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CONGRESSIONAL PROCEEDINGS.

Forty-First Congress—Second Regular Session

FRIDAY, MAY 6, 1870.

SENATE.

Mr. Hamlin, from the Committee on the District of Columbia, asked to be discharged from the further consideration of sundry bills and memorials proposing to incorporate various companies, for the reason that they can all be instituted under the general incorporation law recently passed.

The same committee were, on motion of Mr. Hamlin, also discharged from the further consideration of various memorials and petitions asking for female suffrage in the District of Columbia, with a bill for that purpose.

Mr. Sumner, from the Committee on the District of Columbia, reported a bill to secure equal rights in the common schools of the District of Columbia.

The House concurrent resolution providing for an adjournment on July 4 was taken up, the question being on the motion to postpone the further consideration of the subject until the first Monday of June; which was rejected—yeas 20, nays 28.

Mr. Stewart moved to amend by striking out July 4 and inserting August 1; which was rejected—ayes 17, noes 34.

Mr. Trumbull moved to lay the resolution on the table; which was rejected—ayes 21, noes 30.

Mr. Sumner then moved to amend the resolution by inserting Monday, July 25.

Mr. Chandler moved to postpone the further consideration of the resolution to Friday, May 20; which, after discussion, was agreed to—ayes 27, noes 20.

The legislative, executive and judicial appropriation bill was then proceeded with.

The proviso that the Congressional library shall be kept open in the evening from 7 to 10 o'clock was stricken out.

The Committee on Appropriations reported in favor of discontinuing the publication of the laws of the United States in the newspapers.

Mr. Morrill said this was on the recommendation of the State Department.

Mr. Williams thought that it was very necessary that these laws should be published in the journals of the country. It was a long time before the pamphlet edition of the laws would be out, and laws would go into operation before the people knew what they were.

Mr. Morton thought instead of discontinuing the publication of the laws in the papers, they should be published in more papers. They should be published in one paper in each Congressional district.

Mr. Morrill, of Vt., said there were many papers in his State that refused to take these laws at the prices paid, in fact no paper that had anything to live on, could take them at any price, as if they were published entire, as required, reading matter would often be almost totally excluded. The laws were not published in papers of large circulation.

Mr. Anthony said it was a total waste of money to pay for publishing the laws in the newspapers. The last was that through the enterprise of the newspaper press all laws of any importance were given to the public almost immediately only their mere phraseology, but the progress of legislation in each House was also given.

Mr. Nye protested against this amendment. The people looked to the newspapers for their laws, and the publication should not be discontinued. If this was to pass he would move that it be amended that the laws be published everywhere except in New England.

Mr. Hewell said it was his experience that the papers as a general thing published the laws as news, and it was therefore proper that the people should be made acquainted with them by their official publication in the newspapers.

Mr. Patterson said the laws were only published officially in country newspapers of small circulation so genuine papers would take them.

Mr. Pye said the leading Republican paper in New Hampshire accepted the publication of the laws.

Mr. Anthony said there were some leading papers which had been in the habit of publishing the laws did not like to refuse them now for fear of a loss of prestige, but no leading paper that had never had them would think of taking them now.

After considerable further discussion, the recommendation of the committee was concurred in.

After the adoption of some further amendments of no general importance, the Senate adjourned until Monday.

THE COURTS.

SUPREME COURT OF THE DISTRICT OF COLUMBIA—GENERAL TERM.—Chief Justice Cartter and Justices Wylie and Olin sat in banc yesterday for the hearing of appeal cases.

Ohlmer vs. Shepherd. This case comes up on certiorari from the Equity Court. The bill sets forth that the plaintiff, lumber merchant, sold to Fanning & Plumley, as agents of the plaintiff, and also to the defendant Donald, a bill of lumber for a building, the whole amount being $1,469.17. They therefore filed notice of lien in the clerk's office, and ask the sale of the property and the payment of their accounts out of the proceeds. The answer of Shepherd denies that Fanning & Plumley were defendant's agent to purchase lumber for defendant, or that he purchased the lumber in person. The case turns upon the liability of Shepherd, and upon a dispute as to whether a note of Z. C. Robbins handed to plaintiff was accepted as payment or as collateral securities; and involves a construction of the lien laws of this district. The case is argued and held under advisement by the court.

Frawick & Stewart vs. Pollok. This case comes up on appeal, and was submitted on briefs. A. Lloyd for plaintiff, and R. D. Mussey for defendant.

This case was before a magistrate in 1869, by the plaintiff to recover from the defendant the sum of $33 for "running seventy-four feet curbstone in defendant's house on F street, between Sixth and Seventh streets, at 50 cents per foot." The magistrate rendered judgment for the defendant, from which the plaintiff appealed to this court in May, 1869. On November 13, 1869, the decision of the magistrate was reversed, and judgment given for the plaintiffs. On the 15th of November, 1869, the defendant entered a motion to vacate the judgment, and afterwards the motion to vacate was overruled, and thereupon an appeal was taken.

