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WEST VIRGINIA

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REPORT

PIERPONT STATUE COMMISSION

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1904

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CHARLESTON:  
THE TRIBUNE PRINTING Co.,  
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REPORT OF THE COMMISSION



CHARLESTON, WEST VIRGINIA, December 2, 1904.

HON. ALBERT B. WHITE, *Governor of West Virginia, Charleston:*

SIR:—In compliance with legislative requirements we herewith submit to you a Report relative to the work of the Pierpont Statue Commission constituted at the legislative session of 1901.

Very respectfully submitted,

JAS. F. BROWN,  
*Chairman.*

THOS. C. MILLER,  
*Secretary.*

# SENATE BILL NO. 96.

## Chapter 127.

AN ACT to provide for the presentation to Congress of a statute of Francis H. Pierpont, and making an appropriation to pay for same.

(Passed January 22, 1901, in effect ninety days after passage. Approved January 29, 1901.)

*Be it enacted by the Legislature of West Virginia:*

1. That the Governor, the President of the Senate and the Speaker of the House of Delegates, ex-officio, and James F. Brown, Clarence L. Smith, John Frew and Thomas C. Miller, shall constitute a commission to procure from a competent artist a statue, in marble, of the late Francis H. Pierpont, an eminent citizen of this commonwealth, to be erected in the Capitol at Washington, in pursuance of the laws of the United States; said presentation shall be made as a part of the contribution of the State of West Virginia to the National Gallery.

2. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay for said statue and its erection, as provided in section one of this act; and the auditor shall issue his warrant upon the treasurer for the price of such statue and its erection, not to exceed the sum aforesaid, when the said commission, or a majority of them, shall certify the price of such statue to him, and that the same has been erected as aforesaid.

3. The members of said commission shall serve without compensation.

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Acting under the provisions of the above Act five members of this Commission met at the call of the Governor, A. B. White, at the Capitol on May 2, 1901. Those present were Governor A. B. White, James F. Brown, Colonel C. L. Smith, Honorable W. G. Wilson and Thos. C. Miller. James F. Brown was chosen Chairman, and upon further motion Thos. C. Miller was chosen Secretary. Senate Bill number 96 relating to the work of the Commission was read and its terms considered and quite a time was spent in discussing the work proposed. Finally, upon motion of Colonel Smith, it was ordered that the Secretary communicate with the family and with the sculptor, Franklin Simmons, and other artists relative to securing a statue as provided for in the Act, and that he report such information as he may obtain to this Commission at a meeting to be held some time in June, 1901, or at such later period as may be named by the Chairman of the Commission.

The Secretary proceeded to carry out the instructions embodied in this resolution and communicated with the family of the late Francis H. Pierpont with reference to the proposed statue. Meanwhile the family, having heard very favorable reports concerning the artistic skill of Franklin Simmons, an American sculptor residing in Rome, Italy, but at that time visiting the United States, invited him to come to Pittsburg,

in order that they might have a consultation with him in reference to the execution of the work proposed. There being no mask or statue of the deceased it became necessary for the artist to make a model from photographs, clothing and general description, such as might be given him by those most intimately acquainted with the deceased. Without any authority from the Commission and only at the request of the family said Simmons proceeded to make a clay bust of the said decedent which when completed was the surprise and delight of all members of the family and of all who had known Governor Pierpont. Acting under the instruction of the Commission the Secretary reported back to that body the satisfactory completion of the bust with the recommendation that the contract for the execution of the statue be awarded to the said Franklin Simmons.

On account, however, of the death of Mr. Frew, a member of the Commission, and the serious illness of Colonel C. L. Smith, no quorum of the Commission was assembled until August 11, 1902, when a meeting was held at Parkersburg at which were present, Governor A. B. White, Gen. C. L. Smith, James F. Brown and Anthony Smith, and Thos. C. Miller, Esqr.,. At this meeting the minutes of the previous meeting were read and approved and the general question relating to the statue discussed. The Secretary, T. C. Miller, reported that he had visited Pittsburg on July 1, 1901, and that he considered the model executed by Franklin Simmons a most excellent and life-like reproduction of the form and features of the late Francis H. Pierpont. The Commission further listened to a statement from Mr. F. W. Pierpont, son of the deceased ex-Governor, who stated that all the members of the family were well pleased with the model prepared by the sculptor and that they very earnestly recommended that the contract be awarded him. Whereupon the following order was made:

The Secretary having reported as requested by the former meeting, and it appearing that a contract could be effected with Franklin Simmons, within the appropriation authorized by the act, and his ability having been favorably considered by the Commission, a contract in the following words and figures was approved, to-wit:

WHEREAS, the Legislature of West Virginia, by Chapter 127, Acts 1901, constituted the Governor, the President of the Senate, and Speaker of the House of Delegates, ex-officio, and James F. Brown, Clarence L. Smith, John Frew, and Thomas C. Miller, a Commission to procure a statue in marble of the late Francis H. Pierpont, and have the same erected in the Capitol at Washington, in pursuance to the laws of the United States.

