

been to denominate anything a "military offense," which they chose to give that name to.

Mr. President, according to my reading of the Constitution a civilian cannot commit a military offense at all, and a civilian cannot be subjected to trial by any military tribunal without a flagrant and most dangerous infraction upon the Constitution. Now, Mr. President, according to the verbiage of this act anything which may be called a military offense is so to be treated by the courts that are authorized to issue writs of *habeas corpus*.

Mr. TRUMBULL. If the Senator from Kentucky will give way, I will say that if there is any sort of opposition to this bill I shall not press it now. I think it is a bill required by the public service; but if he is apprehensive that there is anything wrong in the bill, I will not press it to a vote this evening. I suppose it would be for the court to decide whether it was a military offense or not. I suppose that would be a judicial question.

Mr. DAVIS. I do not know that.

Mr. TRUMBULL. I apprehend there is nothing in any supposed objection of the Senator, but if he insists on his opposition let the bill go over.

Mr. DAVIS. I much prefer that that course should be taken.

Mr. TRUMBULL. I will not resist the motion. I do not want to take up the time of the Senate. The Senator moves that it be postponed.

Mr. DAVIS. I make the motion that it be postponed until December next.

Mr. HENDERSON. I rise to express the hope that the Senator from Illinois will permit the bill to lie over. It is an important measure, and we scarcely have time to consider a measure of this character now.

The motion to postpone until the next session was agreed to.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. MOORE, his Secretary, announced that the President of the United States had approved and signed, on the 27th instant, the following bills and joint resolutions:

A bill (S. No. 20) granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast;

A bill (S. No. 214) to incorporate the General Hospital of the District of Columbia;

A bill (S. No. 309) to authorize Samuel Stevens, a Stockbridge Indian, to enter and purchase a certain tract of land in the Stockbridge reservation, Wisconsin;

A joint resolution (S. R. No. 86) to provide for the publication of the Official History of the Rebellion; and

A joint resolution (S. R. No. 117) for the relief of Charles M. Blake.

MILITARY PEACE ESTABLISHMENT.

On motion of Mr. WILSON, the Senate proceeded to consider its amendment to the amendment of the House of Representatives to the bill (S. No. 138) to increase and fix the military peace establishment of the United States, disagreed to by the House, and

On motion of Mr. WILSON, it was

Resolved, That the Senate further insist upon its amendments to the amendments of the House of Representatives to the said bill disagreed to by the House, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. HARRIS, and Mr. NESMITH.

DEFICIENCIES IN APPROPRIATIONS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 791) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1866, and for other purposes, disagreed to by the House, and

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amend-

ments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. FESSENDEN, Mr. HENDERSON, and Mr. BUCKALEW.

HOUSE BILLS.

The PRESIDENT *pro tempore*. With the permission of the Senate the Chair will present two bills which are on the table, from the House of Representatives, for the purpose of reference.

The bill (H. R. No. 815) supplemental to the act to appropriate money for postal services was read twice by its title.

Mr. CONNESS. That bill need not be referred. I hope it will lie over for the present, subject to be called up.

The PRESIDENT *pro tempore*. That course will be pursued.

The bill (H. R. No. 632) to authorize the building of a military and postal railroad from Washington, District of Columbia, to the city of New York, was read the first time by its title.

Mr. DAVIS. Is that bill regularly before the Senate?

The PRESIDENT *pro tempore*. It is regularly here; it comes from the House of Representatives.

Mr. DAVIS. Is it regularly before the Senate upon any question?

The PRESIDENT *pro tempore*. Only for formal reading; and it can have but one reading each day if there be objection.

Mr. CRESWELL. I object to the second reading of the bill.

The PRESIDENT *pro tempore*. The second reading of the bill is objected to; it is laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 780) to protect the revenue, and for other purposes, and had unanimously agreed to the change in the text of the bill as proposed by the committee.

STATUE OF ABRAHAM LINCOLN.

Mr. WADE. I move to take up the joint resolution (H. R. No. 197) authorizing a contract with Vinnie Ream for a statue of Abraham Lincoln.

Mr. SUMNER. I hope that will not be taken up.

Several SENATORS. Oh, let us vote.

Mr. SUMNER. Senators say, "Oh, let us vote." The question is about giving away \$10,000.

Mr. CONNESS. Taking it up is not giving money away, I hope.

Mr. SUMNER. The question is, I say, about giving away \$10,000; that is the proposition involved in this joint resolution.

Mr. CONNESS. For a statue.

Mr. SUMNER. The Senator says "for a statue"—an impossible statue, I say; one which cannot be made. However, I am not going to say anything on the merits now; that will come at another time if the resolution is taken up. I ask for the yeas and nays on the question of taking up.

The yeas and nays were ordered.

Mr. McDUGALL. I am somewhat surprised to hear the Senator from Massachusetts, who professes to be not merely an amateur but a connoisseur in art and an admirer of beautiful things and a person understanding them well, object to a proposition of this kind. Massachusetts has done much in the way of the encouragement of art in our country, and we are grateful to her for it. We are all informed that the person who makes this proposition to us is an artist; she has evinced her skill. Now, I say it is the business of a Government to

adorn and beautify its public halls, to commemorate its great public men. I have had occasion to observe that as regards this particular thing she has produced the only true representative of the man, I having been more conversant with him, perhaps, than any one on this floor, showing her superior skill in art and natural genius; and I think that the Senator from Massachusetts, coming from the Athens of this Republic, "the hub of the universe," should make no objection to this proposition.

The question being taken by yeas and nays, resulted—yeas 26, nays 8; as follows:

YEAS—Messrs. Anthony, Buckalew, Chandler, Conness, Cowan, Creswell, Doolittle, Foster, Guthrie, Howe, Johnson, Lurie, McDougall, Nesmith, Norton, Nye, Poland, Pomroy, Ross, Sprague, Stewart, Trumbull, Wade, Williams, Wilson, and Yates—26.

NAYS—Messrs. Davis, Edmunds, Henderson, Howard, Kirkwood, Morgan, Riddle, and Sumner—8.

ABSENT—Messrs. Brown, Clark, Cragin, Dixon, Fessenden, Fowler, Grimes, Harris, Hendricks, Morrill, Ramsey, Saulsbury, Sherman, Van Winkle, Wiley, and Wright—16.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 197) authorizing a contract with Vinnie Ream for a statue of Abraham Lincoln.

Mr. SUMNER. Some evenings ago, sir, I made an attempt to secure an appropriation of \$10,000 in behalf of worthy public servants in one of the Departments of this Government. In presenting that case it was my duty to exhibit something of their necessities. I showed you how this money was needed to enable them to meet the expenses of living, which, as we all know, have been constantly increasing, while the value of money has been decreasing. I showed you also that they had earned this money by the work they had done. After ample discussion, running over several evenings, the Senate chose to vote down that proposition and refused to appropriate \$10,000 to be distributed among public servants who, as I insisted, had earned it by faithful labor. In refusing it you acted on a sentiment of economy. It was urged that at this time the Treasury was so much drawn upon that we could not make or should not be justified in making any such appropriation, and that if it was made, then we should be obliged to make it in other cases, and there would be no end to the drain upon the Treasury. You all remember the argument on that occasion, and also the result. The proposition was voted down.

Now, sir, a proposition is brought forward to appropriate that identical sum of \$10,000 to be applied to the production of a work of art. I speak of it now in the most general way. If there was any assurance that the work in question could be worthy of so large a sum, if there was any reason to imagine that the favorite who is to be the beneficiary under this resolution, was really competent to execute such a work, still, at this time and under circumstances by which we are surrounded, I might well object to its passage simply on reasons of economy; surely this argument is not out of place. I present as my first objection to this proposition the consideration of economy. Do not, sir, wastefully, inconsiderately, heedlessly give away so large a sum of money. If you are in the mood of appropriation on this scale, select some of those public servants who have been discharging their laborious duties on an inadequate compensation, and bestow it upon them. Be just before you are generous. Do that rather than become at this hour patrons of art. I hope that I do not treat this question too gravely. You treated the proposition to augment the compensation of public servants in the State Department very gravely. I but follow your example.