The point at issue is as to the judgment against the defendant without notice of trial and in his absence. The court is banc affirmed the judgment below.

On the 18th day of November, 1869, before me, a United States commissioner, personally appeared Anthony Pollok, the defendant and appellee in this cause, and being duly sworn, on oath, deposeth and saith, that he has no recollection of having received summons to appear at any term of this court, but having examined the records of the case, and finding the return of summons duly certified, admits service of the same, but he avers that he never received notice of the trial, and that the reversal of the judgment below was obtained surreptitiously and operated a surprise on him; and that he had no knowledge of the motion of the court before its 15th day of November, 1869, and that he has good and valid defence to offer, viz: That he never employed the plaintiffs to do the work charged in his premises; that the work done, that is, the running of a cornice in his dining room, was part of the contract with other parties; that they came to the defendant's premises by direction of said contractors, and not at the defendant's request or direction. A. POLLOK.

Sworn and subscribed before me.
[SEAL.] R. D. MUSSEY,
U. S. Commissioner, Dist. Col.

The plaintiffs' attorney filed the following affidavit: "On this 19th day of November, 1869, before the subscriber, clerk of the Supreme Court of the District of Columbia, appeared Asbury Lloyd, attorney for the plaintiffs and appellants in the above entitled case, and makes oath in due form of law as follows: That he was present on the trial of the case before John H. Hollingshead, esq., a justice of the peace in and for the county of Washington, in the District of Columbia; that defendant was also present, and testified in said case in his own behalf; that on the rendition of the judgment by said justice, an appeal therefrom was promptly taken by said plaintiffs, and said defendant had notice of said appeal; that he filed the petition in this case on the 9th day of May, 1868, but ascertaining subsequently that defendant's name was Pollok, and not Pollard, he filed an amended petition, or rather amended the petition filed, by leave of the court."

Board of Public Works of Virginia vs. Ingalls, Smith vs. Bushnell, and Hoover vs. Barth. Each of the above cases were continued.

Phœnix Mutual Insurance Company vs. Bailey. Appeal to Supreme Court of the United States was prayed in open court.

Smith vs. Bushnell and Harvey vs. Lindsley. Appeals dismissed in both cases.

Adjourned.

Special Notice.

The citizens of the District are respectfully informed that

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ART IN THE DISTRICT OF COLUMBIA.

Prepared by Captain F. C. Adams for the Bureau of National Education.

INTRODUCTION.

We purpose in this report to confine ourself chiefly to what has been done by Congress for the encouragement of the fine arts in this District. The various purposes to which works of art may be applied in educating and improving the condition of a people, of stimulating industry, and increasing the material wealth of a nation by giving it skilled labor, is a subject of so much importance in our political economy as to demand the most serious attention of our legislators. Paintings, illustrating the important events in the early history of a great nation; its rise and progress, its achievements in science and civilization, belong to the valuable legacies it leaves to posterity for its good. It matters little whether the events illustrated by the artist be heroic or civic in their character.

The same may be said of statues of the great men, who by their wisdom, courage, and foresight, gave us the form of government under which we have enjoyed freedom and prosperity equalled only by our greatness as a nation. The people always find in these subjects matter to interest and instruct them; and in selecting works of art to decorate the Capitol and other public buildings, our efforts should not only be directed to their entertainment and improvement, but to giving them what they can readily understand and appreciate.

It is also essential that works of art, intended to perform so important a part in decorating a building that has cost the people so much money, and of which they are so justly proud, should be executed by artists whose already established reputations would be a sufficient guarantee for the proper performance of their works. Nothing discourages real merit more than to see pretension patronized; and when the Government is the patron the influence is more widely and disastrously felt.

By employing artists with established reputations the people give more time and study to their works and feel at the same time that they have got something of real value—something that faithfully expresses the events they set out to illustrate. In addition to this, works of art intended to decorate the Capitol building of a great and rapidly progressing nation like ours, should faithfully represent the progress art has from time to time made in it.

It is in buildings like these that the people look for and expect to find examples of the best artistic talent the country has produced. And unless we employ the recognized talent of the country we shall mislead the people as to what it can perform.

The question of employing native artists to decorate the Capitol was one which early engaged the attention of Congress. Some of our public men at that time appreciated the value to the people of decorating the Capitol with paintings illustrating the more important events of the revolution, as well as portraits of the men who figured prominently in it. But they doubted the skill of American artists to produce anything of the kind successfully, and were not for spending the people's money on what might turn out to be only a costly experiment. Others doubted the power of Congress to use the people's money for any such purpose. In short, these latter regarded it as an attempt on the part of Congress to encourage idleness and make a reckless expenditure of the people's money.

