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THE New York *Evening Post* has an excellent editorial on the employment of experts in court, called forth by the inaugural address of President Wolcott Gibbs before the National Academy of Sciences, in which Professor Gibbs calls attention to the great and increasing necessity of proper regulation of scientific expert testimony. The editorial says, very truly, that, under the present system, experts are practically retained by the sides to the controversy in which their opinion is desired, and that their testimony is very apt to be so contradictory as to bring discredit on their science, as well as on them; and it adds that the best of the scientific men shrink, in consequence, from appearing as expert witnesses, so that the business of giving expert testimony before the courts has "in only too many cases," fallen into the hands either of "genuine scientific men, who are not embarrassed by too much delicacy, who find the employment profitable, and who take it up as a business," or of "men who have some scientific education, but no reputation," "chemists who are in fact discharged apothecaries' clerks, alienists who are really doctors without patients, mechanical engineers who have just graduated from a scientific school; here and there a really able man ruined by drink or cards." These individuals, according to the *Evening Post*, go about soliciting employment, and although they "do not get a great deal of work," "here and there they will get a fat fee for helping to send a sane man to an asylum" or "for assistance in breaking a will."

ALTHOUGH we do not dispute the existence of these detectable men of science, we are inclined to think that they do not play a very large part in judicial investigations, and that the *Evening Post* overlooks some of the real reasons why expert testimony is usually so unsatisfactory to the witnesses and the public. That expert witnesses are employed by one of the parties to the controversy is indisputable, since our system of jurisprudence provides no other way in which they can be employed; but that, in return for their fee, however large it may be, they, as a rule, make any statements, or express any opinions, that do not seem to them perfectly impartial, we do not believe, and we have had a tolerably extended experience in such matters. The real reason why the expert witnesses on the different sides of a case in court make such contradictory statements is, to put it plainly, that they have been purposely misled by the counsel. It is a maxim among lawyers never to put a witness on the stand without knowing what he is going to say, and the expert, whose testimony is particularly important, is, directly or indirectly, prepared for the witness-stand with special care. Lawyers often show extraordinary tact in managing such witnesses. If, by an artful description of the circumstances, perhaps with judicious suppression of some of them, they can excite the expert's sympathy for their cause, they are sure of blinding him to some extent to the merits of the other man's case, and this is likely to be the first manoeuvre in the game. The next is often the presentation of hypothetical conditions, bearing so close a

resemblance to the actual conditions that the expert, who supposes them to represent the case accurately, and bases his opinion on them, repeats the same opinion in court, without noticing the difference between the hypothesis on which it is founded and the facts. Indeed, the experts often hear nothing of the other testimony, and are, when they are put on the witness-stand, quite ignorant of any of the facts of the case except those which have been imparted to them, probably with more or less added color, by the counsel for the side which employs them. It is always difficult, and often impossible, for a scientific man, accustomed to keen observation and accurate statement, to make deductions of any value from such premises, and the lawyers, who, if they should by any chance comprehend his answers, will pretend to misunderstand them, if they are unfavorable to their case, in order to create confusion in the minds of the jury, do little to clear up the matter. We remember a case in which an architect was employed to testify on the side of the defendant. According to the story told by counsel, he had been hardly used, and the architect was quite willing to agree with him that the plaintiff's claims were unreasonable and unjust. The plaintiff's testimony, however, which the architect happened to hear first, showed the existence of facts which an expert could interpret only in one way, and a brief conference with the defendant's counsel resulted in the release of the architect from the case. We are quite sure that this is a common experience with experts—much more common than the attempts described by the *Evening Post* to earn fees by prejudiced or insincere testimony, and, in our opinion, nearly all the discordance of expert testimony in technical cases is due to the perversion of the facts presented to the expert outside of the court-room. We do not say that this perversion is always, or even generally, intentional on the part of counsel; but it is evident that a lawyer cannot observe or connect technical conditions in the way that an expert does, and his account of them almost inevitably gives a false impression, whether he wishes it or not. We once told a Court, after enduring a cross-examination in regard to our inferences from a long stenographic report of previous general testimony, that an expert was as necessary to observe facts as to draw inferences from them; and we are of the same opinion still. To get expert testimony of real value, the witnesses should make their own examinations, so far as possible. Evidently, an examination of this sort cannot easily be made, if either party opposes it, by the witnesses of the other party, and it is not uncommon for application to be made to the Court for an order, to compel the admission of experts to view the subject-matter of the dispute; but it would be infinitely better to have all the experts summoned by the Court, and clothed with power to make just such investigations as seem to them requisite, without depending upon the grudging permission of either party. This is the French way, and, in France, the expert, after making the examination, reports in writing to the Court, without knowing or caring, in most cases, how his report will affect the interests of the parties. Such a report is, obviously, of far higher value as evidence than the contradictory opinions of a dozen partisan witnesses, imperfectly acquainted with the facts, and intentionally misled by counsel; and it is very much cheaper; as, in France, the Court rarely sends more than one or two experts, and the cost of their services is included, at a stated rate, in the costs of the case.

