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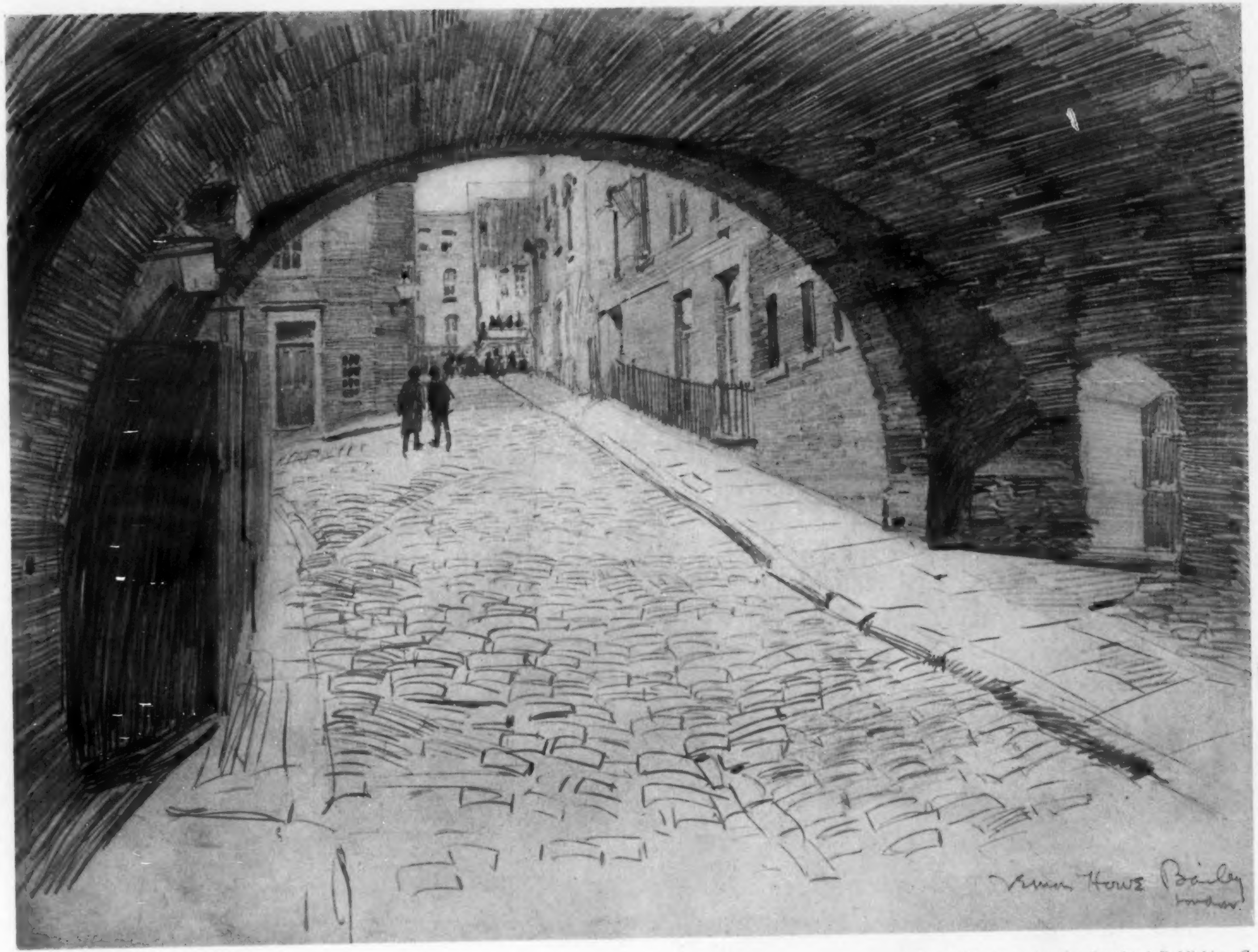

From the original sketch by Vernon Howe Bailey.

ADELPHI ARCHES, THE STRAND, LONDON.

Vernon Howe Bailey Series, No. 6.

THE AMERICAN ARCHITECT

Vol. XCVII WEDNESDAY, MAY 4, 1910 No. 1793

PALACE OF ASHUR-BANI-PAL, AT KUYUNJIK, ON THE SITE OF ANCIENT NINEVEH, THE CAPITAL OF ASSYRIA—PANEL IN LOW RELIEF, REPRESENTING THE KING AND QUEEN BANQUETING IN THE GARDEN FROM THE ORIGINAL IN THE BRITISH MUSEUM

THE ORIGIN AND DEVELOPMENT OF FURNITURE*

PART I

FURNITURE nowadays means the movable objects, necessary and more or less ornamental, that must be put into an empty room before the room can be used; its derivation from the Old High German *frumjan*, meaning to supply, to satisfy, is clear.