The debates in Congress at that time on art and employing American artists to decorate the Capitol are as novel as they are instructive. They afford the student of to-day a ready and happy means of contrasting the great progress we have made in literature, art and science, as well as whatever appertains to the vital and material wealth of a nation, with what was predicted for it by some of our public men, who saw the future only through their own cramped ideas.

We had even at that time two American artists—one in portraiture, the other in landscape—whose works had attracted considerable attention both in this country and England. Indeed, it must be confessed that they received a more generous and discriminating criticism from Englishmen than they did at the hands of Americans; for while the one seemed capable only of pointing at and condemning their defects, the other found something to praise in their merits. Still, American art was in its infancy, and being in its infancy had few friends among men in public or private life. And it is safe to say that the few men of wealth and taste who patronized it did so more from respect to the artist personally, perhaps prompted by a worthy feeling to relieve his necessities, than for any intrinsic value they believed his works contained.

All this is changed now. In no other country has the progress of art been so rapid and complete as in the United States. The American artist, if he be prudent and industrious, no longer struggles against that poverty so any believed inseparable from his profession, on the one side, and that popular prejudice which saw nothing skillful that came of American industry, on the other.

It cannot really be said that American art has received an encouraging hand from the Government; and yet it has struggled on and established itself on a solid basis solely on its merits. The great and rapidly increasing wealth of our people; their improved education; their more cultivated taste for works of a substantial kind—these have contributed to furnish the American artist of reputation with remunerative employment.

In nearly all of our large cities American artists have established academies of design; formed large and important societies for benevolent and other purposes; built costly and imposing edifices; have drawn around them the wealth and talent of their localities; and, indeed, extended their influence for good over society generally. The more cultivated our taste for art becomes, and the better we can get the people to understand the valuable uses to which art and science may be applied in securing wealth and prosperity, the better it will be for the material wealth of the nation.

Our best landscape painters now rank equal, if not superior, to the best of Europe; and the works of such men as Bierstadt, Church, Innis and others have found patrons among the nobility of England, and a much more appreciative and generous criticism at the hands of her critics than from those of their own country. Others, less publicly known but equally meritorious in their lines, have met a readier sale and received better prices for their works abroad; and, indeed, have found it to their advantage to reside there permanently.

The statements here made, we would suggest, should have some weight in shaping the action of Congress when it comes to consider what encouragement shall be given to American art in decorating the Capitol.

THE TRUMBULL PICTURES.

John Trumbull, commonly called Colonel John Trumbull, of Connecticut—a State claiming at that time to have given to the country the first historical painter it had produced—has been nearly two years endeavoring to enlist the sympathies of Congress in behalf of American art and securing from it an order to paint four pictures representing important events in the Revolution. He succeeded at last, with the aid of influential friends, in convincing Congress, however grand and imposing a public building might be, internal decoration was necessary to make it attractive to the people and complete as a whole.

Studies of several of these subjects made by "Colonel Trumbull" were put up in the hall of the then House of Representatives and attracted considerable attention, as they would probably do if placed there to-day, and influential admirers were soon found ready enough to give their aid in securing Government patronage for the genius who could produce such works.

Trumbull felt encouraged at the great attention paid to his studies. He had suffered under those financial ills regarded at that time inseparable from genius, and now felt that the day of his prosperity was dawning. A man of keen observation, of fine taste, and gentlemanly impulses; a high sense of honor; impulsive and perhaps erratic at times, he regarded the profession of an artist one which should command the highest respect everywhere.

He had served as an aid, with the rank of colonel, on Washington's staff; he had acted as an adjutant general in the army of the Revolution; he had been the friend and associate of Adams and Jefferson when they represented us respectively at the courts of St. James and Paris; he had enjoyed the respect and been the correspondent of the Prime Minister of England (Grenville); and, indeed, rendered the country valuable service in various ways, as well during the war of 1812 as the Revolution; but his love of art rose above any honor or emolument these social relations and services rendered to the Government could bring him.

Trumbull, then, when he saw a resolution introduced in the Senate, January, 1817, authorizing the President of the United States (Madison) to employ him "to compose and execute four paintings of the principal events of the Revolution, to be placed in the Capitol," and for which he was to receive $8,000 each, felt that the day on which it was done was the happiest of his life.

The resolution was ordered to a third reading without opposition; but on being placed on its passage objection was made, which resulted in a debate that would be regarded as very remarkable at this day. Messrs. Forsyth, Ross, Robertson, Taylor of New York, and Hamlin opposed the resolution, chiefly on economical principles, several of them urging that it was neither just nor proper for the Government to become the patron of the fine arts; that no such expense ought to be authorized until the faith of the Government was redeemed by the fulfillment of altitu pecuniary obligations; nor, indeed, until every debt was paid arising out of the war of the Revolution.

