

ufacturing industry that we propose to encourage. Millions and millions of francs are carried every year into Paris by our citizens, because our people will not let them stay here. We want to give them a chance to stay here. We say, "No, we are going to have the best things." We get three times as much service as musicians and writers in Paris. We can not cope with the French. To-day, practically, all the designs of the artistic labor that enters into the manufactured product in this country are gotten from abroad, and because we do not allow the American to educate himself in his own country.

I have been for thirteen years spending a large amount of money for frames. I paid one year \$500 for frames, which was a good deal in my modest way. The frames are a commercial product, and we get them from this country. Let in foreign art, and it will enable you to increase your sale of frames, it will increase your sale of canvas, and several other manufactured products.

I am getting pretty well discouraged. I have been complaining and complaining; I have been writing; and I came with the hope that it was getting better, but I don't believe it is. I am still longing for an improvement. In my discouragement, I am somewhat like the old woman who attempted to cross a railroad track, when she was caught by the cowcatcher. She got on the track again, and was again caught by the cowcatcher and thrown over the fence. She got back upon the track, and was again thrown off; but this time she did not get up so quickly. One of her friends came to her and asked if she was hurt. She replied, "No, not much; but I am kind o' discouraged."

Mr. BIERSTADT. I will now introduce Mr. John Sartain, of Philadelphia, Pa.

STATEMENT OF MR. JOHN SARTAIN, OF PHILADELPHIA, PA.

Mr. SARTAIN said: Mr. Chairman and gentlemen of the committee, there is very little that I can say, but I can illustrate incidentally the operation of the tax on works of art by simply making a statement.

A society to which I belong built a hall in Philadelphia, and at my suggestion they ordered a statue of St. George cast in Florence. The statue came and was paid for; but when the bill for the custom-house charges was presented they would not pay it. They let the cast go to the storehouse. After a time, that, among other things, was sold, and the society that had ordered that statue went to the auction and bought that figure for \$7. The difference between that and the amount of duty which they would have had to pay I do not remember; but I think it illustrates the operation, sometimes, of this excessive duty on such articles. I do not know that I can say anything further.

Mr. BIERSTADT. We are prepared to answer any questions which the gentlemen of the committee may desire to ask.

Mr. TURNER. There was something in your paper in reference to the removal of the duties. Has there ever been a period when artists were more prosperous than they are now?

Mr. BIERSTADT. I think there has been.

Mr. TURNER. When?

Mr. BIERSTADT. A few years ago.

Mr. BECKWITH. In that connection, I will read the sales of works of American artists at the Academy of Design, New York. In 1882 the amount of sales at the Academy of Design was \$33,934; in 1884, under the 30 per cent duty, the sales were reduced to \$25,037, which is a re-

duction of \$8,000. In 1889, still under the 30 per cent rate, the sales ran down to \$18,000. Consequently you see there has been a gradual reduction of the income of American artists under an increased duty. Since that time the sales have increased 20 per cent in the Academy under the reduced duty.

Mr. BIERSTADT. I will introduce Mr. C. M. Ffoulke.

STATEMENT OF MR. C. M. FFOULKE.

Mr. FFOULKE said: Mr. Chairman and gentlemen of the committee, I desire particularly to call your attention to the vast importance of art museums, to some of the anomalies of your tariff laws which interfere with the growth of such museums, and to some of the interpretations of those laws which practically forbid their growth.

Very few, except those who have given the matter especial study, realize the tremendous advantages the European museums of decorative and industrial art, particularly those of France, afford the foreign skilled laborer over his American competitor. It is only by repeatedly visiting them, watching the groups of artisans scrutinizing with care and skill the various articles of household or other furniture exposed to their gaze, listening to their intelligent comments upon their character, form, design, joining, etc., then going into other rooms and noting other artisans scrutinizing with equal care and skill the silks, satins, velvets, and textile products, and listening to their equally intelligent remarks upon their manufacture, and so on throughout the whole gamut of art products, to have the conviction brought home to you that France owes her present preëminence in the manufacture of art products largely, if not exclusively, to the grand museums of industrial and decorative art, which contain so many hundreds of object lessons of all kinds for her artisans to study, copy, and emulate. These museums throw a measure of art atmosphere around these artisans, and their personal communion whilst visiting and studying the object lessons contained therein is also an important factor in enlarging and improving their capacities, which must not be overlooked, nor slightly weighed.