But, sir, there is another aspect of this question to which you will pardon me if I allude. I enter upon it with great reluctance. I am unwilling to utter a word that would bear hard upon any one, least of all upon a youthful artist where sex imposes reserve, if not on her part, at least on mine; but when a proposition

like this is brought forward I am bound to meet it frankly.

Each Senator of course must act on his own judgment and the evidence before him. Each must be responsible to his own conscience for the vote that he gives. Now, sir, with the little knowledge that I have of such things, with the small opportunities that I have enjoyed of observing works of art, and with the moderate acquaintance that I have enjoyed with artists, I am bound to express my opinion that this candidate is not competent to produce the work which you propose to order. You might as well place her on the staff of General Grant, or put General Grant aside and place her on horseback in his stead. She cannot do it. She might as well contract to furnish an epic poem, or the draft of a bankrupt bill. I am pained to be constrained to say what I do, but when you press this to a vote you leave me no alternative. Admit that she may make a statue, she cannot make one that you will be justified in placing in this national Capitol. Promise is not performance, but what she has done thus far comes under the first head rather than the latter. Surely this edifice, so beautiful and interesting, should not be opened to the experiments of untried talent. Only the finished artists should be invited to its ornamentation.

Sir, I doubt if you consider enough the character of this edifice in which we are now assembled. Possessing the advantage of an incomparable situation, it is one of the first-class structures in the world. Surrounded by an amphitheater of hill, with the Potomac at its feet, it resembles the capitol in Rome, surrounded by the Alban hills, with the Tiber at its feet. But the situation is grander than that of the Roman capitol. The edifice itself is worthy of the situation. It has beauty of form and sublimity in proportions, even if it lacks originality in conception. In itself it is a work of art. It ought not to receive in the way of ornamentation anything which is not a work of art. Unhappily this rule has not always prevailed, or there would not be so few pictures and marbles about us worthy of the place they occupy. But bad pictures and ordinary marbles should warn us against adding to their number.

Pardon me if I call your attention for one moment to the few works of art in the Capitol which we might care to preserve. Beginning with the Vice President's room, which is nearest to us, we find an excellent and finished portrait of Washington by Peale. This is much less known than the familiar portrait by Stuart, but it is well worthy to be cherished. I never enter the room where it is without feeling its presence. Traversing the corridors, we find ourselves in the spacious Rotunda, where are four pictures by Trumbull, truly historic in character, in which the great scenes they portray live again before us. These pictures have a merit of their own which will always justify for them the place they now occupy. Mr. Randolph, with an ignorant levity, once characterized that which represents the signing of the Declaration of Independence as a "shin-piece." He should have known that there is probably no picture, having so many portraits, less obnoxious to such a gibe. If these pictures do not belong to the highest forms of art, they can never fail to be regarded with interest by the patriot citizen, if not by the artist. There is one other picture in the Rotunda which is not without merit; I refer to the Landing of the Pilgrims by Weir, where there is a certain beauty of color and a religious sentiment; but this picture has always seemed to me too exaggerated to be natural. Passing from the Rotunda to the Hall of the House of Representatives we stand before a picture, which, as a work of art, is perhaps the choicest of all in the Capitol. It is the portrait of La Fayette, by that consummate artist, who was one of the glories of France, Airy Scheffer. He sympathized with our institutions; and this portrait of the early friend of our country was a present from the artist to the people of the United States. Few who look at it by the side of the

Speaker's chair are aware that it is the production of the rare genius which gave to art the *Christus Consolator* and the *Francesca da Rimini*.

If we turn from painting to sculpture, we shall find further reason for caution. The lesson is taught especially by that work of the Italian Persico in the front of the Capitol, called by him Columbus, who is represented with a globe in his hand, but sometimes called by others, "a man rolling nine-pins." Near to this is a remarkable group by Greenough, where the early settler is struggling with the savage, while opposite in the yard is the statue of Washington by the same artist, which has found little favor because it is nude, but which shows a great mastery of art. There also are the works of Crawford—the alto-relievo which fills the pediment over the great door of the Senate Chamber, and the statue of Liberty which looks down from the top of the dome—attesting a genius that must always command admiration. There are other statues in the building by a living artist. Then there are the bronze doors by Rogers, on which he labored long and well. They belong to a class of which there are only a few specimens in the world, and I have sometimes thought they might vie with those famous doors at Florence, which Michael Angelo said were worthy to be the doors of Paradise. Our artist has represented the whole life of Columbus in bronze, while the portraits of contemporary princes, and of the authors who have illustrated the life of the great discoverer add to the completeness of this work of art.

Now, sir, the doors of this Capitol are to open again for the reception of a work of art. It is to be a statue of our martyred President. He deserves a statue, and it should be here in Washington. But you cannot expect to have even of him more than one statue here in Washington. Such a repetition or reduplication would be out of place. It would be too much. There is one statue of Washington. There is also a statue of Jefferson. I refer to the bronze statue in front of the Executive Mansion by the French sculptor David. There is also one statue of Jackson. It is now proposed to add a statue of Lincoln. I suppose you do not contemplate two statues or three statues, but only one statue. Who now shall make that statue which shall find a place in the national Capitol? Surely whoever undertakes that work must be of ripe genius, with ample knowledge of art and of unquestioned capacity—the whole informed and inspired by a prevailing sympathy with the subject and the cause for which he lived and died. Are you satisfied that this youthful candidate, without ripeness of genius or ample knowledge of art or unquestioned capacity, and not so situated as to feel the inspiration of his life and character, should receive this remarkable trust? She has never made a statue in her life. Shall she experiment on the historic dead and place her experiment under this dome? I am unwilling. When the statue of that beloved President is set up here, where we shall look upon it daily, I wish it to be a work of art in truth and reality, where the living features shall be preserved animated by the living soul, so that we shall all hail it as the man immortal by his life, now doubly immortal through art. Anything short of this, even if it finds a transient resting-place here, will be removed whenever a correct taste asserts its just prerogatives.

Therefore, sir, for the sake of economy, that you may not heedlessly lavish the national treasure; for the sake of this Capitol, itself a work of art, that it may not have anything in the way of ornamental which is not a work of art; for the sake of our martyred President, whose statue should be by a finished artist; and for the sake of art throughout the whole country, that we may not set a bad example, I ask you not to pass this resolution. When I speak for art generally I open a tempting theme, but I forbear. Suffice it to say that art throughout the whole country must suffer if Congress crowns with its patronage anything which is not truly artistic. By such patronage

you will discourage where you ought to encourage.

Mr. President, I make these remarks with sincere reluctance. I am pained to feel obliged to make them, but such an appropriation as this, engineered so vigorously, and having in its support such a concerted strength, must be met plainly and directly. Do not condemn the frankness which you compel. If you wish to bestow a charity or a gift, do it openly, without pretense of any patronage of art or homage to a deceased President. Bring forward your resolution appropriating \$10,000 to this youthful candidate. This I can deal with. I can listen to your argument for charity, and I can assure you that I shall never be insensible to it. But when you propose to pay this large sum for a work of art to be placed in the national Capitol in memory of the illustrious dead, I am obliged to consider the character of the artist you select. I wish it were otherwise, but I cannot help it.

Mr. NESMITH. Mr. President, if this was a mere matter of research I should be very much inclined to defer to the judgment of the Senator from Massachusetts, but as it is not, and as it requires no great learning, no particular devotion to reading to discover what is an exact imitation of nature, I claim that my judgment on such a subject is as good as his own. My mind has never been perverted by the extensive reading which the Senator from Massachusetts has had, or by that vast amount of lore in which he is so accomplished, but I claim to be equally as good a judge as he is of any mere matter of art which is an imitation of a natural object.