The most prominent among those advocating the resolution were Calhoun, Wright, Hopkinson, Harrison, John Randolph of Roanoke, Nelson and Grosvenor. These gentlemen paid high compliments to the genius of the artist, praised the excellence of his studies, and urged his claim to the recognition of Congress in eloquent language, and scouted the mistaken notions of economy that would refuse encouragement to art and deprive the people of a source of instruction so healthful and refining.

It is somewhat singular and worthy of notice that art should at that time have found its ablest advocates and warmest friends among Southern members, and that none should have been more eloquent in defence of its claims and in pointing out the good influences it would exert on society generally than John Randolph, of Roanoke.

It is also worthy of notice that at a later day art made its home in the North, and under the influence of its free institutions found its most substantial patrons and widest circle of friends there.

The resolution finally passed both houses. Instead of eight, Mr. Trumbull got an order for four paintings. The subjects to be painted and the price—$8,000 each—being settled between Mr. Madison (then President) and the artist, work was at once begun on the cartoons. Mr. Madison had a good deal of taste as a critic and genuine sympathy for art; and the artist found in him a true friend, who not only appreciated the object he had in view, but lent his aid personally in assisting to carry it out.

It was not, however, until the administration of President Monroe (March 17, 1817) that the contract was signed between Richard Rush, acting Secretary of State, and the artist, which secured the order in full and brought relief to Trumbull. The contract gave him an advance of $8,000, which came at a welcome moment; for, to use his own language, he had been "drifting constantly upon the fatal lee-shore of debt; * * * and of necessity had to be driven to continue the wretched resource of borrowing the means of subsistence."

It was not, however, until 1824 that the order was completed—the four "historical paintings," now in the rotunda of the Capitol, in their places and exposed to the judgment of the public. These were—

"The Signing of the Declaration of Independence."

"Surrender of Lord Cornwallis at Yorktown."

"Surrender of Burgoyne at Saratoga."

"Washington resigning his Commission."

For these $32,000 of the people's money had been paid. Two of these pictures had been previously placed on exhibition elsewhere, had been favorably noticed by the press, and for a time seemed likely to increase the artist's revenue and add to his reputation. The people gathered about these pictures in admiring groups, and, it may be added, seemed pleased and instructed by them. They had, however, not been long placed in the Capitol until they became the subject of adverse, thoughtless, and even malicious criticism. Some one set up the cry that these pictures were failures; that the people's money had been squandered on worthless daubs, and that they should put a stop to such extravagance in the future. This cry was taken up and echoed by members of Congress, who had no sympathy with art, and felt it to be their duty to oppose any further appropriation made with a view to encouraging American artists to aid in decorating the Capitol. These gentlemen pointed to Trumbull's pictures as expensive failures, and even urged them as a warning against encouraging American artists. John Randolph had advocated Mr. Trumbull's claims, had set himself as the friend of art. He now became its most bitter enemy, hurling invective against Trumbull's pictures whenever an opportunity offered. It is safe to say that this singular and sudden change was more the result of caprice than honest judgment as to what was meritorious in art. It is also safe to say that his knowledge of art was of the most superficial kind; and that he not only echoed the ridicule of thoughtless writers, who, in their haste to find defects, overlooked entirely the merits he (Randolph) was demanding their attention, but also based his opposition on the fact that Mr. John Q. Adams and other members from the New England States, then becoming unpopular in the South, had defended the Trumbull pictures against the attacks of malicious criticism.

The prejudice excited against these pictures, however, had its damaging effect on American art, and served to defeat all attempts to afford it Government patronage, or even to call in the aid of American artists to decorate the Capitol. This prejudice, to say the least, was based on a false taste. The Trumbull pictures were not expensive failures; nor had the people's money been spent for a purpose foreign to the object for which it was intended.

In passing judgment on these pictures, three important questions ought to be kept in view: Do they faithfully represent the art progress of the country at the time they were painted? Are they historically correct? and do they truthfully express what the artist set out to represent on his canvas? That they do both successfully will not be denied; nor will it be denied that they have their defects as well as their merits. They combine faithful portraiture with good grouping, and not bad perspective. They are full, too, of bold touches and strong effects. In color, in the anatomy of some of the figures, in transparency, they are perhaps not up to the exacting taste of to-day. The same may also be said of the details. They are not so elaborately worked out and finished as the taste of the day demands. And yet, notwithstanding these defects, as a whole they will compare favorably with the productions of to-day, and are valuable beyond estimate in preserving faithful portraits of the men who figured prominently in the Revolution, and whose memories will always be cherished by the people.

It would be well to keep in mind the fact that art in literature improved over the world have improved and flourished most under an encouraging and candid criticism. It is much more easy to condemn and point out the defects of a great master's works than to so comprehend their merits as to do them justice in a discriminating review. The thoughtless writer who hurls his reckless shafts at what genius produces, rarely thinks how much labor, thought and anxiety it cost the artist, and how much his hopes for the future are involved in what he is condemning. As a general thing there is too little sympathy in common between the American artist who produces on canvas and the man who sets up to be his judge, and stands between him and the people.

