U. S. M. C., jumped from the deck of the *Chicago*, while in uniform, and saved the life of Ishi Tomizi, warrant officers' cook, who, it appears, would have drowned but for this gallant act of Sergeant Helms. It will also be seen from the within papers that this is the second time Sergeant Helms has distinguished himself by promptly going to the rescue of drowning men.

In the opinion of the undersigned it is established that Sergeant J. H. Helms, U. S. M. C., has displayed extraordinary heroism in saving lives at the risk of his own, and it is earnestly recommended that he be awarded the medal of honor and gratuity referred to in the fourth endorsement hereon.

CHARLES HEYWOOD,
Brigadier General, Commandant.

Seventh endorsement.

NAVY DEPARTMENT,
March 18, 1901.

Commanding Officer U. S. F. S. *Chicago* recommends that medal of honor be awarded Sergeant J. H. Helms, U. S. M. C., for rescue of Ishi Tomizi, ship's cook, from drowning.

Referred to the Honorable the Secretary of the Navy.

This office concurs in the recommendation of the Commandant of the Marine Corps that Sergeant Helms be awarded the medal of honor and gratuity referred to in the fourth endorsement hereon.

F. W. HACKETT,
Assistant Secretary.

Eighth endorsement.

NAVY DEPARTMENT,
March 20, 1901.

Commanding Officer U. S. F. S. *Chicago* recommends that medal of honor be awarded Sergeant J. H. Helms, U. S. M. C., for rescue of Ishi Tomizi, ship's cook, from drowning in the harbor of Montevideo, Uruguay.

Respectfully returned to the Bureau of Navigation.

The Department concurs in the opinion of the Bureau of Navigation that the rescue of Ishi Tomizi, ship's cook, of the U. S. S. *Chicago*, by Sergeant J. H. Helms, U. S. M. C., is not of itself under the circumstances described, a case in which a medal of honor should be awarded under the law. But taken in connection with the case in which, on a previous occasion, Sergeant Helms jumped overboard from a tug in a rough sea and saved Second-class Fireman W. Gallagher from drowning, and in further view of the fact that a medal of honor is recommended by Sergeant Helms' commanding officer and approved by the flag officer, the Secretary of the Navy adds his approval and the Department authorizes the award of a medal of honor and a gratuity of one hundred dollars to Sergeant Helms for his gallant conduct.

JOHN D. LONG,
Secretary.

The Department commends the heroism of Sergeant J. H. Helms, U. S. M. C., in twice risking his life to save his comrades from drowning, and awards him a medal of honor and a gratuity of one hundred dollars for his gallant conduct.

JOHN D. LONG,
Secretary.