The first objection that the Senator from Massachusetts presented to this appropriation was on the ground of economy. Sir, it is the first time I ever knew that Senator seized with a costiveness of economy. [Laughter.] It was only last night that we listened to his long diatribes here when four different times he called for the yeas and nays upon excessive appropriations to those who are already overpaid, and now he talks about the squandering of the public funds. Sir, there are no public servants in this country but those who are already overpaid, and he objects to this young artist—this young scion of the West, from the same land from which Lincoln came—a young person who manifests intuitive genius, and who is able to copy the works of nature without having perused the immense tomes and the grand volumes of which the Senator may boast—a person who was born and raised in the wilds of the West, and who is able to copy its great works.

Sir, the Senator might have raised the same objection to Mr. Lincoln, that he was not qualified for the Presidency because his reading had not been as extensive as that of the Senator, or because he had lived among rude and uncultivated society. I claim for this young lady, sprung from a poor family, struggling with misfortune and adversity, that she has developed such natural genius that her talents in this direction should be fostered and cultivated in preference to our giving this work to any foreigner. The Senator from Massachusetts has pandered so long to European aristocracy that he cannot speak of anything that originates in America with common respect. He even refers to our bronze doors which were cast in Munich, and to everything else of foreign production, and he gives no credit to native genius. What did he not speak of Powers? Why did he not speak of our great American artists? Why is he constantly referring us to Europe?

If this young lady and the works which she has produced had been brought to his notice by some near-sighted, frog-eating Frenchman, with a pair of green spectacles on his nose, the Senator would have said that she was deserving of commendation. If she could have spoken three or four different languages that nobody else could have understood, or, perhaps, that neither she nor the Senator could understand, he would vote her \$50,000. [Laughter.] He is a great patron of art, but not a patron of domestic

art. He is a patron of foreign art; he is a patron of those who copy and ape European aristocracy, and he does not propose to patronize or encourage the genius which grows up in our own great country, particularly in the wilds of the West.

Here is a young girl of poor parentage, struggling with misfortune, her father a mere clerk in a Department here; and by a casualty, on being introduced into a studio, she manifests great taste and great powers of art, and in the short experience which she has had she has developed wonderful powers in that line. But the Senator from Massachusetts, with all his learning and all his foreign tastes, is unable to appreciate anything of that sort.

Sir, I venture to predict that this young lady will rise to an eminence in the arts, that her works will yet decorate this Capitol, notwithstanding the opposition of the Senator from Massachusetts, who, when she has achieved success, will be among the first to sing peans to her praise, and I was about to say that his children—but I will take that back, as he has none to speak of, [laughter]—would be among those who would praise her works and would cast a mantle over the proceedings of their recreant father who had refused to recognize native genius and native art. But, sir, as the Senator has remained a bachelor so long, that is a contingency which is not at all likely to occur. [Laughter.]

I say, then, there is nothing in the objection on the score of economy. This young lady deserves to be encouraged. I venture to say that the works she has already produced, which are on exhibition in this Capitol, and particularly the bust of Mr. Lincoln, are unequalled. I challenge the Senator from Massachusetts to produce one of the foreign artists, of whom he boasts so much, who can produce the equal of that bust. I do not pretend to enter into any competition with the Senator from Massachusetts on the subject of books, but when it comes to matters of natural taste and to forming a judgment in regard to the imitations of natural objects, I assume that my judgment is equal to his. I can tell the height of a mountain, the length of a river, or the meanderings of a trail as well as he can, and I say that my judgment upon those subjects is equal to his. I deprecate his panegyrics upon foreign artists in derogation of those raised in our own country, and particularly those of the great West.

Mr. SUMNER. Where have I said anything in praise of a foreign artist in depreciation of the artists of our own country? I have alluded with praise to the artists of our own country.

Mr. NESMITH. I heard nothing of that. I heard the Senator speak with particular reference to that door which was cast in Munich.

Mr. SUMNER. Which is by a western artist, Mr. Rogers, reared in the West. I give him praise for what he has done.

Mr. NESMITH. It was not cast in the West; it was cast in a foreign country, at Munich. Why could not that door have been made in the United States? I ask the Senator that question. Why should it be necessary to go to a foreign country, even if we produced the genius to mold the door, to produce the model from which it was cast? Why was it necessary to send an order to a foreign country for the production of the door itself? In mechanics and in the arts we are as far advanced as the countries of Europe, and I apprehend there is no reason, except it be the desire to gratify a morbid taste, why we should go to the old countries for these things. I appeal to Senators on this floor, to those who have natural taste, to those who have an eye for beauty, as I admit the Senator from Massachusetts has not, to support this young lady in her efforts to produce what will be a magnificent statue of Mr. Lincoln.

Mr. McDUGALL. Mr. President, I dislike much the term "charity" that is used by the Senator from Massachusetts. It is a word of offense when spoken on such an occasion and about such business—offense to the person who is the subject of our business. This is not

charity. It has been the custom of all cultivated States, from old antiquity, through the middle ages, and to the present day, to cultivate high art illustrating their own people and institutions, and to encourage their own home artists. Where high genius is found, it has been the office of great States to cultivate the development of that genius. Did it not require the wealth and power of princes to develop the genius of Michael Angelo, and Titian, and Guido? It was so in past times; it has been so in our time; and we have undertaken to maintain the policy of a great State and to cultivate art, among other things. The Emperor of Russia gets the first artist there is in Europe to paint his battle-fields and takes him up to St. Petersburg. The Emperor of France competes with him. All the States of Europe pursue the same policy; and for what? To illustrate their national history and their national qualities; and they have particularly encouraged historical paintings; indeed, a great picture is a history; so is a great statue a history.

It is the policy of this Government, a great Government, to cultivate the same talents in our own country. I am confident that this young lady possesses genius. She has exhibited it. Her bust of Mr. Lincoln is the only one that does justice to him. There are plenty of them about; we have seen hundreds of them, but hers is the only one that has reproduced Mr. Lincoln as he lived. She has had the genius to do it; and it requires genius to do it; and young genius is just as good as old genius, and sometimes a little better. I believe Napoleon was a genius when he was young; Alexander died when he was young; and a great many other people accomplished great results when they were boys and girls. Pitt when a mere boy, twenty-four years of age, was Prime Minister of England. The idea that because a person is young and has not attended the schools of Germany and France he or she is not fitted for a work of this kind is a false notion. On yonder wall [pointing in the direction of the painting of the storming of Chapultepec on the wall leading to the gentlemen's gallery] is a picture painted by a man who never took a lesson in drawing, who never took a lesson in penciling. He sat alongside of me as a boy at school on the banks of the North river; and he is now acknowledged to be the best battle painter there is in the world.

Several SENATORS. Who is he?

Mr. McDUGALL. James Walker, the best battle painter now living, who painted the storming of Chapultepec on yonder wall. Though he never had a drawing-lesson, he drew and painted admirably when he was a boy. These things come by the force of innate consciousness and by the power of giving expression to that innate consciousness. This young lady is undoubtedly a lady of marked genius; and she has proved, so far as the bust is concerned, that she has produced the best likeness of Lincoln of any person that has attempted it. I have the right to say so, because I was perhaps better acquainted with Mr. Lincoln in his life-time than any gentleman on this floor; he was a companion of mine many years ago, with whom I was long familiar. I have not been satisfied with any attempt to reproduce his features till I saw the bust produced by this lady. She has achieved a success, showing that she has true genius; and if she is young, the better for her. In five years more she will be as great a genius as she ever will be, no matter how long she may live. "Whom the gods love die young."