The result of this prejudice was to call in foreign artists and give them preference over Americans; but we seem to have been singularly unfortunate in the change, as the ridiculous caricatures of Cappellano, Causici and Gevelot, on the intersections above the large panels, will attest. Two of these artists were Italians, and pupils of the famous Canova. It was only natural, then, that we should have looked for something superior from their chisels; instead of which they gave us what serves only to disfigure the walls of the rotunda and to confuse, perplex and excite ridicule in the spectator. Messrs. Cappellano, Gevelot and Causici, undoubtedly intended the figures in their works to represent some sort of barbarian, but that they resemble our Indians may well be doubted. No one, however, familiar with the talents of these gentlemen doubts that they could have produced something historically correct and of real artistic value. That they did not was our misfortune. The most charitable excuse for their failure is to believe that they did not properly understand what they were called on to perform, and that they worked more with a view to flatter what they conceived to be our taste as a people for the uncouth, represented by art in its rudest state, than to produce anything true and beautiful.

These works did not seem to meet the approval of Congress any more than Mr. Trumbull's pictures did. In fact they seemed to increase the opposition of members to any further appropriations being made for the encouragement of art, as it was called, to decorate the Capitol. But the rotunda, so fine in its architectural design, presented, with its panels only half filled, a strange and unfinished appearance. It was necessary that something be done to remedy this apparent and very unsightly defect, and to give the rotunda at least an air of completeness and decorative finish. To this end resolutions were from time to time introduced into Congress, calling for designs from American artists for subjects to fill the vacant panels.

During the session of 1833 efforts were made by the few friends art had in Congress to get orders for pictures by Allston and Morse, but without success. It was during a debate which followed the introduction of a resolution to employ Mr. Allston to paint a picture of the battle of New Orleans that Mr. John Randolph, in one of his capricious moods, took the opportunity of mercilessly ridiculing the Trumbull pictures. Mr. Randolph succeeded in defeating a worthy object, but the injury he did to art at the time has long been felt and regretted, and by none more than American artists themselves. Both Morse and Allston would have given the country something valuable in art, and worthy of a place in the Capitol of the nation. That they were not employed must always be regarded as a misfortune.

What we have recorded here will serve to show how little interest was felt in art by Congress at that time, and how much it had to contend against.

THE WEIR, CHAPMAN, AND VANDERLYN PICTURES.

It was not until the 17th of June, 1830, that Congress made up its mind that something must be done to remedy the deficiency in the rotunda, and give it a more finished appearance. On that day a joint resolution was passed appointing a committee of members of the Senate and House of Representatives "to contract with one or more competent American artists for the execution of four historical pictures upon subjects serving to illustrate the discovery of America, the settlement of the United States, the history of the Revolution, or the adoption of the Constitution, to be placed in the vacant panels of the rotunda; the selection of the subjects to be left to the choice of the artists, under the control of the committee." Ten thousand dollars each was the price offered for the compositions. Our taste in art matters at that time was neither very correct nor exacting; it was the quantity we got for our money, more than the quality, that we looked for. Indeed it does not seem to have occured to even the best friends art had in Congress at that day that the value of a painting depended on its merits more than its size in square feet, nor that works by American artists might increase in value as the nation got richer and the people more generous in their patronage of what was really good.

They little thought that the day would come, and soon, when an American citizen would feel himself rich enough to pay an American artist $25,000 for a single landscape, and consider himself fortunate in its possession. In short, Congress was charged with having perpetrated an inexcusable piece of extravagance in offering $40,000 of the people's money for four pictures. It was urged also by some members of Congress that the policy of offering more than was paid Mr. Trumbull for his work would have a very bad effect.

Designs were submitted and contracts at once entered into with John Vanderlyn, Henry Inman, Robert Weir and John G. Chapman, and they went to work. In order to provide them against necessity, and to place within their reach the means of support, Congress voted four different appropriations of $8,000 each, the first in 1837, the last in 1842. This amount was advanced to the artists ($2,000 at a time) as their work progressed.

The effect of giving this order to different artists was good, since it gave those who had been contending before the public for reputation and position as historical painters a fair field for the display of their powers. The plan also relieved the committee of the charge of favoritism, which was sure to have been brought against them had they given the order to one painter.

Twenty years had intervened since Trumbull painted his pictures. It was held that the pictures we were to get would show the progress our prominent painters had made in their art during that period. If, however, we accept their pictures as a standard of comparison, it must be confessed that, so far as historical painting were concerned, we had progressed but little, if at all. Of the pictures by Weir, Vanderlyn and Chapman, finished and now in the Capitol, only that of the first challenges particular attention as expressing a correct artistic taste and possessing real value as a work of art.