An ever-increasing gentleness in living caused the making of furniture at a very early day in human history, and this furniture was naturally affected by the kind and amount of wood available (wood being the material most easily worked), by the tools for shaping it and the skill of the artisan.

The story of furniture begins with Egypt. Although first of all the nations to emerge from the barbarous state its handiwork has endured the longest. The dry climate has so marvelously preserved even such a perishable substance as wood that we have more actual remains of Egyptian than of the furniture of the later nations of antiquity. This furniture indicates a love of comfort, a sense of beauty far exceeding that shown in their architecture and their decoration, and good tools of the sort that woodwork requires—chisels, mallets, saws, awls, adzes and lathes. Rails and legs are turned with a nicety that we are too apt to think of as belonging exclusively to the Renaissance days; and the parts are held together by the mortise holes and tenons that we associate with the oak days of England. In short, the furniture that came into existence by the side of the ancient Nile fills us with wonder.

When authentic history begins in Egypt, about four thousand years before Christ, it shows us an empire already far advanced in civilization and art. From then until the Persian Conquest in 525 B. C., this civilization and art remain practically immobile, almost uniform in character. Two centuries later came the Great Alexander, and then the Romans, and next the Arabs, and the Turks and the French and the English; and though during all these centuries Egypt was influencing these other nations, giving them the splendid sphinx to reproduce and the graceful lotus and papyrus designs, Egypt itself accepted nothing in exchange. Her conventions and formulas hardly deviated even after coming in contact with the superb art of Greece.

Early peoples may be divided into those who sat cross-legged on the floor and those who sat on raised seats. The minute a race found it necessary to rest the trunk of the body on a higher level than that which supported the feet, every other domestic object such

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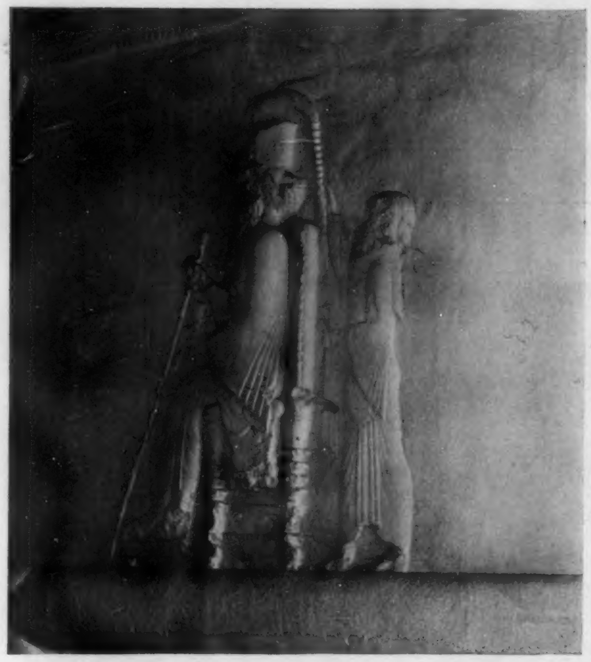


PORTRAIT OF PERSIAN KING XERXES, FIFTH CENTURY, B. C.
FROM THE PLASTER CAST IN THE METROPOLITAN MUSEUM

as the bed, couch, and dining table had to correspond in height. To take a modern example, a Japanese lady, wishing to write a letter, will seat herself on the floor and call for her desk, a small lacquered affair weighing only a pound or two, which will be set in her lap; a European or an American lady will sit on a chair, eighteen inches above the floor, before her desk, a large piece of furniture almost three feet in height and broad and deep in proportion.

Fortunately for those for whom furniture has a special interest, the Egyptians sat on chairs, instead of cross-legged on the floor.