Mr. CONNESS. There are one or two aspects of this case as presented by the honorable Senator from Massachusetts that I do not feel like letting pass without remark. When this subject was called up heretofore in the Senate that Senator rose in his place and offered, not what is regarded as legitimate parliamentary opposition, but he joined in a cry to consider the pension bills. "Consider the pension bills; do not turn your backs to the widows and orphans of this war and vote away

the public money for nothing." "Consider the pension bills," said the Senator. Well, Mr. President, the pension bills have been considered, and the measure is called up again, and the Senator, the great Senator from Massachusetts, rises in his place and begins an opposition to this measure by arraigning the Senate; arraigning me and every other Senator here. How, sir? He reminds us that last evening and the evening before he presented an application here in behalf of worthy public servants and that we refused to make the appropriation, and that the appropriation that he asked for was equal in amount to the appropriation that we were now about to make in the most wasteful manner. Now, Mr. President, the English of all this is, that the Senator from Massachusetts, in his capacity of chairman of the Committee on Foreign Relations, has endeavored to ingraft upon both appropriation bills, the miscellaneous appropriation bill, and then upon the deficiency bill, a proposition to pay the clerks in the State Department an extra sum for their services and we refused to agree to it. The Senator did not state truly—he will pardon me for using that word—why the Senate refused to accept his proposition. It was because the proposition was sought to be ingrafted upon the appropriation bills, and because Senators could not—no matter how they might concede that the clerical force of the State Department deserved an increase of compensation—vote it without at the same time accepting a like proposition for the clerical force of the War Department, of the Navy Department, and of the Treasury Department. Why, sir, a committee of clerks from the War Department came here and called upon me within the last two days half of whom were on crutches. Their appeal was hard to be resisted. If a bill should be introduced into Congress to provide additional compensation for those men I should vote for it with the greatest possible pleasure, but we could not ingraft it upon appropriation bills. The Senators having charge of those bills reminded us again and again that to load them down was to destroy and lose them; and this was the reason why the Senator's proposition was not received by the Senate, which in candor the Senator should have stated.

But he passes from that argument of the Senate to a very elegant presentation of art, and he makes that picture look really beautiful and elegant in our view; for what purpose? For the cruel purpose of making a contrast with this young lady who comes before us that we may patronize her; for the purpose of denouncing this appropriation as being made to an unworthy person, to one not an artist, as a charity. Sir, the great Senator did himself but little credit, in my opinion, when he arraigned this poor girl before this great forum and denounced this measure as an act of charity. If it were so, his great heart should have called upon him to have covered it with his mantle, and not uncovered it here in this public presence. It was not becoming, in my humble judgment.

Again, Mr. President, the Senator should concede something to his colleagues in this body. No member of this body, I apprehend, is more proud than I am when I can agree with the Senator and support him in his views and measures; and I am very happy to say on this occasion that I generally can agree with the Senator; but the Senator owes in return for those agreements, in comity, that we shall not be arraigned here by him and accused of a spirit of wastefulness simply because we cannot agree with the Senator. Mr. President, why should he denounce in advance and condemn this girl because she asks that her efforts in art shall be patronized? How does he know that she cannot produce a statue? How can he tell? The money to be spent had better be thrown away if so, and the Senator have waited before he pronounced his great condemnation against the early and difficult efforts of one endeavoring to rise and progress in so difficult a path.

We were reminded by the Senator that we had better be just before we are generous. Well, Mr. President, it is well to be just. Justice is a great attribute; and so is generosity. I fear that in the name of justice all of us enact our greatest cruelties. I fear it is so. I can say for myself that whenever I am enabled to take a retrospective glance at my life and look down the path that I have come by, there is nothing along it that shines out to me so beautifully as the little generous acts that my recollection enables me to see as having been done. I would not blot them out if I were called upon, as between them and all the other acts of my life.

We are here acting in a public capacity. We each, I apprehend, endeavor to do our duty. I believe we do it; but I would not exchange, as I said before, those little acts that the world forgets, that ourselves forget (as we should very often mostly) for all else put together. And my idea of the great Senator from Massachusetts (by which name I am very proud to call him and which is so well deserved) is that he is never so great as when he rises and speaks in behalf of generosity, of humanity, when he exhibits to us the intellect and the affections in that happy commingling that is the sweetest and the most beautiful rule of human life and action.

Mr. YATES. Mr. President, I think about the best thing we could do would be to proceed to the vote upon this question. I will remark, however, that I am not liable to the objection which the Senator from Massachusetts offers to the advocates of this bill. I have stood by him from first to last and voted for his proposition repeatedly to increase the salaries of the clerks of the State Department and of the clerks of the various Departments of the Government; but is the fact that that measure has failed a reason why we should not do justice to another measure?

Sir, I am here to say that I shall vote for this proposition with the most delightful pleasure. I think I knew Mr. Lincoln as well as any member of the Senate; I remember his features well; and I think that the artist whose claims are now before the Senate has had as fine a conception, and in the bust she has made has given an exact likeness of Mr. Lincoln. I have known her a long time. I was introduced to her by friends from her home in the far West. I know her high character as a young lady; but not only that, she is a young lady of extraordinary merit. In a very short time, in a very few years, she has established a reputation known to us all. She has taken the busts and likenesses of Senators and Representatives and has succeeded with most admirable effect; and when I consider her extraordinary merit, when I consider that she is a young artist, that she is an American artist, and that she has displayed remarkable genius, I almost feel that the Senator from Massachusetts is a barbarian [laughter] of the highest order in attacking this young lady.

Mr. President, I believe that she will succeed in this work and that she will establish a reputation for herself; and as I believe it is our duty to preserve the features of the great benefactors of our country, I do hope that we shall pass this measure and pass it cheerfully.

Mr. McDUGALL. I rise to correct a mistake which I made a short time ago. The Senator from Illinois [Mr. YATES] was quite as conversant with the late President, if not more so than myself, and is as good a judge of the perfection of the work done by this young lady artist.

Mr. HOWARD. Mr. President, this is not a question whether the clerks in the State Department shall be paid an additional compensation; nor is it a question of the generosity of the Government of the United States. The question of generosity does not arise at all. There is no doubt that there is a disposition on the part of the Senate, and probably will be on the part of the House, to order the making of a statue of President Lincoln.

Mr. WADE. It has already passed the House.

Mr. HOWARD. I think such a measure will meet the entire concurrence of the American people, certainly of that portion of them who are loyal and who have been loyal, and especially that numerous and magnificent party who elected him to office and who sustained him through his arduous and difficult Administration. If we are to have a statue of Mr. Lincoln—and surely no President since Washington is more deserving of that honor—it becomes a mere matter of business, a simple business transaction, as to whom we shall employ to execute the work. Shall we seek out and employ an artist who is known to possess high talent, one in whom we have confidence, and as to the result of whose labors there is no doubt and no risk; or shall we, as prudent business men, intrust this task to a person who is not known as a high and distinguished artist and who we have not much reason to suppose will or ever can become eminent as a sculptor? It is simply, as I said before, a question of business. If it were for you or me to contract for the making of a statue for a deceased friend, what should we do, supposing we had the means for the execution of one worthy of our friend? Should we take any such risk as gentlemen urge us to take upon this occasion? Should we not be sure to apply to and employ a person who was undoubtedly competent to execute the task. Sir, we should. We should run no risk whatever, if we could avoid it; and that is precisely this case. I know, perhaps, as much of the ability of the young lady to whom it is proposed to give this job as most members of this body. I have met her frequently, as other members of this body have done, and surely she has shown no lack of that peculiar talent known commonly as "lobbying" in pressing forward her enterprise and bringing it to the attention of Senators. I have seen her models of Mr. Lincoln; I have seen and examined the one, especially, to which reference is most frequently had; and although I do not pretend to be a connoisseur in this kind of art, I am prepared to say that I never was satisfied with that model. To me it is monotonous and without meaning and without spirit. I may be entirely mistaken on account of my want of skill and judgment in such matters; but according to my ideas the model is an imperfect model, failing in expression, failing in life, failing in very many qualities which I should expect in a first-rate model.