There is a certain delicacy of coloring and expression of feeling and deep religious sentiment about this picture, "The Embarcation of the Pilgrims," which will always make it respected by the people. The details, too, are worked out with great care and evident study. Some of the figures are, however, flat and hard, and placed in positions which make the effect almost painful. Defects of drawing here and there have too frequently made this picture the subject of thoughtless and unjust criticism.

So clever an artist as Mr. Weir could not fail to produce a picture replete with conscientious painting and bold effects. But it has always seemed to us that he worked more with a view to producing a picture full of strong effects than strict regard to historical truth. We must not forget, however, that the subject was an extremely difficult one for an artist to handle, and that in painting "The Embarcation of the Pilgrims" the artist had to fill up by drawing on his fancy for material.

Of Mr. Vanderlyn's "Landing of Columbus," the most can be said is that it feebly expresses what the artist set to illustrate on canvas, and affords but little satisfaction to those who look at it.

"The Baptism of Pocahontas" is simply a libel on our respect as a people for historical truth, and has been very generally condemned. Indeed, it would be difficult to imagine in what way an artist having any knowledge of color and drawing could have possibly produced anything worse. Its effect on those who look at it is to excite ridicule, not respect; hence, its influence cannot be good. It has been several times suggested that this picture be removed, and its place filled by something that more correctly represents the art taste of the country and less violently outrages the truth of history. The suggestion is well worthy the consideration of Congress.

Congress, it must be confessed, was not fortunate in what it got in the way of pictures by this order. Popular opinion was against the pictures, and the cry was raised that we had not an artist to whom we could trust an order for a picture that would do credit to the Capitol. It seemed to be forgotten for a time that foreign artists had not given us anything better than Americans.

To make the matter worse, Mr. Inman died, leaving his picture unfinished. He had received three installments of $2,000 each from the Government, went to Europe, and, we are informed, "studied and worked on his picture." How far he had progressed, or what disposition was made of the picture after he died, we have in vain endeavored to ascertain. Persons professing to know state that Mr. Morse, who was a firm friend of Inman, at a time offered to take the picture and finish it to the best of his ability, on condition that Congress would pay him the balance that would have been due Mr. Inman on the fulfillment of his contract—$4,000. The offer, if made, does not seem to have met the approbation of Congress, which appears to have made up its mind that American art was a failure.

The reports of Congress, however, do not show anything concerning this proposition of Mr. Morse. There was a vacant panel in the rotunda to be filled, and as Mr. Inman had not produced a picture, some one else must. In the year 1847 Congress made another step forward in the way of encouraging American art. A bill was introduced and passed authorizing the Library Committee to contract with Wm. H. Powell for an historical painting in place of the one contracted for with said Inman, and on the same terms. And as the said Inman had drawn $6,000 of the $10,000, there was a balance of $4,000 left. Congress, therefore, voted Mr. Powell an appropriation of $6,000, and authorized him to receive the $4,000 that would have been due Mr. Inman, making $10,000. That was the way we got Mr. Powell's picture of "De Soto Discovering the Mississippi."

Thinking himself somewhat poorly paid, Mr. Powell applied to Congress for relief, and on the 3d of March, 1855, a further appropriation of $2,000 was made, making in all $12,000.

The order was for an historical picture. Exactly what that means has given rise recently to a very interesting controversy. Mr. Powell's picture may at least be accepted as a proof that various opinions exist as to the value of history as a genuine article, and history as painters sometimes give it to us on canvas. We do not know just what Mr. Powell set out to paint, but we do know that he succeeded in giving the Government a picture in which fancy is in excess of historical truth. It is also wanting in depth and tone, hard and flat, bad in color, and as a work of art very inferior. Mr. Powell informs us that it represents "De Soto Discovering the Mississippi." Some of the drawings for it we are informed were made in Paris. That we can readily believe, since we recognize in the picture itself three peculiarities of painting common to distinguished French artists. Here we have the cannon and other war implements of one, the dark-visaged monk of a second, and the gaily-mounted knights of a third. De Soto and his party are here represented as having made the long journey through the wilderness, from Florida to the Mississippi, without even soiling their garments, which were of the brightest colors, and mounted on elegant Arabian horses in the very best condition. If Mr. Powell's version of the story be true, then those writers who had set up for historians, and given us such painful accounts of the sufferings and privations endured by De Soto and his followers, as well as the wretched condition they were in when they reached the great river, must have made us the victims of a cruel imposition. It is, however, Mr. Powell's history that is at fault, as well as his skill as an artist.

Art may be made powerful as an instrument of education. And a picture professing to translate history should at least have something in it to excite respect, if not admiration, and instruct the mind correctly—qualities not found in this one. Such pictures tend to confuse and mislead the inquirer after truth, do little credit to the art, and are valueless as educators. It might, indeed, be well to inquire whether the appearance of the rotunda would not be improved by the removal of such pictures and the substitution of something better in art.