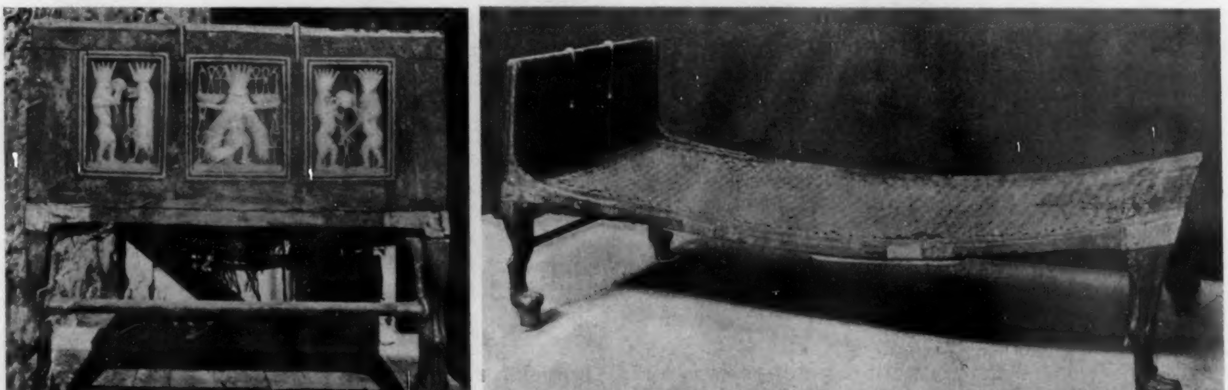
Egyptian paintings and bas-reliefs of hoary antiquity show us chairs, stools, couches, high tables and musical instruments whose performers must have sat on chairs; and all these in their main form have been the type used ever since by other peoples. The interior of an Egyptian house is supposed to have contained an abundance of chairs with or without backs, tables of different form, folding seats, foot-stools, consoles upon which vases of flowers were placed, and cabinets for locking up treasures.

Wood being plentiful (for the tree-feeding camel was not yet introduced) was naturally the first material employed by the early Egyptian as well as by other infant nations. Not only did they use it for their furniture, but for their architecture; and although even the amazingly dry climate of Egypt has failed to preserve us a wooden house built six thousand years ago, still there are wooden sarcophagi that are miniature wooden houses.

Another significant fact is the employment in Egyptian, as later on in Greek, stonework of methods and forms peculiar to timber construction. Moreover, there frequently occurs in early representations an important individual with an axe. This is the "Royal Axe Man" or Royal Architect, whose name endures in inscriptions long after the general use of stone for building has made his badge of office meaningless. Timber work was of gigantic scale if we are to judge by those funeral chambers sunk in the ground, ranging from nine hundred feet square to three hundred, and entirely built of massive beams and planks. The great temple gates were also of wood, those at Karnak being sixty feet high by fifteen feet wide.

A variety of woods was known to the Egyptians—sycamore (of which some finely carved panels have been found), acacia, palm and tamarisk were the chief native woods and cedar and ebony were largely imported. Much of the furniture is decorated all over in the usual vivid colors, often juxtaposed with scant taste. Besides being painted, furniture was gilded, carved, inlaid with finer woods, with ivory and metal, and with colored glass, all worked with a technical facility that has never been surpassed. The sharp contrast formed by inlaying ebony with ivory was a favorite.

Stools without backs, with seats of wood, hide, or rushes, with legs that were square, turned, or in the shape of lions' legs, were the earliest seats used. Folding stools and workmen's stools consisting of a flat block with three or four legs (splayed) have been found.



BED AND DETAIL OF HEADBOARD. FROM TOMB OF IOUIYA, 3300 B. C. CAIRO MUSEUM

CHAIR OF PRINCESS SAT-AMEN, GRANDDAUGHTER OF IOUIYA, 3300 B.C. (CAIRO MUSEUM)

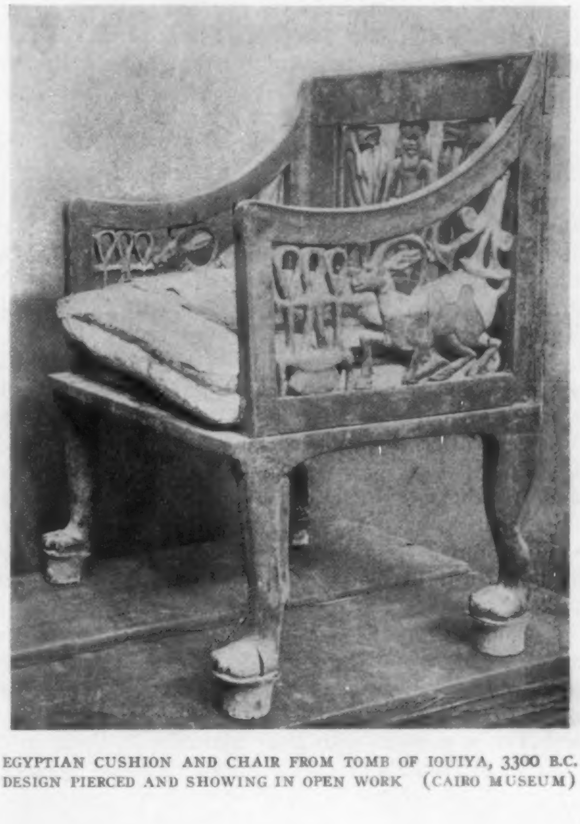
When the stool grew into a chair the back was at first straight and uncomfortable but later was made to slope to suit the body. The couch was the same as the seat, elongated; when thickly covered with cushions it served as a bed. Animals' legs or upright sphinxes invariably supported the couches.