THE Superintendent of Buildings for New York, Mr. Stevenson Constable, appears to be "under fire," as the politicians say. Not only has there been a mild demonstration of architects against him, for his alleged delay in examining plans, but the Central Labor Union has seen fit to bring "charges" against him for allowing improper material to be used in a certain building, and for employing boys as inspectors. Probably no one who understands the necessities of labor leaders views their opinion on any subject as being wholly disinterested, and in this case the "charges," which Mr. Constable meets by saying simply that his Department had already applied to the courts for an injunction to stop the work on the building in question, and that the "boy inspectors" in the Department were chosen under the Civil Service rules from candidates who were certified to have had ten years' experience, are shown to have had a purpose by the official statement of the work of the Department during the first six months of the present year, in which the reason for

the desire of a certain class of builders and real-estate owners to get rid of Mr. Constable are clearly evident. From this statement, which is compared with the records of the Department during the first six months of 1894, the last year of the old régime, it appears that about three times as many unsafe buildings have been examined and reported upon this year as in a corresponding period under the easy-going old system; nearly four times as many notices have been issued to owners, the numbers standing at about seven thousand in the first half of 1894, and nearly twenty-eight thousand this year; fifteen hundred and seventy-seven unsafe buildings have this year been taken down or made safe, against six hundred and three in the first six months of 1894; seven hundred and fifty-seven defective passenger elevators have been reported, against fifty-four in 1894, and six hundred and seventy-one have been made safe, against forty-nine in 1894. Besides all this, nearly ninety-one thousand examinations of iron and steel have been made so far this year, as compared with virtually none in 1894, the examinations of structural metal under the old system not having been considered of sufficient consequence to be recorded.

IT is obvious that the people who get a living by making cast-iron columns out of a mixture of metal and dirt, and compound structural steel members out of short pieces welded together, or attract tenants by putting in a cheap freight machine, and calling it a passenger-elevator, find inspectors and superintendents who persist in this sort of inquisition absolutely unendurable, and it was certain, from the time that Mr. Constable began to show how he understood that his office should be administered, that before long a concerted attempt would be made to force him out of it. What the next move will be in the struggle between selfish interests and the public safety it would be hard to predict, but, whatever may happen, the architects should stand firmly by Mr. Constable in his present difficulties. All experienced members of the profession will agree that an efficient and honest administration of the building-laws is an invaluable aid to decent professional practice, while a loose and slipshod administration encourages the ignorant and dishonest architects, at the expense of the honorable ones. Many a so-called architect, without skill or character, gets a good living in cities where the building-laws are carelessly or corruptly administered, solely through his reputation for "influence" with the Building Department, that is, for his ability to save money to his employers by violating the building-laws, concealing the violation by the trick of changing the plans after they have been approved, or by direct or indirect bribery of the inspector, or by some other discreditable means; and the work that these men do is just so much taken out of the hands of the decent architects, who, as the owners know, will not under any circumstances be guilty of such proceedings. Where the administration of the law is efficient and honest, the changers of plans and bribers of inspectors have little scope for their peculiar talents, and owners, finding that they cannot save any money by tacitly conspiring to violate the law with people who have no scruples about serving them in that way, conclude that their best policy is to put their affairs into the hands of architects whose conscientiousness cannot be questioned.

ARCHITECTS who practise in New York will do well to note that the fee demanded by the city for the use of space under sidewalks for vaults has been raised from seventy-five cents a square foot, the figure at which it has remained for many years, to two dollars. The use of such vaults is now so widely extended that, as the Assistant Commissioner of Public Works says, the city ought to get a larger income for them, and he has accordingly bethought himself of the plan of raising the price to the limit allowed by law. With the wide sidewalks common in New York, the extra cost of a vault in front of a large store will be a very appreciable item, and architects will need more than ever to ascertain their clients' wishes in the matter before laying out their plans.