It is impossible to conceive but that these museums, this art atmosphere, and this personal contact have a tremendous effect; they can not but enlarge the mind and vision, improve the faculties, cultivate the taste, and increase the skill of all the artisans who come within their influence. In comparison, our mechanics are obliged to work blindfolded, so to speak; they grope in the dark; they must try to evolve all novelties and improvements from their own brains, as they have no equal opportunities for adapting in modern art the beauties and charms of the antique; and this is a loss to them which will always, unless our laws are altered, prevent them from evenly competing with their French brothers.

I do not believe the Frenchman has greater inventive faculties than the American; on the contrary, it is well known that this nation out-rivals all others in this respect; consequently, we must look elsewhere for the greater skill and better taste of the French mechanics, and we will find that these can come but from one source, viz, better artistic education.

As soon as it is realized that the present laws, by obstructing the foundation and growth of industrial and decorative art museums, absolutely prevent an improvement in the skill and taste of the American

mechanic, and consequently handicap him in his struggle with the French rival, these obnoxious and suicidal laws will indignantly be swept aside, for it is suicidal to force the American skilled laborer to contend with his foreign rivals undefended by equal art education, equal advantages and opportunities. And it is likewise suicidal to discourage and dishearten those who are aiming to arm him with at least a measure of all of these in his life struggle. There can be no protection equal to that which encourages and enables a people to produce such tasteful and excellent articles at home that nobody will be tempted to buy them abroad. Buyers always like to see the objects of art offered them before they actually buy them; and in all other civilized countries but ours provision is made by law to afford them this opportunity.

Donators are likewise human, and prefer to see the objects of art they are inclined to donate before they positively commit themselves; but our laws presuppose that practically all the buyers and donators are on the other side of the Atlantic, overlooking the fact that the reverse is the case.

The objects of art are out there, but the men who would buy and donate them are mainly here; in comparison, but few are abroad.

The laws permit no free entry of objects donated on this side of the ocean, after their arrival and inspection—once here, the donation must pay duty as dutiable, regardless of the service it may render to thousands in our museums. The law by this actually requires a donator to pay a bonus for wishing to instruct and improve his compatriots. If he objects, he must reship his proposed donation, not only to the port from which the steamship brought it, but to the town or city from which it started, be it Madrid, Florence, or Berlin, and there supply it with a fresh set of consular papers, and start it afresh, and as a donation to entitle it to free entry. The donator must, therefore, pay a penalty for his philanthropy and humanization, either in the shape of a duty, or in the risks and costs attendant upon two transportations of the proposed donation across the ocean.

It will remove the greater part of the difficulties if some provision is made granting would-be donators and buyers opportunities for examining in bond any objects of art that may be sent out here for their inspection. Such a law will open a way for the easy and continual enlargement of all our museums, as donators will then be invited and not repulsed.

Amongst the anomalies of the law is the presumed ambiguity of language in paragraph 524, which permits of such widely varying interpretations by those charged with interpreting it. For instance: On October 2, 1891, Henry G. Marquand imported from a foreign country into the United States at the port of New York a bronze statuette of the god Eros, 10 to 12 inches in height, wrought by hand in metal, and a professional production of a sculptor at a period prior to the year 1700, valued at \$1,100.

This statuette was classified for duty as a manufacture of metal, and duty at the rate of 45 per cent ad valorem was exacted thereon by the collector of customs at that port.

Against this classification and this exaction the importer protested, claiming, first, that as this statuette was an antiquity suitable for a cabinet collection, and produced at a period prior to the year 1700, and was imported solely for the purpose of including it in the importer's collection of antiquities in process of formation, it was free of duty under the provision for collections in paragraph 524 of the same tariff act; and second, that if not free of duty under the provisions of that

paragraph, then that it was dutiable at 15 per cent ad valorem as statuary wrought by hand from metal, and the professional production of a sculptor under the provisions for such statuary, contained in paragraph 465 of the same tariff act.

Thereafter, the collector transmitted the invoice of this statuette, and all the papers and exhibits connected therewith, to the board of three United States general appraisers.