Wooden chests sometimes of rough cedar ornamented with bands of gold leaf, plain or figured; small caskets with sloping lids richly painted; the same form mounted on slender legs and used apparently as embroidery tables may be seen in museums. Boxes, a mortuary accessory, have been found by hundreds. They are divided into two compartments to receive the canopic jars in which the embalmer placed the viscera of the dead or to hold the *ushapti* figures or models of the slaves who would attend to his wants in the future life. Such boxes look for all the world like a miniature of the wardrobe such as came into vogue in Europe more than three thousand years later. The lids of these canopic boxes turn on pegs fitting in sockets, and are fastened by the simple device of looping a string from a knob carved (not glued) on the lid across to a similar projection on the body of the box.

The most remarkable "find" of furniture by explorers, and the one that threw the greatest light on the probable aspect of an Egyptian home, was that of our own Theodore M. Davis, who has long devoted his fortune to researches in the interests of the Cairo Museum. It was well known that the New or Theban Empire from 1525 B. C. to the Persian Conquest, being the most brilliant in Egyptian history, was the richest period for furniture; and Mr. Davis' discovery in the Valley of the Kings opposite Thebes, happened to be the Tomb of Iouiya and Touiyou, parents-in-law of Amenophes III, the great builder of Thebes. The king's parents-in-law were not themselves of royal blood and though their daughter, the fair Tiyi, had become queen they remained, to use a paradox, simple aristocrats. Their furniture, therefore, may reasonably be supposed to have been that of any other noble family; and as it is the only tomb found intact (save for the jewels robbed from the bodies three thousand years ago) the contents suggest what vast quantities of equally beautiful objects must have been unearthed and destroyed in the centuries when Egyptian tombs were the property of any band of natives or nomads who could find them.

It was in February, 1905, that Mr. Davis came upon the tomb, "every foot of the chamber," in his own words, "being filled with objects that were brilliant with gold." There were wooden caskets enamelled and inlaid, and beds whose headpieces were white with ivory; three chairs, on the seat of one a leather cushion stuffed with feathers; a delicate embroidery stand; a wooden sledge on runners, in which the casket of Iouiya had been dragged to the tomb; a crimson-wheeled chariot with pole and yoke and covered in front with stamped and gilded leather; a ventilated trunk or provision basket, such as to-day a cat would be put in for a journey; silver mummy cases, alabaster vases, etc., and all resurrected in such excellent condition that they seemed to mock the thirty-three hundred years that had passed over the valley since their entombment.

As individual specimens the three chairs have most interest for the lover of furniture. They are amazingly modern; amazingly solid in construction; amaz-



EGYPTIAN CUSHION AND CHAIR FROM TOMB OF IOUIYA, 3300 B.C. DESIGN PIERCED AND SHOWING IN OPEN WORK (CAIRO MUSEUM)

FOLDING STOOL OF INLAID WOOD. FROM THEBES, ANCIENT EGYPTIAN (IN THE BRITISH MUSEUM)

ingly clever in workmanship. The largest and most elaborate bears the name of the Princess Sat-Amen, daughter of Amenophes and Tiyi. The back and frame are of common wood veneered with a one-eighth inch thickness of walnut securely pinned down by small wooden pins. The arm slabs are solid walnut and contain, like the back, carved panels gilt; these slabs are finished on top by a projecting gilt moulding (curved in the growing) that sweeps from the top of the back to the front of the seat, where it terminates in a finely carved gilt bust that is pegged into the seat. An unusual bit of construction is the double back, which recalls somewhat the "Windsor" chair. The solid decorated back curves inward and downward to touch the seat some seven or eight inches inside of its rear edge; from this outer edge, middle and ends, rise three upright slats that touch the sloping back at its top, thus making the article practically unbreakable. Beneath this back, or backs, can be seen the angle pieces that were cut from wood with bent grain and applied to all pieces of furniture to keep the joints from racking. The solid walnut legs are the fore and hind legs of a lion pointing, as animals' legs always do in Egyptian furniture, all in the same direction, and resting on wedge-shaped blocks covered with silver foil. Between the two front and again between the two back legs are cross-bars rounded and gilded where they touch the legs.