THE "BATTLE OF CHEPULTEPEC."

This picture fills one of the large spaces fronting the stairs leading to the Senate gallery, and is by an artist by the name of Walker, who accompanied our army to Mexico, and on his return painted a number of sketches of the scenes it participated in. These scenes were spirited and full of promise. Mr. Walker had genuine love for his art, and worked hard in the pursuit of it. But his ability did not rise equal to the production of a large picture suitable for the Capitol. The "Battle of Chepultepec" is generally set down as a failure. Nor is it large enough to fill the place it holds properly. It would, perhaps, appear to much better advantage if placed in some less conspicuous part of the building. This picture was painted by order of the Committee on Military Affairs, in 1860, and cost the Government $6,137.37.

"WASHINGTON" AND "LAFAYETTE."

The full length portraits in the new House of Representatives, on the right and left of the Speaker's desk, are works of considerable merit, especially that of Lafayette. Considerable controversy has taken place as to who painted the "Washington," and not a few persons have credited it to Stuart. No name appears on it. It has none of Stuart's color, however, and a close examination will convince any one familiar with the subject that the flesh tints are not such as that artist was famous for. Mr. Clark, the present architect of the Capitol, says it is by Sully, of Philadelphia, and that he has the authority of Mr. Peter Richings for his assertion, that gentleman informing him that he stood for the figure. This is undoubtedly correct; but the statement will seem strange, considering how often it has been written to prove it the work of some other artist. That of Lafayette was by the celebrated French artist, Ary Sheffer, a personal friend of Lafayette, and was a present from the artist to our Government. What the portrait of Washington cost the Government we have not been able to learn, nor can we get the desired information from any one of the departments.

There is on one of the panels of the hall a singularly bad picture, in distemper, representing Washington receiving a number of commissioners. The figures are all out of drawing, especially that of Washington, who is made to appear as a gentleman of extraordinary proportions. The whole picture is flat, bad in color, entirely devoid of artistic merit; in a word, one of the most crude exaggerations. No American artist would have dared to stake his reputation on such a picture; and we are relieved in saying it was painted by Mr. Brumidi, an Italian artist, and that the War Department is responsible for it. The artist was paid for executing this picture at the rate of $10 a day; but exactly how many days he was employed on it we have not been able to ascertain. General Meigs informs us that the picture was not exactly what was expected, but that the artist was limited as to time, and did as well as he could under the circumstances. This apology is certainly the very best that could be offered in excuse for such a picture. It, however, does not extenuate the fault in pictures, and gets what is entirely devoid of artistic merit, the damaging effects to the interest of art cannot be too highly estimated.

It was intended that these panels should be reserved for paintings that would do credit to the Capitol; and that American artists should at least have an opportunity of competing equally for a place to display their talents. A foreign artist, however, was employed to set the example, and the result is an acknowledged failure. The picture executed by Mr. Brumidi for this panel is almost entirely devoid of merit, and indeed has nothing to distinguish it from an ordinary bit of distemper painting. This was very unfortunate, since it so discouraged the friends of art in Congress as to make them indifferent when the question of extending its encouragement to art was called up. Such a picture, indeed, is little less than a standing impediment to the interests of art at the Capitol. Members may justly say it were better to let the panels remain as they are than to run the expensive risk of getting another perhaps equally bad, and which would disfigure rather than improve the appearance of the hall. And yet, singular as it may seem, this very same artist was employed to paint the great picture which now disfigures the dome of the Capitol.

With the extension of the Capitol a new era in the art began. Decoration took the widest and most fanciful range; money was spent in useless frescoes, and apparently with the object of seeing how little that was useful could be done for the largest amount of money. In short, the building was almost entirely given over to foreign artists, notwithstanding their peerless failures and the evident fact that they were incapable of grasping the spirit of our institutions. Those in power seemed almost to forget that there were American artists who had gained some reputation for their works at home as well as abroad, and whose services might have been profitably called in to decorate the Capitol of the nation. Motives of patriotism, if nothing else, one would have thought, should have prompted such a course; nor must it be forgotten in this particular that in what few works of art had been executed for the Capitol, American artists had certainly been more successful than foreigners, and, indeed, had given us works more in accordance with correct taste.

It was not, however, whether foreign or American artists were employed to do the work as the system of extravagant and almost useless decoration that we object to. Fresco and distemper painting, the most elaborate and costly, in bright colors and designs better suited to the barbaric taste of a past age, were resorted to. That a more subdued, less expensive and more impressive style of decoration would have suited our taste better, and have been more expressive of our national character, never seems to have entered the mind of those in charge of the work. It is difficult to make foreigners, and especially foreign artists, understand that our taste for the showy and uncouth does not bear a very close resemblance to that of the Indian.