Upon the evidence so and otherwise afforded, the board found, first, that this statuette was produced at a period prior to the year 1700; second, that it was suitable for a souvenir or cabinet collection, within the meaning of said paragraph 524; and, third, that it was imported by said Marquand for his own use, and to be added by accretion to a collection of antiquities which he had been gathering for years and then had on hand, designed for the encouragement of the art industries of this country, and which in themselves were suitable for souvenirs or cabinet collections; and the board held that this statuette was free of duty under the provision for collections of antiquities contained in said paragraph 524.

Subsequently, and on April 21, 1892, upon the application by the collector for a review of the board's decision, this case was tried by the court. The circuit judge decided:

It is extremely difficult to understand why duty should have been imposed upon such an article as this; but the fact remains that Congress, in placing articles of this kind on the free list, did, in the earlier tariff act of 1883, qualify their description by the use of the word "collection." It was only collections of antiquities which they provided by that tariff should be admitted free of duty. Before they passed the act of October 1, of 1890, the court in this circuit had decided that several different articles, which happened to be on the same steamship, were not a collection of antiquities within the meaning of that phrase (*Baumgarten vs. Magone*, 41 Fed. Rep., 770); and as we must presume that tariff acts are passed by Congress with knowledge of the interpretations which the courts have put upon the words which they had used in former acts, when we find that in the face of a decision which the court, much against its will, felt constrained to make in view of the choice of language used by the legislature, the fact is very suggestive that, for some reason, they decided to retain in the act the same qualifying words which had been used and interpreted before.

By the phraseology which they have selected, I feel myself constrained to dispose of this case in the same way in which I disposed of the earlier one (*Baumgarten vs. Magone*, *supra*), and in the same way that Judge Wallace disposed of the case before him (*In re Stern*).

There seems to be sufficient evidence here to warrant the finding that the statuette is a piece of statuary wrought from metal, and the description of it given here upon the face of the papers, a perfectly fair inference that the work was done by professional artists.

For these reasons, I shall reverse the decision of the board of general appraisers and direct the classification under paragraph 465.

Thus this poor, unfortunate antiquity was rated by the collector as liable to a duty of 45 per cent, by the board of appraisers as entitled to free entry, and by the circuit judge as liable to 15 per cent duty. Now, I pray you, what is a layman to do when the doctors thus disagree upon laws of your making?

I shall have to decide this case upon my understanding of the meaning of the statute. Inasmuch as these questions can very readily be reversed by the court of appeals, I am not disposed to feel strictly bound by any of the previous decisions in this circuit or any other circuit. I think a "collection" means something more than two, but I think whether an article is dutiable or not under this particular clause does not depend upon the fact whether it has belonged to a collection or is imported to add to collection, but whether it is a part of a collection when it is brought in. Therefore, I hold that these tapestries were dutiable, and I affirm the decision of the board of appraisers.—(Decision of Wallace *In re Stern*.)

By this it is apparent that the court concludes that neither one nor two make a collection, and that if the number was greater the objects

of art submitted would be entitled to free entry. But this does not apply to instances where there are more than five objects of art in the importation, and yet, even in such cases, the interpreters are at variance over the meaning of the words "cabinet collections," some construing them one way and some another, but both resolutely against the growth of the necessary art museums.

As regards the misfortunes which arise under the present system, I will only cite one instance, that of Mrs. Coles, the munificent donor of so many rare and valuable objects of art to the Metropolitan Museum of New York and the proposed New Episcopal Cathedral in that city. I mention this fact to prove that she was not only disposed to give, but was in the habit of giving.

The past summer while in Europe I saw a magnificent set of tapestried furniture, which was made at the Gobelins for Louis XIV. It is superb, and there are none finer. In the European museums it would either be under cover or railed off, so that the casual visitor might not even temporarily use it. I prevailed upon the owner to send it out here, as I believed Mrs. Coles would buy it and present it to the Metropolitan Museum. He consented only when I gave him a bond to protect him from loss or damage. The price was \$25,000 for one sofa and six chairs, and you can imagine something from this of its wonderful richness and beauty. The framework is of no real value and serves only to keep the tapestries taut and thus exhibit their marvelous art merits to greater advantage. After they had started I received a cablegram informing me that they would probably be refused entry free of duty, because of the diversity of opinions amongst the interpreters of your laws of what was really meant by the words "cabinet collections." This I naturally thought extraordinary, as for nearly one year since the passage of the McKinley bill objects of antique art had been classified and admitted free of duty, and without a note of warning or premonition all the precedents thus established were overthrown and a ruling adopted so at variance with its predecessors that every collector and importer of antique art was at sea. I certainly should not have tried to secure these superb tapestries for the museum had I dreamed of any difficulty in getting them in free of duty, as I could not conscientiously counsel any one to pay a duty of 50 per cent upon any donation, no matter how important artistically.