Mr. Maspiro, official head of all explorations in Egypt, declared when this chair was carried out into the light that it was a finer specimen of "Empire" than France had ever produced in the Napoleonic days. Certainly it is a chef-d'œuvre in the way of furniture and full of suggestion to the cabinetmaker, who, like the scientist that builds up the entire skeleton of an extinct animal from the one rib found, may construct all the articles needed in a room to accord with this one unique specimen.

Considering how Egyptian art was in general restricted—how priestly regulations condemned it to certain archaic conventions that were against that freedom of expression that means beauty—the chairs of Iouiya and Touiyou seem, with their naturalness, their frank attempt to combine art and comfort, most *un*-Egyptian. In a land where every detail of daily existence pertained to the life of the hereafter, where naught but tombs and embalming and burial ceremonies and resurrection occupied the mind, we come suddenly on an evidence of that eternal human craving for such domestic surroundings as will make the sojourn in the present more comfortable and more beautiful. The thirty-three hundred years that have passed since the furniture was sealed up in its resting place seem to shrivel away, and we bow before that "touch of nature that makes the whole world kin."

Whether Egypt influenced the next child of civilization—Chaldea—or whether Chaldea influenced Egypt, is still argued. As to reliable dates, Alexander when he conquered Babylon, 331 B. C., found a series of astronomical observations for an unbroken period of nineteen hundred and three years, or back to 2234 B. C. Authentic Egyptian history antedates this only by the epoch of the Pyramid builders, 2430 B. C. At any rate, recent excavations in lower Chaldea of objects that were fashioned sometime between four thousand years and two thousand five hundred years before Christ, show no Egyptian characteristics, but reveal instead tendencies that are much more strongly marked in later Assyrian and Babylonian work. In fact, the art and architecture of the Tigris and Euphrates district is one continual development from the early Chaldean.

Chaldea is a territorial division in which flourished three great powers, the early Babylonian Kingdom at the head of the Persian Gulf, whose ambitious attempt after the Deluge to build a tower into Heaven is recorded in the Bible and corroborated by recent research. About the thirteenth century before Christ this monarchy became secondary to the newly arisen Assyrian, which with its center at Nineveh, remained until 625 B. C. the great imperial power of Western Asia.

STATUE OF THE ARCHITECT TO GUDEA, A KING OF BABYLON ABOUT 2500 B.C. IN THE LOUVRE

At this time Babylon made a successful revolt; the splendid palaces and temples of Nineveh were given to the flames. This later Babylonian Kingdom lasted eighty-seven years until the new conquering power of Persia which, just as the fearful handwriting on the palace wall had been interpreted to Belshazzar, came and took Babylon "amid revelries."

Unfortunately owing to a less propitious climate and the lack of sealed tombs, there exist very few actual examples of furniture from this region. But in the marvelous sculptures that have been recently discovered are many representations of familiar articles.

The earliest find in this Chaldean territory that shows a piece of furniture is the black basalt statue in the Louvre of the "architect with the rule," the date of which is given by Ragozin in his "Chaldea," as somewhere between four thousand years and three thousand years before Christ. The architect is the robust realistic figure that the later Assyrians always used—the opposite of the attenuated form that the Egyptians portrayed—and is seated on a solid chair. There are no indications of how this throne was put together.

The Assyrians, though the conquerors of the early Babylonians, were their pupils in the arts, and when we come almost two thousand years later to their records of furniture we see a royal throne which like that of the "architect" has no back; the frame of the seat projects and terminates in rams' heads and the legs are pinned by a beautiful cross-rail. Often the legs of chairs and tables end in the feet of the lion or the hoofs of the bull, and differ from similar ornaments used by the Egyptians in being turned away from each other in a symmetrical instead of a natural fashion. Sometimes the legs of the chair rest on the sacred pine cone, inverted, and which at first glance at the bas-reliefs seems like a pineapple. Chairs seem generally to have been built high enough to require the use of the foot-stool, like the seats of important personages of late Greece and Rome. Tables were like the thrones, but larger, and couches were elongated seats.

Every king built a palace to commemorate his reign. Those of Sennacherib and Asurbanipal at Nineveh (the modern Kuyunjik), and, most magnificent of all, that of Sargon at the suburb of Khorsobad, have been quite thoroughly excavated. They yielded miles of scenes in low relief, chiefly on alabaster, that furnished the most graphic information as to the life, manners, and costumes of the people. For the seeker for furniture one of the most valuable slabs is that of King Asurbanipal and his queen, feasting in a garden. The monarch is lounging on a couch, the head of which forms a sort of arm-rest by curving forward; and the queen, her feet on a foot-stool, is seated in an arm-chair (to whose proportions, however, we fear the sculptor has not done justice). Between them is a table holding food and behind the couch another table on which rests the King's bow and arrows. Birds are in or rather on the trees, and the feast has a special relish perhaps for the King because from a nearby tree hangs the head of his recently vanished enemy the King of the Elamites—a barbarous custom still followed in the East. The couch is the most ornamented piece shown, its legs and rails being carved with figures of human beings, lions and mouldings and scrolls.

