52D CONGRESS, 1st Session. SENATE. REPORT No. 907.

IN THE SENATE OF THE UNITED STATES.

JULY 12, 1892.—Ordered to be printed.

Mr. VOORHEES, from the Committee on the Library, submitted the following

REPORT:

[To accompany S. 330.]

The Committee on the Library, to whom was referred the bill (S. 330) appropriating money to compensate T. Fisk Mills, sculptor, for a plaster model of an equestrian statue of Gen. John A. Rawlins, formerly Secretary of War, deceased, ask leave to submit the following report:

Mr. Mills was, in September 1869, employed by M. C. Meigs, Quartermaster-General of the Army, to make a cast of the face of Gen. Rawlins, then just deceased, in the following communication, to wit:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., September 7, 1869.

DEAR SIR: It is desirable that a cast be taken from the face of the late Secretary of War, now lying in state at the War Department. I have communicated with Gen. J. E. Smith, and Adjt. Gen. Townshend on the subject, and request you to see the adjutant-general and make arrangements to take a mold. I suggest that this had better be done to-night, after the visits of the public cease for the day, and when the expression of the face will be more natural than at present. This letter will be your introduction.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

Mr. MILLS,
Sculptor, present.

This communication was within the knowledge of the President, who personally directed Gen. Townshend to afford Mr. Mills every facility to make the mold. This Mr. Mills accomplished, after some unavoidable delay, at the vault of the Congressional burying ground, taking, also, measurements of the body.

Accepting it as understood that his employment as a sculptor to make the mold, carried with it his further employment to make a statue of the deceased, an understanding as he avers under oath, supported by conversations held with the Quartermaster-General, who assured him that Congress would undoubtedly order it, he proceeded to make a plaster model of an equestrian figure. For this purpose he was given a room in the basement of the Capitol, where, after more than two years' labor, it was completed in a manner highly satisfactory to the personal friends of Gen. Rawlins and others who visited and inspected it. It was favorably mentioned by the press, and received the commendation of artists.

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Shortly after beginning the work a joint resolution of Congress, approved July 14, 1870, placed at the disposal of the President certain "condemned cannon, to be used in the construction of an equestrian monument to the memory of the late Gen. Rawlins, after the likeness taken from the face of the deceased by order of the Quartermaster-General of the U. S. Army." On the completion of the plaster model, Mr. Mills (March 19, 1872) applied to the President for the material thus authorized to be used that he might proceed with the casting, to which the following reply was returned:

WAR DEPARTMENT,
Washington City, March 21, 1872.

SIR: The President having sent me your request of the 19th instant, for the bronze donated for the equestrian statue of the late Secretary of War, Gen. John A. Rawlins, by Congress, in a public resolution approved July 14, 1870, I have the honor to request information as to the weight of metal that will be required for the specified purpose, the resolution of Congress and your communication being silent upon the subject of the weight.

Very respectfully, your obedient servant,

WM. W. BELKNAP.

FISK MILLS, Esq.
324 Four-and-a-half street, Washington.

The estimate was furnished, and the President recommended to Congress an appropriation of money for the casting, but the recommendation was not acted upon.

Near the close of the Forty-second Congress an act was passed (July 14, 1873), providing for the erection of a statue to Gen. Rawlins, to be a standing figure, and placed in one of the public reservations in the city of Washington. Mr. Mills regarded this as relieving him from the further prosecution of his work, and asked Congress to be reimbursed for his outlay and paid for the labor and skill he had expended on the equestrian model. No action has ever been taken upon his application, though often and urgently repeated.

While there is some indefiniteness as to Mr. Mills's authorization for making the model, yet there is sufficient evidence to establish it. In (1) the fact of his employment as an artist to make the mask, which, from usage, is understood to imply an engagement to reproduce it in marble or bronze; (2) the assurance of the Quartermaster-General that Congress would immediately order the work, in confident anticipation of which he began it; (3) that soon thereafter Congress adopted a joint resolution placing at the disposal of the President condemned bronze ordnance for the construction of an equestrian statue, after the likeness taken by him from the face of the deceased and which was in his possession; (4) his assignment to a room in the Capitol for the making of the model; (5) its inspection and approval, when completed, by the friends of the deceased, including (as the papers show) Gen. Dent, Gen. Babcock, and others officially connected with the Government; (6) his request for the material necessary for the casting provided by Congress, and the reply of the Secretary of War asking information as to the weight of the metal required, and (7) the recommendation of the President to Congress that an appropriation be made for the casting. All these facts and circumstances seem to the committee to show that Mr. Mills's authority to do the work was sufficiently recognized and support his claim for compensation.

Your committee therefore recommend that he be paid the sum of $7,500 in full settlement of his claim.

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