Some of the most costly of these frescoes, if not the most elaborately painted, are on the walls and roofs of committee rooms on the first floor, where few persons ever see them, and still fewer appreciate them. Even then they are seen in a bad light. Others are on the walls and arches of dimly lighted passages, where the visitor finds it almost impossible to distinguish the designs. Nor are the designs what our national character, as well as the taste and education of our people, demands. It is indeed difficult to understand why so much money should have been spent where no advantage could by any possibility be derived from it. Some of these designs are a combination, a rather strange one, we must confess, of allegory and American history, so worked out as to defy the common understanding; even the artists at work on them were found incapable of affording any information when required. The only thing readily understood in this matter is the fact that an extravagant hand was furnishing the means, and that the result of such a system of decoration could not fail to be very unsatisfactory, to say the least.

General Meigs was in charge of the Capitol at the time, and to him the country is indebted for much that is naturally grand and imposing about the building. How he could have permitted such a system of internal decoration it is difficult to understand; its errors were so palpable and extravagant, however, as to call forth protests from various portions of the country. American artists felt that a wrong had been inflicted on American art, and that they themselves were discredited, and their claims overlooked by the Government they had a natural right to look to for encouragement. They very naturally asked what would be thought in England, France or Prussia, of calling in the aid of American artists to decorate their national buildings. Such an act would have been regarded as a degradation of the art genius of their own country, and an acknowledgment that they had no artists to whom they dare trust the decoration of their public buildings.

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The convention met at the appointed time, was respectable in number and talent, delegates reporting from all parts of the country. The proceedings, however, seem to have been very dull and uninteresting, as a glance at the report will show. The convention evidently wanted to express its views on the valuable use to which art could be put in promoting the interests of a people, and what ought to be done by the Government to protect and encourage it, especially that of native genius; but these objects are not clearly set forth in the report, which is a very weak, unsatisfactory document.

In short, though there were a number of speakers in the convention, it seems to have been sadly in need of some one capable of making a favorable impression in behalf of art, while stating the objects intended to be accomplished by the convention. It discussed a number of things at great length, but advanced no broad or comprehensive views concerning what should be done in decorating the Capitol. Most of the speakers, in fine, seemed to take very narrow views of what the Government ought to do in the matter; so narrow, indeed, that a resolution was introduced and adopted, recommending that works of art intended for the Government buildings be executed on the soil of the United States. Nothing could have been more impracticable than the enforcement of such a law; indeed the injury it would have done to artists themselves, to say nothing of the damage it would have inflicted on art, must, after a little reflection, be apparent to the commonest understanding.

It does not seem to have occured to these gentlemen that art makes the best progress when left unrestricted, and that artists may sometimes follow their profession to advantage with the examples and models of foreign countries before them. In fine, the whole action of the convention makes us question whether artists are the best qualified to shape the conduct of a great government in its dealings with art.

Although the convention resolved itself into a permanent institution, to meet yearly, it does not seem to have had a very long life, for we hear nothing of it in future years. A memorial, however, was draughted and presented to Congress, in which it was set forth, "That your memorialists appear before your honorable bodies to solicit for American art that consideration and encouragement to which they conceive it to be entitled at the hands of the general government."

Their memorial, it must be here stated, is in the nature of a complaint, and embodies serious charges against the folly and extravagance displayed in decorating the Capitol, and the injustice of employing foreign artists to do what it was held Americans could do much better. There were upwards of one hundred names attached to this memorial, artists and patrons of art, prominent among which we find the names of S. R. Gifford, Bierstadt, H. K. Brown, and Durand.

Looking all this array of names, however, we regret to say it would be difficult to find one to whom the Government would have been justified in giving an order for a work to decorate the Capitol. Mr. Bierstadt, Mr. Elliott, Mr. Gifford, Mr. Inness, Mr. Durand and Mr. Suyam were clever painters in their peculiar line of landscape, portrait and small interior. Not one of them, however, has given the slightest indication of capacity to paint an historical picture that would be satisfactory to the people, and do credit to the Capitol of this great nation.

Rapid as had been the progress we had made in landscape painting, and deserved as was the reputation of some of our artists had made for their works, at home and abroad, we had to confess that we were still far behind in what is called historical paintings. That branch of art in this country was confined to three or four men, none of whom had made any very deep impression on the public by their works.

WHAT CONGRESS DID.

Congress acted promptly on this memorial, and a select committee of five was appointed by the Speaker of the House of Representatives, with instructions to report upon the expediency of granting the petition of the memorialists, and with power to report by bill or otherwise. The committee was composed of Messrs. Humphrey Marshall, Lawrence M. Keitt, George Taylor, Edward Joy Morris and George H. Pendleton. They were appointed on the 1st day of June, 1859, and reported on March 1, 1860.

The report, we understand, was drawn up by Mr. Edward Joy Morris and Mr. George H. Pendleton, and does them great credit for the broad and national views it embodies.

"The art commission," say these gentlemen, "asked for by the artists of the United States in their memorial, your committee