Now, sir, I am willing to vote the sum of \$10,000 for the purpose of securing a good statue of Abraham Lincoln; but I am not willing to vote that sum or any other sum to this person and take the risk of an entire failure in the end. If this country in its history has ever produced a statesman, and a great man deserving to be memorialized in its annals, not only upon the page of history but in the works of art, it is Abraham Lincoln. And, sir, it is our duty, if we undertake to carry forward this work and secure a statue of that great man, to do it in the best manner possible, and to employ the most skillful artist in our own country or even abroad, if it shall turn out upon inquiry that we have not an artist of competency among ourselves; and I expect, I confess, having in view the youth and inexperience of Miss Ream, and I will go further, and say, having in view her sex, I shall expect a complete failure in the execution of this work. I would as soon think of a lady writing the Iliad of Homer; I should as soon think of placing at the head of an army a woman for the conduct of a great campaign.

Mr. COWAN. They have done both.

Mr. HOWARD. It has not been their general history.

Mr. McDUGALL. They have done it.

Mr. HOWARD. No, sir. I would as soon expect from the pen of a woman the Paradise Lost or any other great work of genius which has honored our race.

Mr. McDUGALL. Did you ever read the Fragments of Sappho?

Mr. HOWARD. I have read the Fragments of Sappho.

Mr. McDUGALL. What do you say about that?

Mr. HOWARD. That certainly does not prove that Sappho was capable of writing Homer's Iliad.

Mr. McDUGALL. She exceeds Homer in many respects.

Mr. HOWARD. In many respects—in erotic expressions she certainly exceeds Homer. Whether the proposed work in the present case would have a similar merit I cannot say.

But, sir, without trifling on the subject, and without meaning to say a word in disparagement of this young lady, whom I suppose to be a young lady of genius, I insist that we are taking a great risk in intrusting the execution of this work to her. Let us employ a Powers, let us employ somebody from whom we have a right to expect, from what he has already done, a complete and creditable execution of a statue of Lincoln and not turn it into the hands of a person who, after the exercise of all her genius and all her powers, may miserably fail in the end and we be ashamed of the appropriation which we are about to make.

Mr. EDMUNDS. I see on looking at the resolution that it, by accident no doubt, fails to provide that the model for which the first \$5,000 is to be paid shall be completed to the acceptance of any official, as the statue is required to be, and therefore I move to amend by inserting after the word "placed" in the eighth line, the words "to his acceptance," so that the completion of the plaster model shall be to the acceptance of the Secretary of the Interior upon which the \$5,000 is to be paid, just as the completion of the marble statue is to be to his acceptance.

Mr. WADE. I hope not.

Mr. CONNESS. I hope the amendment will not be adopted. It is proposed to go into the market and make a bargain.

Mr. EDMUNDS. I shall be glad to have gentlemen state frankly whether they intend to pay this \$5,000 for a mere experiment, whether it be successful or satisfactory to the Secretary of the Interior or not. I have understood from the course of this debate that this young lady is entitled to be trusted and to be contracted with, in the language of the resolution, as a person of established reputation, whose reputation justifies there being intrusted to her this important work which engages all our reputation and is to be put on exhibition as being produced through our instrumentality. Now, if it be intended that this is to be merely an experiment, and is frankly so said, then we shall understand it. If, on the contrary, it be what it purports to be, the arrangement of a business transaction by contract with this young lady, then it is just to her as well as to us to provide that this model shall be completed to the satisfaction of the party who is to contract with her.

Mr. TRUMBULL. I trust the amendment will not be adopted, and I think it ought not to be adopted. If I was drafting the resolution I should not put in these words. It will be seen by reading the resolution that it provides that a contract shall be made with this lady "for a life-size model and statue of the late President, Abraham Lincoln, to be executed by her at a price not exceeding \$10,000; one half payable on completion of the model in plaster, and the remaining half on completion of the statue in marble to his acceptance." It is intended, I suppose, by the Congress of the United States, if they pass this resolution, that she shall be paid at any rate \$5,000 for the effort. I suppose that is intended. It is not expected that she is to go on and devote her time for years, perhaps, to preparing this for nothing. Congress has that confidence in directing the contract to be made with her, from the knowledge they have of her talent, to agree that they will pay \$5,000 for making this effort, and if she completes it to the satisfaction of the Secretary of the Interior she is

to have ten thousand. I do not presume that it is the intention of Congress, certainly it is not mine, to require her to go on and make this statue and run the hazard of being paid or not. She can do that without coming to Congress. What is the object of coming to Congress at all? Let her proceed and make a statue and give her time to it for years at her own expense; if it is one that pleases us we will buy it afterward. I think it would be mockery to pass a resolution of that kind. I trust the Senator from Vermont will not insist upon any such amendment.

Besides, the resolution has passed the House of Representatives; we have certainly spent time enough upon it; there is manifestly a disposition in the Senate to pass it, and I trust we will come to a vote and dispose of this matter and let us then pass to some other business which we must do; the hours are now few between this and the time of adjournment. I think the amendment ought not to be adopted.

Mr. EDMUNDS. We shall come to a vote when fair and just debate is finished upon this resolution, and probably not before. The Senator from Illinois states, with the frankness which is characteristic of him, and which I thank him for, that he does not intend that this shall be other than a mere gratuitous experiment so far as the model goes.

Mr. TRUMBULL. I stated no such thing, without meaning to contradict the Senator rudely. I did not say that I intended it should be nothing more than an experiment. I said that the Congress, in authorizing a contract to be made with this lady, had sufficient evidence from the knowledge they had of her ability to be willing to pay that much for her services in preparing this model, and if she makes it to the satisfaction of the Secretary of the Interior, when the whole work is done, we pay the whole of it. That is what I stated.

Mr. EDMUNDS. If the gentleman is through with his interpolation I will go on. The language which the Senator used was "to pay her for the effort." I called "effort" "experiment." The difference is not worth occupying much of our fast-running sands of time to discuss; and, as I said before, he states with frankness that this \$5,000 for the model is not to depend on whether that model is fit to be set up anywhere or not; but the very language which the honorable Senator used with frankness and fairness—and I hope he will not get heated about it this night—was "to pay her for the effort;" and he says it never was heard of, or words to that effect, that we should interpolate into a contract such a clause as this which I have suggested. Do we contract for the building of our navies, for any of the works of art that are found in the Rotunda, or elsewhere about this Capitol, except providing that some public officer shall be the party who shall judge as to the fair completion of the contract within its fair spirit so as to entitle the contractor to his recompense? I think not. I will not occupy time in discussing that question—as to whether the works which we contract for or authorize our servants to contract for are to be thrown upon us without the judgment of anybody in deciding whether they are fitly performed or are not. Now, sir, the issue is fairly presented, whether it is the intention of this Congress to pay \$5,000 for this mere experiment or whether this artist is willing to take the risk upon her side of completing the model to the satisfaction of the Secretary of the Interior in order to entitle her to the compensation for it. I therefore insist upon the amendment which I have offered.

Mr. McDUGALL. There should be but little question about this in the choice of artists when the three Senators from Illinois concur in their judgment. I see the Senator from Illinois there, [Mr. TRUMBULL,] and one here, [Mr. YATES,] and I am from Illinois myself, the companions of the deceased President for long years, well qualified to judge as to how he has been developed in the model that has been exhibited. That any artist should be

called upon or required to go and manipulate and labor six months without a promise of recompense would be something unheard of. Twenty-five thousand dollars we voted last session for a picture to Powell. He is to paint a picture, and all the limitation is that the design is controlled by a committee. When he paints his picture he is entitled to his money. Would a young man go and dare employ a year or two or three years of his labor upon a particular work without the assurance of exact compensation? A Government cannot afford to ask that; and to ask it would be an outrage.

Mr. CONNESS. Mr. President—

Mr. WADE. Let us have a vote.

Mr. CONNESS. The Senator will excuse me while I refer to the resolution authorizing Powell to make a painting.

Mr. WADE. We do not care anything about Powell now.