AN interesting case has come up for the New York courts to settle. Fourteen years ago, the Commissioner of Public Works of New York granted permission to a certain Safe Deposit Company to build vaults under the street adjoining its building, on the corner of Fifth Avenue and Forty-second Street. The vaults were built, and, as it appears, now come in the way of a new water-main which the city is laying

through Fifth Avenue. Naturally, the Safe Deposit Company does not wish to have its vaults interfered with, and the city does not like to have to divert its water-main, or to pay the company the value of its vaults. As the vaults are there, and the company can show the permission of the Commissioner to place them there, it would seem as if it had the best of the controversy, but the city claims that the Commissioner had no authority to give such permission, and will try to prove this in court. As we have often pointed out, the powers of public officers are limited by law, and any person who puts faith in their promises or agreements on behalf of the public body which they represent, without ascertaining whether they are legally authorized to bind that body by such promises or agreements, does so at his peril; so that it is by no means impossible that the company may be obliged to give up its vaults. It must, however, be said that the doctrine of the lack of authority of the Commissioner of Public Works over the space under the streets will strike architects as new. The City of New York has always assumed a control over the space under sidewalks and streets resembling private ownership, charging an arbitrary price per square foot for the use of such space, just as a private owner would sell a strip of adjoining land, reserving the right of passage over it. Although, as a rule, sidewalk vaults extend only to the curb, there are many in the lower part of the city which extend beyond the curb, and if the Commissioner, in 1882, simply followed a long-standing precedent in granting the use, in consideration of a payment of money, of space under the street, it is difficult to see how the city can now effectively repudiate his action.

THE *Engineering Record* is quite unhappy because the City of Brooklyn has, by advertisement, invited engineers to submit plans for a drawbridge over Newtown Creek, including calculations of weights and so on, reserving the right to reject all the plans, and promising nothing definite in the way of employment or reward for the author of the best one. The *Engineering Record* thinks this is conduct quite unworthy of the City of Brooklyn, and hopes that no engineer will take any notice of the invitation. It is hardly necessary to say that we sympathize entirely with these sentiments, but one cannot help being a little amused at the dismay with which engineers view the sort of treatment which architects have had to put up with almost everywhere, until very recently. To the *Engineering Record* it seems incredible that the city authorities should expect competent engineers to go to the trouble and expense of testing the ground, and making their calculations, and devising a scheme for a costly drawbridge, in return for the bare possibility of being employed to carry out their plans; yet this is just what county commissioners, and the officials of second-rate towns, still imagine to be the ordinary occupation of architects. In regard to the latter, they are becoming gradually enlightened, through the repeated refusals of the decent members of the profession to engage in any such speculations, and the engineers will do well to reject invitations of this sort unanimously and decidedly at the outset, in order that they may not be led, through a want of resolution at the start, into the slough of disappointment and deception from which architects, after many years of suffering, are now slowly extricating themselves.

THE competitions for the two palaces in the Champs-Élysées, for the Paris Exposition of 1900, have been concluded, with the result that a large number of prizes have been awarded, but none of the designs will be carried out without change. Instead of adopting any of the designs, nearly all the architects who received prizes in the competitions have been employed to coöperate in the execution of the work, under the general direction of M. Bouvard, the Architect-in-Chief to the Exposition. This arrangement appears to be a French adaptation of the plan pursued at Chicago, of committing the building work to a considerable number of first-rate architects, under the general direction of a competent chief; and if the result in Paris is half as successful as it was at Chicago, the artistic world will have reason to rejoice. It is worthy of notice that seven or eight designs were thrown out of the competition, because they exceeded the limits prescribed; and of the authors of these plans, some of whom have a high reputation, only one appears in the list of those to be employed as assistants, the French having a distaste for carelessness in such vital matters which might with advantage be imitated elsewhere.

GERMAN CASTLES.¹—VIII.

THE PALACE.

IN the preceding descriptions of the main types of German castles, the general aspect of the exterior of palaces was dwelt upon. A word now in more detail as to the various conspicuous parts and members of façades. One of these, at least, may be pronounced preëminently German, as it appears in the architecture of this country in more variety, and with greater persistency and ubiquity than it does elsewhere.

This prominent feature is the gable. As every illustrated history of German architecture gives numerous specimens of it, I have chosen for an example the new restorations on the Royal Castle in Dresden (Fig. 55) which, being but just completed, have not yet found their way into many publications.

The position and style of these Dresden castle gables, as it will be observed, are late Renaissance. The gables of mediæval castles are found on the ends of buildings or in the form of small roof gables, containing not more than a single window or two, as in Burg Enn, Figure 56. The gables of the elder seat of the Saxon princes, the Albrechtsburg in Meissen, which is a work of the transition period between Gothic and Renaissance (1470-1525), resemble hall dormers, two stories in height: for there are but two windows embraced within the roof projection, one large painted window below, and a small rectangular one above. Prominent, large gables, placed as is the case in the Dresden castle, in the middle of the broad side of a palace, accompanied by companion gables at the ends of the roof, are one of the latest fashions of the sixteenth century in Germany which was resorted to after every other combination and placement of this darling motif had been tried. In another Saxon palace, the stair-tower itself which occupies the middle space of the court façade, was crowned successfully by a storied gable, (*vid.* Illustrations, Fig. 57 Schloss Hartenfels). For a space of three hundred years or more, in fact, or from the fifteenth to the eighteenth century, gables were seldom wanting in a palace front or ends, and their number and diversity throughout the country is a matter of recurring interest to every student. Not all the most picturesque and beautiful examples are to be found in Lübke and Dohme and the other popular illustrated works on German architecture, and the traveller, in consequence, is apt to have