*This Writing Therefore Witnesseth:*—That Franklin Simmons, American sculptor, residing in Rome, Italy, party of the first part, and Governor A. B. White, W. G. Wilson, A. Smith, James F. Brown, Clarence L. Smith, John Frew, and Thomas C. Miller, members of the Commission aforesaid, acting in pursuance of said Act, and on behalf of the State, parties of the second part, have this day entered into the following contract, to-wit:

The said Franklin Simmons agrees to furnish, design, model and execute in the finest quality of statuary marble, a statue of the late Gov. Francis H. Pierpont, to be not less than seven feet high, in the costume of the period in which he lived, and to be in all respects a faithful likeness of the said Pierpont, and to furnish therewith a suitable pedestal of marble or granite, as the sculptor may elect, not less than three feet six inches in height, and deliver to, and erect the same in the United States Capitol at Washington, D. C., at his own expense.. The said statue and pedestal, when so erected in said Capitol, to be in all respects free from injury, stain, scale or in any way defaced.

In consideration of the faithful performance of the above conditions and stipulations, by the party of the first part, the party of the second part agrees to pay to said Franklin Simmons, in the manner and out of the money provided in said Chapter 127 Acts 1901, such sum as may be agreed upon between them and him, not to exceed the sum of five thousand dollars. It being understood that the parties of the second part are acting for and on behalf of the State, and not as individuals, the said Simmons agreeing to look to the State alone for his pay. It is further expressly agreed that the design and model shall be submitted to and approved by the parties of the second part before the statue is executed, and that no part of the consideration above named shall be paid to the said Simmons until said statue is erected in said Capitol building at such point as may be designated, and such statue approved and accepted by the parties of the second part.

Witness the following signatures this 11th day of Aug. 1902.

(Signed)

J. F. BROWN, *Chairman,*  
THOS. C. MILLER, *Secretary,*  
C. L. SMITH,  
ANTHONY SMITH,  
ALBERT B. WHITE,

*Commission.*

(Signed) FRANKLIN SIMMONS.

Thereupon the members of the Commission present in pursuance of said approval signed said agreement in duplicate on the part of the Commission and authorized and requested the Secretary to communicate with Mr. Simmons, the sculptor, and upon his acceptance of the same and its execution by him to deliver to him one of said duplicate contracts, retaining the other for the Commission.

The contracts were then duly forwarded to Franklin Simmons at Rome, both signed by him and one of them returned to the Commission.

The sculptor then proceeded to finish his clay model and to execute the design. A beautiful piece of marble was chosen and work proceeded satisfactorily until the fall of 1903, when the sculptor reported that the statue would be completed and erected in the Capitol at Washington before December 31, 1903. On November 29, 1903, the statue was placed on its pedestal in Statuary Hall in the Capitol at Washington without flaw or marring of any kind. The new statue soon attracted a good deal



of attention and was considered by competent critics to be a very fine piece of work. Again it was some time before a majority of the Commission could get together, but in order to prevent the lapsing of the appropriation of five thousand dollars the following warrant was issued on the Auditor and honored by him:

CHARLESTON, W. VA., Feb. 19, 1904.

*To the Auditor of the State of West Virginia:*

Please issue your warrant on the Treasurer for a check for Five Thousand Dollars (\$5,000.) payable to Albert B. White, Governor, out of the appropriation made by the Legislature by an Act passed Jan. 22, 1901, providing for the erection of a marble statue of the late Francis H. Pierpont in the Capitol at Washington, said statue having been placed in position by the sculptor, Franklin Simmons, and his work approved by this Commission.

By order of the Commission,  
(Signed)

J. F. BROWN, *Chairman,*

THOS. C. MILLER, *Secretary.*

The above requisition, of which this is a copy, was made on Feb. 19, 1904, and a check issued payable to Gov. A. B. White, which check was deposited in the Citizens National Bank of Charleston, and a check given to Thos. C. Miller, Secretary, by Gov. White in favor of Franklin Simmons, sculptor, said check to be forwarded to Mr. Simmons as soon as contract is accepted by the Commission.

THOS. C. MILLER,  
*Secretary.*

The money was drawn from the State Treasury, was by Governor White deposited in the Citizens National Bank of Charleston and a check for the sum of five thousand dollars issued in favor of Franklin Simmons, payment in full of the statue, said check to be retained by the Secretary until the statue was accepted by the Commission.

Finally on October 5, 1904, a majority of the Commission having visited Washington and being well pleased with the statue erected by Sculptor Simmons, said statue was formally accepted on behalf of the State and it was ordered that the appropriation of five thousand dollars made by the Legislature for this purpose be forwarded to Mr. Franklin Simmons, at that time on a visit to America, his postoffice address being Portland, Maine. The check, therefore, that had been issued in his favor was forwarded to him, receipt of which was duly acknowledged in the following communication:

\$5,000.00

Received from the State of West Virginia the sum of five thousand dollars, the same being payment in full for the statue of Governor Pierpont in marble, including pedestal for the same, delivered in the U. S. Capitol Washington, D. C.

FRANKLIN SIMMONS.

Boston, Oct. 9th, 1904.

Up to this time no formal presentation of the statue has been made to Congress, the Commission having deferred largely to the preferences of the family in this respect, but our Senators and Representatives who have been much interested in the movement to place this statue in the Hall at Washington, have suggested a formal presentation some time before the close of the present Congress, probably in January or February, 1905.

It is not out of place to state here that the appropriation of five thousand dollars made by the State was insufficient to obtain such a piece of work as was desirable. By special agreement, therefore, relatives and friends of the deceased, Francis H. Pierpont have contributed to the amount of three thousand dollars for the erection of said statue.

Trusting that the work of the Commission will be approved by your Honorable body, we are, in behalf of the Commission,

Very respectfully yours,

J. F. BROWN, *Chairman.*

THOS. C. MILLER, *Secretary.*