Cedar was probably the wood used for this furniture, although in Nineveh, as in Egypt, rosewood, ebony, teak, and walnut were imported from India and from Europe.

The excavations of Babylon, with which city we always associate the name of Nebuchadnezzar, Conqueror of Jerusalem, have revealed but little furniture. But in the asphalt pavement a curious impression was discovered of a magnificent throne elaborately decorated with figures of men and animals, and which may have been the King's seat. In a palace that covered acres and that called forth Nebuchadnezzar's famous boast "Is not this great Babylon that I have built for the house of my Kingdom and for the honor of my majesty?" there must have been every piece of furniture that luxury could demand. In this very palace, whose ancient splendor Alexander was preparing to restore, he died. Thenceforth the dacay of the city was rapid. In many of the mounds where have been discovered bronze shields and bronze bulls' heads and other imperishable articles, quantities of charcoal have been found, as if a mighty conflagration had at some time disposed of all that was wood. But expeditions are still busy on the wonderful mounds that mark the ancient splendors of the Assyrian and the Babylonian capitals and some chamber as rich in furniture as that of Iouiya and Touiyou may be waiting to reward and startle the searchers.

Between the Persian Gulf and the Caspian Sea dwelt that hardy people whose great king, Cyrus (558 B. C.), extended their empire from the Indus to the Hellespont. Darius, next greatest of the Persian monarchs, attempted to add Greece, but was defeated on the plains of Marathon, 490 B. C. With the same ambition his son Xerxes raised the largest army the world had ever known, only to be vanquished. Thenceforth the political decadence of Persia was rapid and Alexander's conquest inevitable.

LETTERS TO A YOUNG DRAUGHTSMAN—ARCHITECTURAL DRAWING*

I promised that I would say something to you about actual architectural drawing. I mean that class of drawing which we call design, the drawing which results, or may result, in a building. You will often be reminded that such a drawing is only a means to an end, that the function of an architect is to reproduce not drawings but buildings, and that therefore mere skill in draughtsmanship is apt to be not only beside the mark but even an actual snare. Don't listen too much to this talk; there is a good deal of truth in it, truth of an unimportant and rather deceptive kind. You may depend upon it that there are few human occupations more beautiful, noble and harmless than that of architectural drawing. The joy in the actual process which we have noticed in other kinds of drawing is by no means absent here. But it is not of this I want to write now. The practice of architectural drawing—I say this without fear of contradiction—is the only true basis of architectural appreciation and architectural criticism. In other words, no man can

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* Mr. Paul Waterhouse, F. R. I. B. A., in the March issue of the Journal of the Royal Institute of British Architects.

enjoy the products of architecture, ancient or modern, without having at least some training in architectural drawing. You will answer at once that there are plenty of cultured amateurs, men and women, whose enjoyment of architecture is very full and very genuine, but who have never labored with tee-square and board. Your answer doesn't overthrow me in the least. There are in all ancient buildings a great many elements beside architecture, all of which are capable of arousing a perfectly worthy form of human intellectual interest. The cultured ladies of whom you are thinking will, Ruskin in hand, seize a day's enjoyment from the west front of Amiens; they will also, without Ruskin's aid, enjoy the dear little birds carved among the foliage of the capitals and the monks and devils beneath the stall seats. They will perhaps become enthusiasts on glass, on tiles, or even more learnedly on mouldings. Your friend the parson will be full of dates; he will know to a nicety whether such and such a base is Early English or Transitional; he will possibly be the greatest living authority on hagioscopes, and very likely has at home some notes on præ-Norman towers which will be well worth your own study. But, bless you, all these things are not architecture. Archæology, history, the power to know a major prophet from a minor poet when carved in mediæval stone, the zest for fauna in foliage, the quest for demons in oak, love of ecclesiology, even a passion for dates, are none of them identical with the simple and rare power to tell good architecture from bad. Architecture is only to be seen in terms of the drawing-board. No man can possibly appreciate architecture without understanding it; this is obvious. And no man can understand any building who does not by imagination see that building in plan, section and elevation.