Mr. CONNESS. Excuse me now, if you please. Last year Congress passed a joint resolution in these words:

"That the Joint Committee on the Library be, and they are hereby, directed to enter into a contract with William H. Powell, of the State of Ohio, to paint a picture for the United States, to be placed at the head of one of the grand staircases in the Capitol, illustrative of some naval victory; the particular subject of the painting to be agreed on by the committee and the artist: *Provided*, That the entire expense of said picture shall not exceed the sum of \$25,000, and \$2,000 shall be paid to said William H. Powell in advance, to enable him to prepare for the work, the remainder of said installments at intervals of not less than one year, the last installment to be retained until the picture is completed and put up."

There was no such condition in that case as is now proposed, and I apprehend there never was in any such resolution.

Mr. HOWE. I will say that we have recently made a contract with Dr. Stone to execute a statue of Alexander Hamilton in marble. We pay him one fourth in advance, one fourth, I think, when the model is completed in plaster, one fourth when it is completed in Europe, and the balance when it is delivered at the Capitol.

Mr. SUMNER. I think this amendment had better be adopted. It is only a reasonable precaution in a case like the present. The Senator from Wisconsin alluded to a contract with Mr. Stone. He is a sculptor whose works are at the very doors of the Senate Chamber. The committee who employed him must have been perfectly aware of his character. When they entered into a contract with him, there was no element of chance; they knew precisely what they were contracting for; but in the present case there is nothing but chance, if there be not the certainty of failure.

Mr. CONNESS. How was it in the case of Mr. Powell?

Mr. SUMNER. I am speaking of the present case. One at a time, if you please. The person that you now propose to contract with, notoriously has never made a statue. All who have the most moderate acquaintance with art know that it is one thing to make a bust, and quite another thing to make a statue. One may make a bust, and yet be entirely unable to make a statue; just as one may write a poem in the corner of a newspaper, and not be able to produce an epic. A statue is one of the highest forms of art. There have been very few artists competent to make a statue. There is as yet but one instance that I can recall of a woman successful in such an undertaking. But the eminent person to whom I refer had shown a peculiar genius early in life, had enjoyed peculiar opportunities of culture, and had vindicated her title as artist before she attempted this difficult task. Conversing, as I often have, with sculptors, I remember how they always dwell upon the difficulty of such a work. It is no small labor to set a man on his legs, with proper drapery and accessories, in stone or in bronze. Not many have been able to do it, and all these have had in advance experience in art. Now, there is no such experience here. This candidate is notoriously without it. There is no reason to suppose that she can succeed. Therefore, the Senator from Vermont [Mr. EDMUNDS] is wise when he pro-

poses that before the nation pays \$5,000 on account, it shall have some assurance that the work is not absolutely a failure. Voltaire was in the habit of exclaiming, in a coarse Italian saying, that "a woman cannot produce a tragedy." You have already seen that. I do not venture on the remark that a woman cannot produce a statue; but I am sure that, in the present case, you ought to take every reasonable precaution.

Sir, I did not intend when I rose to say anything except directly upon the proposition of the Senator from Vermont, but as I am on the floor perhaps I may be pardoned if I advert for one moment—

Mr. HOWE. Will the Senator allow me to ask him one question for information?

Mr. SUMNER. Certainly.

Mr. HOWE. It is whether he supposes that by the examination of a plaster model he could get any assurance that the work in marble would be satisfactory.

Mr. SUMNER. Obviously, for the chief work of the artist is in the model. When this is finished the work is more than half done. What remains requires mechanical skill rather than genius. In Italy, where there are accomplished workmen in marble, the artist leaves his model in their hands, contenting himself with a few finishing touches. Sometimes he does not touch the marble.

I was about to say, when interrupted, that I hoped to be pardoned if I adverted for one moment to the onslaught which has been made upon what I have already said in this debate. I do not understand it. I do not know why Senators have given such rein to the passion for personality. I made no criticism on any Senator and no allusion, even, to any Senator. I addressed myself directly to the question and endeavored to treat it with all the reserve consistent with a proper frankness. Senators, one after another, have attacked me personally. The Senator from Oregon [Mr. NESMITH] seemed to riot in this business. The Senator from California, [Mr. CONNESS,] from whom I had reason to expect something better, caught the spirit of the other Pacific Senator. Sir, there was nothing in what I said to justify such an attack. But I will not proceed in the comments which their speeches invite. I turn away from them. There was, however, one remark of the Senator from Oregon to which I will refer. He complained that I was unwilling to patronize native art, and that I had dwelt on the productions of foreign artists.

I am at a loss for the motive of this singular misrepresentation. Let the Senator quote a sentence or a word which fell from me in disparagement of native art. He cannot. I know the art of my country too well and think of it with too much of patriotic pride. I alluded to only one foreign artist, and he was that sympathetic and gifted Frenchman who has endowed the Capitol with the portrait of Lafayette. The other artists that I praised were all of my own country. There was Peale, of Philadelphia, to whom we are indebted for the portrait of Washington. There was Trumbull, the companion of Washington, and one of his military staff, who, on coming out of the war of independence, gave himself to painting and produced these works which I pronounced the chief ornament of the Rotunda. There also was Greenough, the earliest American sculptor, and, until Story took the chisel, unquestionably the most accomplished of all in the list of American sculptors. He was a scholar, versed in the languages of antiquity and modern times, who studied the art which he practiced in the literature of every tongue. Of him I never fail to speak in praise. There was Crawford, an American sculptor, born in New York, and my own intimate personal friend, whose early triumphs I witnessed and enjoyed. He was a true genius, versatile, fertile, bold. His short life was crowned by the honors of his profession, and he was hailed at home and abroad as a great sculptor. How can I speak of him except with admiration

and personal attachment. I alluded also to Rogers, an American artist from the West; yes, sir, from the West—

Mr. HOWARD. Who was educated in Michigan.

Mr. SUMNER. And, as the Senator says, educated in Michigan, who has given to this Capitol and to his country those bronze doors, which I did not hesitate to compare with the immortal work of Ghiberti in the Baptistery of Florence. These, sir, were the artists to whom I referred, and such was the spirit in which I spoke. How, then, can any Senator undertake to say that I had praised foreign artists at the expense of the artists of my own country? The remark, permit me to say, is absolutely without foundation.

It is because I would not have the art of my own country suffer, and because I would have its honors follow merit, that I oppose the largess you propose. If you really wish to rear a statue of our martyred President, select one of the acknowledged sculptors of your own country. Do not go to a foreigner, and do not go to the unknown. There are sculptors born among us and already famous. Take one of them. There is Powers, an artist of rarest skill with the chisel; of exquisite finish; perhaps with less of variety and versatility than some other artists; perhaps with less of originality, but having in himself many and peculiar characteristics as a remarkable artist. Summon him to the work. He has been tried. In making a contract with him you know in advance that you will have a statue not unworthy of the appropriation you are about to make, or of the place where it is to stand.

There also is another sculptor of our country, whom I should name first of all if I were called to express freely my unbiased choice; I mean Story. He is the son of the great jurist, and began life with his father's mantle resting upon him. His works of jurisprudence are quoted daily in your courts. He is also a man of letters. His contributions to literature and poetry are in your libraries. To these he now adds unquestioned triumphs as a sculptor. In the great Exhibition of Europe his Cleopatra and his Saul have been recognized as equal to the best of our time, and, in the opinion of many, as better than the best. He brings to sculpture not only the genius of an artist, but scholarship, literature, study, and talent of every kind. Summon him to the work. Let his name be associated with the Capitol by a statue which I am sure will be an honor to our country.

I might mention other sculptors of our country. My friend who sits beside me, the distinguished Senator from New York, [Mr. MORGAN,] very properly reminds me of the sculptor who has done so much honor to his own State. Palmer has a beautiful genius, which he has cultivated for many years with sedulous care. He has experience. The seal of success has been set upon his works. Let him make your statue. There is still another artist, whose home is New York, whom I would not forget; I refer to Brown, the author of the equestrian statue of Washington in New York. Of all the equestrian statues in our country that is incomparably the best. It need not shrink from comparison with equestrian statues in the Old World. The talent that could seat the great chief so easily in that bronze saddle ought to find a welcome in this Capitol. There are yet other sculptors that I might name; but I confine my enumeration to those who have done something more than give promise of excellence. And now you turn from all this native talent, which has done so much and become so famous, to offer a difficult and honorable duty to an untried person, whose friends can claim for her nothing more than the promise of such excellence in sculpture as is consistent with the condition of her sex. Sir, I will not say anything more.