In my distress, I appealed to the Assistant Secretary of the Treasury, and, by his kind and helpful assistance, arrangements were made to permit Mrs. Coles to see these tapestries; but it took so long a time to fulfill all the requirements of your laws that Mrs. Coles took pneumonia and died before she had the chance of seeing them, although they had been in this country over four months; and thus the Metropolitan Museum of Art has missed this royal gift, this magnificent set of tapestried furniture, the like of which is not seen, except in the grandest of the European museums.

Practically, all the really notable works of art imported into this country ultimately find their permanent resting place in our museums, where they belong to the public and where they will be a never ending source of education and culture. So that which you condemn because it is bought for personal gratification becomes a public benefaction.

Mr. BRYAN. It seems that the revenue derived now, at 15 per cent, is greater than under the 30 per cent duty.

Mr. COCHRAN. That is almost invariably the case.

Mr. BRYAN. I think twice as much in value has been imported.

Miss KATE FIELD. Mr. Chairman and gentlemen of the committee,

within six months I have crossed this Continent one and a half times. I have held free art meetings in Rochester, Chicago, St. Louis, Minneapolis, St. Paul, Omaha, Salt Lake City, Denver, Colorado Springs, and San Francisco. The West wants free art. It is Western money that pays the lion's share of this National Art Congress and National Loan Exhibition, which you should all visit if you would realize how little American artists need protection. The press is unanimous almost in advocating our cause. As the representative of one-half of the National Art Association I give you fair warning that, being both woman and editor, I shall make your lives a burden until you make art free.

Mr. BIERSTADT. We want to express on behalf of the artists of this country our thanks to the committee for its kindness in giving us this hearing to-day.

[WITH 7-13-92]

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From.....DULUTH HERALD.....

Date.....Oct 10.....1891.

What Kate Field Thinks.

In Kate Field's Washington this week there is a "grape vine telephone" interview between the breezy woman who runs Washington, and Tom, excuse us, Mr. Thomas Lowry, on union between St. Paul and Minneapolis. In this Miss Field asks, and makes Mr. Lowry answer, as follows:

"Will such a conjunction affect Duluth?"

"Commanding the head of Lake Superior, Duluth has a manifest destiny of its own. In the natural course of events, West Superior and West Duluth must merge themselves in the older town and form a great city which will in no way interfere with us."

"Now I think of it, Philadelphia is less than 100 miles from New York, while Duluth is 156 miles from your twin cities. Philadelphia grows steadily despite the great metropolis near by."

"That's right. The fact that two such cities as Duluth and our own can be maintained within so small a radius, will give the world the best possible evidence of the great resources of this section. Don't start, but I can prove with the aid of a map that there is more fertility of soil, more good country tributary to these cities than to Chicago, St. Louis and Kansas City combined."

Kate Field has lately been visiting the home of Lowry, so she probably speaks by the wire.

W. Stephens



ackd July 27/92

Hartford Minn.
July 13 1892.

Great Northern P. & Co.,

St. Paul, Minn.

Is the Red River Valley Roller mill, at Fergus Falls for sale or rent or both. Is it for rent with privilege of buying at the expiration of say 3 to 5 years and what is the price and rent. I can give good reference as to honesty & ability. If you can give me a satisfactory answer I will go and look it over ^{last} of this month as it is the only time I have to get away
Yours, D. B. Schi, Hartford Minn.

GREAT NORTHERN RAILWAY LINE.

Telegram

Station, _____

189 [2]

Woodbury Merrill Patten & Woodbury
8 Exchange Place
Boston. Mass:

Your engine will not do the work.
It was tested with (300) Three Hundred
Dynamo. Held its air pressure. With
Seventy five (75) Amperes we had one
hundred and ten (110) Volts and one hun-
dred (100) revolutions. With one hundred
(100) Amperes, voltage fell to ninety (90)
and engine revolutions to eighty (80)
no use experimenting further.

Sent to office of Telegraph Coy @ 12 45
P.M. July 13th. 1892.

E.P.P.



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