For one thing there is a special beauty of elevation, another of section, and another of plan. Your non-draughtsman amateur sees the perspective only—a kind of photographic view. He has no thought for the fair show which that chevet would make on plan; he recks nothing of the exquisite sectional harmony between those flying buttresses outside and the internal vault above your head. That niche is a mere vertical wall ornament to him; to you it is a horizontal scoop in the wall, and you are wondering how the space for it was spared and how it fits into the surrounding solids. I will only offer you one more. You know the charm of balance in an eighteenth-century mansion. That balance—the answering of wing to wing, of window to window—is not always clearly seen in the casual *coup d'œil,* but it is traceable by yourself, and you enjoy it as a beauty of plan, even though you may never have seen it in the form of elevation.

There is another and very curious development of this power of ours to see buildings in terms of the drawing-board. We are willing and even eager when looking at a building to leave certain things unseen. The most-usual example of this is the case of a building in a street which rises higher than its neighbors and consequently has on each side of it a plain, designless wall rising up in strange contrast to the careful composition which adorns the front. An unarchitectural critic seeing the building obliquely is afflicted by the poverty of those bare flanks; to us they are invisible. This power of ours to don the blinkers when looking at a fellow-craftsman's work has its dangers. True it is that the poor fellow who designed the street building with the bald party walls had no power to do otherwise, and our lenience toward him is no more than a charitable exercise of the civility which we hope he will extend to us in like case. But the indulgence may be carried too far. We are willing, for example, to ignore the presence on a well-designed front of some inevitable waste pipe; but no designer should presume too freely upon this. The architect who is so thoughtless in planning as to place the sanitary exigencies of his building against the wall which he means to design as a colonnade of Ionic pilasters has only himself to think if some ungenerous *confrère,* looking for the nonce with the eye of a common man, elects to see that there really is a leaden tube of sinister import racing an antisiphonage pipe up the façade, calling for orders at every floor, and finally vaulting in an inelegant bend round the *cyma recta* at the top. There is an article in some back number of the *Architectural Review,* by Mr. Arthur Street—most thoughtful of writers—on the things that are thus left unseen. I forget its title, but if you ever find it, read it.

One more thought, and I will finish this letter. When I was a pupil we used to be made to draw diagonal sections of mouldings, such as those on the base of a statue, to make sure lest in designing what looked well in straight sections we should produce a result which was offensive at the mitres. In after experience I have come to the conclusion that this precaution was a mistake, and that it even led to an undue timidity in projection. I will tell you why. The human eye is not a glass hole in the head, but a terribly rational organ. It practically never sees a diagonal development of a moulding as such. What it sees and understands is that a moulding with which it is pleased is at a certain angle meeting the same moulding and producing the only possible and logical result of such a meeting.

If you want to prove this to yourself, draw out with extreme accuracy a normal Ionic capital with its appropriate entablature in diagonal section. The result is hideous, but the real thing seen obliquely is one of the most perfect products of our perfect art. The diagonal section precaution is in fact a bogey. The eye expects these diagonal exaggerations as a necessary complement of the traditional mouldings which it loves, and you can prove this again in more ways than one. The cornice of a circular colonnade, if designed on normal lines, always looks insufficient, and again a bit of entablature, which for one reason or another butts against a wall at each end (as, for instance, a verandah cornice between two projecting wings), always looks mean. Simply because those diagonal developments are missing.

Two exceptions only do I know to this rule. Chimney-stacks, or other objects which are wont to be seen in monotone silhouetted against the sky, cannot always carry the projections which are pleasing in true section. That is one exception. The other is this. Pleased as the eye is with the elongation of form produced by right-angled contact, it cannot brook an acuter union, and that is why (as well as for certain masons' reasons) the stringcourses on the Triangular Lodge at Rushton break forth into escutcheons in lieu of mitres.