Mr. COWAN. I have come to the conclusion to vote for this resolution, and I have also come to the conclusion that this young lady, whoever she may be, is unquestionably a per-

son of great genius; it may not be exactly in the line of sculpture, but certainly she is in that of agitation. She is occupying the talents of the honorable Senator from Massachusetts, the honorable Senator from Vermont, the honorable Senator from Michigan, the honorable Senators from California, the honorable Senator from Oregon, the honorable Senator from Illinois, and several others, and has shaken and agitated this Chamber to its very center. Certainly it is no ordinary girl that can do this. [Laughter.]

I shall vote for this resolution, Mr. President, because I understand that this little child of genius has struggled up amid poverty and difficulty to this great result through the medium of her statuary. I must confess I do not know much about statuary myself. Modern statuary, I think, would be about as well made by the tailor and the shoemaker, all except the head, as by anybody else. [Laughter.] Ancient nude statuary required an exact knowledge of anatomy and of the human form in the natural state. How it is proposed to have this statue of Mr. Lincoln I am not advised. Whether it is to be draped with a Roman toga, or with a white jacket and black coat and blue pantaloons, I do not know. [Laughter.]

Mr. WADE. Perhaps with a cannon ball in his hand.

Mr. COWAN. Perhaps so. And I may here remark, in regard to that group which has been criticised, that I think that is the largest Columbus and the smallest globe I ever saw in juxtaposition. [Laughter.] The squaw is a lusty-looking wench. I do not know whether it is a good representation of a squaw or not, for I never saw many of them. In regard to the other group, I should like to ask my friend from Massachusetts if he ever saw so large a stump grow out of the belly of a dog as is there represented. [Laughter.]

Now, I think this young lady has given evidence of remarkable genius and remarkable perseverance in the way of her particular calling; and the best evidence this Congress has of it is the extraordinary excitement which she creates among the connoisseurs here. I am for patronizing native genius. I do not want any more Paradise Losts sold for five guineas. I do not want the Iliads of Homer to go down again to posterity without anybody knowing who made them, and having six or seven cities competing for the honor of giving birth to the author. If the statuary of the Capitol is in bad taste let us improve it; and I do not know any other way than to employ this young lady, who manifests such extraordinary ability, to try her hand upon it; and I am rather inclined to think, from the few specimens I have seen of her work, that she will do it. She has not made a very handsome bust of Mr. Lincoln, but that was not her fault; it was Mr. Lincoln's, because he was not a very handsome man. [Laughter.] He was a great and good man; but she could not be expected to make an Adonis of him; and I am rather inclined to think, after all, that that is the fault which has been attributed to her bust of Mr. Lincoln. My honorable friend from Michigan, in whose classic taste I have great confidence, and of whose classic learning I am assured, says that it lacks life and spirit. I think I may appeal to my honorable friend from Illinois [Mr. YATES] and my friend from California, [Mr. McDOUGALL,] who will say that that is the very height of art in this young female artist in making these busts, because it was a remarkable fact that, of all the men living who perhaps had more humor in him than any one else, Mr. Lincoln was a man of the saddest face on earth. If it be true that she caught that peculiar expression of the man and put it into the bust, and his friends recognize that as a characteristic of that particular bust, that is the highest evidence of her genius.

Therefore, Mr. President, I have come to the conclusion to vote for this resolution; and I do it from the considerations which I have mentioned; and I think they will justify me in it. I have the highest respect for the opin-

ions of my friend from Massachusetts, [Mr. SUMNER] upon all classical subjects, and particularly upon those which relate to most of the fine arts; but in statutory I propose to follow the lead of my honorable friend from Ohio, [Mr. WADE,] who I think is infinitely superior. [Laughter.] I have always done so, and as it was a good lead I have come to the conclusion to follow it all the way through.

Mr. EDMUNDS. I think it due to the Senator from California [Mr. CONNESS] that I should explain to him the fact that there is no parallel whatever between the case cited by him in the joint resolution of last year and the one now under consideration. That is what may be called an open order. It is not to be a painting which is to have fidelity to any specific truth, or to be a representation of any specific person or thing. We only appeal to the genius of the artist to produce that of which his genius is capable and nothing more—an illustration which is created in his brain representing an event in history. In this instance we appeal to fidelity to truth, to an exact representation of a recent person; and we ask, therefore, for a work which shall not only be true to art, but which shall be true to the truth of history and to the truth of personality in every particular. No statue of Lincoln ought ever to have a place in this Capitol that does not represent him as he was. I do not say that this young lady cannot form that; that is not the question; but I do say that the experience and knowledge and taste of the Senator from California ought to have taught him not to cite as a precedent for this resolution and against my amendment, the fact that at some previous time we have given an open order to an artist to produce a purely ideal work. That is all I have to say.

Mr. DOOLITTLE. With the amendment proposed by the Senator from Vermont, it seems to me no one ought to object to the passage of this resolution.

Several SENATORS. We do not want the amendment.

Mr. DOOLITTLE. I am in favor of the amendment.

Mr. CONNESS. We do not want to send the resolution back to the House.

Several SENATORS. No amendment; let us vote.

Mr. DOOLITTLE. Senators speak with surprise of my favoring the amendment. The amendment is simply this: that when the genius of this young artist shall have produced the model, so that the Secretary of the Interior can see it, then he can determine whether to go on and have the statue made or not. That is the sensible mode of disposing of this matter. I feel as much interest in this young artist as any Senator on this floor. I desire to encourage her. She is a child of Wisconsin, born in the State of Wisconsin. This amendment gives her an opportunity to produce the model, and then in case it is produced to the satisfaction of the Secretary of the Interior the order will be made for the work. That is the sensible way of dealing with this question.

Mr. DAVIS. I have not the pleasure of any acquaintance with this young artist; but I have seen some specimens of her work, I will say of her genius. I do not profess to be a connoisseur in works of sculpture or any of the fine arts; but it has been my fortune to see some of the earlier works of some of the most celebrated American artists in the line of sculpture, and I think that the specimens which this young lady has given us evidence about as high gifts and as much genius in that line as any I have seen. This young lady has presented her specimens of art to the observation of the Senate and of Congress. She has fairly exhibited to them what she can produce in that line; and it is for Congress to take her upon trust, after having seen what she can achieve in this way, to the extent I think of \$5,000 for the model. I was indisposed at first to vote for this resolution; but I am satisfied from the discussion that I ought to do it. I am satisfied that she has given sufficient evidence as an artist of high endowment and genius in this respect to

authorize us to do it. In addition to that I am impelled by the universal claims of womanhood to do so in consideration of the manner in which she has been assailed on the present occasion; and impelled by these considerations I shall give a hearty and a cordial support to the measure.

Mr. HOWARD: I desire to have the pending amendment reported.

The Secretary read the amendment, which was in line eight, after the word "plaster" to insert "to his acceptance;" so that the resolution will read:

That the Secretary of the Interior be, and he hereby is, authorized and directed to contract with Miss Vinnie Ream for a life-size model and statue of the late President, Abraham Lincoln, to be executed by her at a price not exceeding \$10,000; one half payable on completion of the model in plaster to his acceptance, and the remaining half on completion of the statue in marble to his acceptance.