are other single parts which boast likewise of unusual embellishment, if the structure dates from the Renaissance—for the burgs of mediæval construction, which still survive, are mostly quite plain; they charm the eye through the picturesqueness of their sites and the irregularity of their roof lines. Eighteenth-century palaces, on the other hand, are distinguished by not having a few parts merely decorated, and the rest left crudely massive, as was the case in the seventeenth century, but by the distribution of ornamentation over the whole of the façades. While as for modern palaces, they are generally copies of old ones or combinations of old styles.

Turrets, while somewhat more rarely found than gables in rural castles in Germany, come next to gables in frequency in old town castles. In country castles they hang high aloft on the corners of the roof, on towers (see Burg Enn, Fig. 56 and Fig. 58, Schloss Neuenstein), or on the ends of the palace (Fig. 59 turret windows of the Schloss Hartenfels). In city castles they serve more the purpose of bay-windows, and their situation is favorable for overlooking the populous streets; whereas the lofty post of the country turret is that of a lonely outlook. The one speaks of watching; the other of trivial peering. And of course the oldest site is that which answered to the earnest need of castle-dwellers, not to one of their frivolous occupations. Yet, while this disposition of turrets is true in the main, so true as to be striking, and being capable almost of serving as a rule; still, it is equally true that you find turrets occa-

sionally quite differently disposed, as the lofty adjuncts of town palaces, for instance, while the low ones form the adjuncts of country castles. Occasionally they project from the middle of buildings, and, indeed, almost anywhere. A glance at Figure 55, the Royal Castle in Dresden, will show a small turret on the ground, jammed in between the old (plain) portion of the palace façade and the new restored wing.

Staircase-towers are frequently so small as to come under the designation of towerlets. In Neuenstein, near Oehringen, an ancient seat of the princes of Hohenlohe (Figure 58), there are turrets flanking the portal of the palace, and newel-staircase towerlets in five or six other different parts of the building. The like disposition of these miniature towers, most of which are built half in and half out of the wall, is not rare in old seats. When in the course of the development of construction, flanking door-turrets were with-



Fig. 55. New Facade of Royal Castle, Dresden.

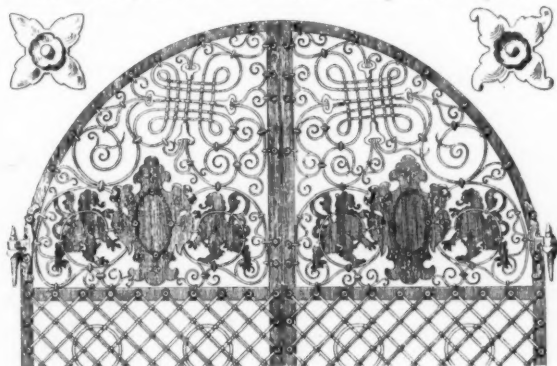


Fig. 63. Grille at Foot of Stair-tower, Schloss Hartenfels.

no thrilling pleasure so often as the coming upon unknown specimens of gables of uncommon fancifulness or merit in design.

Gables compose the chief decoration of the palace façades of a majority of the castles in Germany; but only the chief ones. There

¹ Continued from No. 1060, page 28.

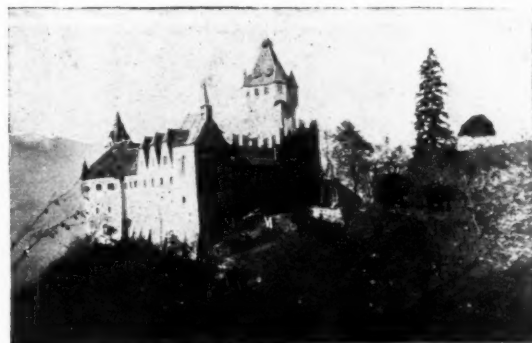


Fig. 56. Burg Enn, showing early Form of Gable.

drawn within the palace, they served as the original form of the two-fold, right and left hand, stairways.

The frequency of the other little newel-staircase turrets suggested, in their turn, the adoption of step connections between rooms lying one above another, which is so very frequent down to this day, in