Mr. HOWARD. I hope that amendment will be adopted. I desire Senators to recollect one thing connected with this matter, and it is a very plain one. It is this: this artist, whatever may be her genius or want of genius, has never made a marble statue. Where is the member of this body that can deny that statement? Shall we employ an artist to perform such a work as this—a statue which we are expected to put in the Capitol, one worthy of its great subject and of the nation itself—who has never even made a statue? In the common transactions of life, in ordinary business, what would such a step as this be called? I will not characterize it further than merely to state the fact. I cannot vote for a measure like this to employ an artist who has had absolutely no experience in making statues.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. SUMNER. I think we had better have the yeas and nays on this question. Let us see who are going to give the money away.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. SPRAGUE (when his name was called) said: I have paired off with the Senator from Oregon, [Mr. NESMITH,] who is necessarily engaged on a committee of conference. Otherwise I should vote for the amendment and against the resolution, and he would vote against the amendment and for the resolution.

The result was announced—yeas 7, nays 22; as follows:

YEAS—Messrs. Doolittle, Edmunds, Howard, Kirkwood, Morgan, Ramsey, and Sumner—7.

NAYS—Messrs. Chandler, Clark, Conness, Cowan, Creswell, Davis, Foster, Guthrie, Howe, Lane, McDougall, Norton, Nye, Poland, Pomerooy, Riddle, Ross, Stewart, Trumbull, Wade, Williams, and Yates—22.

ABSENT—Messrs. Anthony, Brown, Buckalew, Clark, Cragin, Dixon, Fessenden, Grimes, Harris, Henderson, Hendricks, Morrill, Ramsey, Riddle, Saulsbury, Sherman, Sprague, Van Winkle, Willey, Wilson, and Wright—21.

So the amendment was rejected.

Mr. DOOLITTLE. It is very evident that a majority of the Senate are determined to pass this resolution, and there is no use in making further opposition to it. Let us come to a vote upon it. ["Vote!" "Vote!"] After that I want to move an executive session.

Mr. SUMNER. Move it now.

Mr. DOOLITTLE. No, I will not do it now. The Senate evidently want to come to a vote on this question, and I will not interfere. ["Question!" "Question!"]

The PRESIDENT *pro tempore*. The Chair will put the question as soon as debate terminates.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. HOWARD and Mr. SUMNER called for the yeas and nays on the passage of the resolution, and they were ordered; and being taken, resulted—yeas 23, nays 9; as follows:

YEAS—Messrs. Chandler, Conness, Cowan, Creswell, Davis, Doolittle, Foster, Fowler, Guthrie, Howe, Johnson, McDougall, Nesmith, Norton, Nye, Poland, Pomerooy, Ross, Stewart, Trumbull, Wade, Williams, and Yates—23.

NAYS—Messrs. Edmunds, Howard, Kirkwood,

Lano, Morgan, Sprague, Sumner, Van Winkle, and Willey—9.

ABSENT—Messrs. Anthony, Brown, Buckalew, Clark, Cragin, Dixon, Fessenden, Grimes, Harris, Henderson, Hendricks, Morrill, Ramsey, Riddle, Saulsbury, Sherman, Wilson, and Wright—18.

So the joint resolution was passed.

ASSASSINATION REWARDS.

Mr. DOOLITTLE. I now move an executive session.

Mr. SPRAGUE. I hope the Senator will allow me to make a report.

Mr. DOOLITTLE. I will yield for that purpose, if my motion will be considered as pending.

Mr. SPRAGUE. I am instructed by the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 801) authorizing the payment of the rewards offered by the President of the United States and the officers of the War Department in April and May, 1865, for the capture of Jefferson Davis and the assassins of the late President, Abraham Lincoln, and the Secretary of State, Hon. William H. Seward, to report it back without amendment, and recommend its passage; and I hope that the Senate will proceed to its consideration at once.

Mr. HOWARD. I hope we shall take that bill into present consideration.

Mr. TRUMBULL. There are objections to that bill, I understand.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) Is there any objection to the present consideration of the bill just reported by the Senator from Rhode Island?

Mr. EDMUNDS. I object.

The PRESIDING OFFICER. Objection being made, it cannot be considered at the present time.

PROVISIONAL COURT IN LOUISIANA.

Mr. POLAND. I ask the Senate to take up House bill No. 468, which has been reported from the Committee on the Judiciary without any amendment, and will take but a moment. There will be no objection to it.

Mr. DOOLITTLE. This is all subject to my motion for an executive session, I presume. If that bill will take but a moment while the galleries are being cleared, I will not object; but I want to have an order now for an executive session, and then Senators can pass these little matters.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of executive business.

Mr. SUMNER. I hope we may be allowed to act on one or two little bills.

Mr. POLAND. The bill I desire to take up will not interfere with the executive session.

Mr. DOOLITTLE. I make the motion for an executive session. It is necessary that certain papers be referred. After we go into executive session, the doors can be considered open from time to time to consider these other matters, and in that way we can dispose of much of this business that must be done and at the same time go on with the executive business.

Mr. CHANDLER. The Senator from Vermont [Mr. EDMUNDS] has withdrawn his objection, as I understand, to the consideration of House bill No. 801, just reported by the Senator from Rhode Island.

The PRESIDING OFFICER. The motion before the Senate is to proceed to the consideration of executive business.

Mr. CHANDLER. I hope that will be withdrawn for me.

Mr. DOOLITTLE. There is objection to that award bill.

Mr. POLAND. I believe I had the floor on moving to take up House bill No. 468.

The PRESIDING OFFICER. The Chair understands that the motion for an executive session was made while the President *pro tempore* was in the Chair.

Mr. POLAND. I think no motion was made.

The PRESIDING OFFICER. The Chair understood the motion was pending when the President *pro tempore* called the present occupant to the Chair. If that be not the case, the Senator from Vermont is entitled to the Chair.

Mr. POLAND. The Senator from Wisconsin gave notice that he would make the motion. I hope this bill will be taken up. We could have passed it in half the time that has been taken in discussing the order of business.

The PRESIDING OFFICER. The Senator from Vermont having the floor, unless he yielded it to the Senator from Wisconsin, the Senator from Wisconsin could not make the motion to proceed to the consideration of executive business.

Mr. CLARK. He made the motion before the Senator from Rhode Island [Mr. SPRAGUE] made his report.

Mr. DOOLITTLE. I made the motion for an executive session; and by unanimous consent, while the galleries were being cleared, preliminary to final action, some one asked permission to take up a little bill, and it was done informally, but subject, as I supposed, to the motion I had made.

The PRESIDING OFFICER. If such be the state of facts, the motion of the Senator from Wisconsin is in order. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. POLAND. While the galleries are being cleared, I ask that the doors may be considered open in order to take up the bill I have named.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 468) to provide for the suits, judgments, and business of the United States provisional court for the State of Louisiana. It proposes to transfer all suits, causes, prosecutions, and proceedings in the United States provisional court for the State of Louisiana, with its records to the United States district court for the eastern district of Louisiana; and all suits, causes, prosecutions, and proceedings so transferred are to be proceeded with in that court and tried and determined, and process and judgment issued and executed therein in the same manner and with like effect as if they had been commenced originally in the district court; but any suit or proceeding so transferred, of which the circuit court could take jurisdiction under the laws of the United States is, in like manner to be heard and determined in the circuit court.

In case suits or proceedings are pending in the provisional court which could not have been instituted in the circuit or district court, the record is to remain in the district court without further action therein. All judgments, orders, decrees, and decisions of the United States provisional court for the State of Louisiana, relating to the causes transferred to the district court of the eastern district of Louisiana, or to the circuit court held in the district, are at once to become the judgments, orders, decrees, and decisions of the district court, or the circuit court, unless they are inconsistent with the rules and proceedings thereof; and may be enforced, pleaded, and proved, as the judgments, orders, decrees, or decisions of the district court or the circuit court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLONEL LEWIS F. FIX.

Mr. SPRAGUE. I hope that by general consent the doors will be considered open and that the Senate may proceed to the consideration of the joint resolution (H. R. No. 207) for the relief of Colonel Lewis F. Fix. It is a very small matter, but it is very important to him that it should pass.

Mr. DOOLITTLE. Let the executive mes-