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CONTENTS

ALTHOUGH conditions may perhaps exist in some few isolated instances which would render such a course undesirable, it would seem, under ordinary circumstances, that an architect who is eligible to membership and yet declines or neglects to become identified with any of the various architectural organizations in this country, and particularly the leading ones, is either denying himself an undoubted aid in the practice of his profession, or is content to avail of and profit by a situation for the creation or maintenance of which he can claim no credit. Probably no architect who is informed as to the history and development of architecture in America will question the statement that the American Institute of Architects has done more to improve conditions under which the profession is now practiced than any other agency. This organization has grown in size and influence until it is a recognized force in directing all matters of interest to architects, even to the framing of legislation affecting them. The American Institute Schedule of Minimum Charges has repeatedly been accepted in courts of law as constituting a fair and equitable basis of computation where disagreement existed as to the reasonable value of an architect's services. The code of ethics in more or less strict accordance with which all members of the Institute conduct the practice of their profession is generally conceded to represent the highest standards of professionalism. In fact it is difficult to understand why an institution that has accomplished so much in the interest of its membership, has been the means of directing public attention to the dignity and importance of the profession of architecture, has helped to arouse an interest in art and building which has resulted in great benefit to the country at large, should not receive the universal support of architects and the general support of the public. Of course it will probably be admitted that unworthy men have in some few instances succeeded in gaining admittance to the organization. Men who perhaps do not represent it with credit. This fact, however, if conceded, does not preclude the possibility of great good being accomplished by the large majority of able and unselfish men in the organization, and should not deter any other worthy member of the profession from joining the ranks of this majority. At the same time there can be no question as to the importance of scrutinizing with greatest care the professional records of all future applicants for admission to membership. The public in particular is prone to judge the organization by the conduct of its individual members, and it is the individual members that the public comes in contact with professionally. One instance of an Institute member who has failed to live up to the standards fixed as just and proper, and so announced, will go far toward destroying the good that has been accomplished by a dozen experiences with thoroughly reputable and representative architects. The honor of membership in this distinguished body of professional men is great and the responsibilities are correspondingly heavy. Both should be appreciated to the fullest, and they should not be lightly shared with any applicant until it has been established beyond a reasonable doubt that he is worthy of receiving them.

THE subject of congestion of population in certain sections of New York City and its effect on the physical and moral health is receiving an increasing amount of attention from philanthropists and others interested in the improvement of living conditions for the poor. Many solutions of the problem are suggested, and while it is freely admitted that a satisfactory one would be secured if a considerable portion of the population in the congested area could be induced to remove to outlying districts, it seems fairly questionable whether there is any probability of such a utopian plan ever being realized. Before the dwellers in the poorer tenement sections of New York can be persuaded to forsake their present haunts in favor of the ideal suburban homes suggested, their habits, dispositions and prejudices, will all have to undergo complete transformation. In fact any scheme calculated to bring about a material change in living conditions based upon the assumption that the centers of population can be changed at will appears largely visionary. A more practical plan would seem rather to be an improvement of the section in which the conditions complained of exist. If tenement houses affording reasonable comfort, and a sufficient supply of light and air are built to house the poorer element in the city, the present intolerable situation will correct itself. In this work the architect must assume a large part. Upon him will devolve the work of designing structures to meet the reasonable requirements of healthful occupancy. Considerable progress has already been made by certain members of the profession along this line of work, and it is hoped that capitalists, particularly those with philanthropic tendencies, will be moved to invest in structures which if not perhaps offering as large a monetary return will in addition contribute to the end so much desired by all good citizens.

THE LEGAL LIABILITY OF AN ARCHITECT—HIS SICKNESS OR DEATH

BY HOWARD C. LAKE

The ever present possibility of sickness or death renders important a consideration of the rights and liabilities of the architect or his representatives under such circumstances. It is highly important that his partner, associated or assistant should know, in a general way, what they should and what they cannot do in the event of the architect's death. Our chief inquiry is as to the nature of the architect's contract.

The contract of an architect for professional services, unless there is an express understanding to the contrary, is a personal one. The owner, or other person to whom he sells his services, expects, and is entitled, to receive the personal services and attention of the architect. His personal skill and judgment is contracted for. In the event of his sickness or death it cannot be undertaken for him by his executors. Should the architect be adjudged a bankrupt his personal contract cannot be assigned to another. Of course, the owner may assent to such an assignment.

In the English case of Stubbs *vs.* Holywell (L. R., 2 Exch., 311) it was held that although a contract involving personal skill and confidence is terminated by the death of the person confided in, it is not thereby rescinded. The facts were that Stubbs, who was often consulted professionally, was secured for a certain period to complete certain work. He was to be paid for his services a specified amount in equal quarterly installments. Before the completion of the work and at a time when two installments were due him were unpaid, he died. His personal representative was allowed to recover the unpaid installments due at his death.

In other words, as an American court has expressed it, "in contracts for personal service, when full performance is prevented by the death of the servant, during the term of service, his representatives are then entitled to recover a rateable compensation for the services actually rendered."

(Dryer *vs.* Lewis, 57 Ala., 550, 555.)

Authority for this and other decisions is found in statutes which have changed the old common law doctrine.

The right to recover on a contract for personal services not completed by reason of sickness was decided in Ryan *vs.* Dayton (25 Conn., 188, 194), more than half a century ago, when the court said: "Viewing the present as a contract for the personal services of the plaintiff, and which could only be performed by himself, we think that from its nature, a condition was impliedly attached to it, that an inability to labor during a part of the time stipulated produced by inevitable necessity, should so far constitute an excuse for not laboring during that period, that he should not thereby be deprived of a right to a reasonable compensation for the services performed by him under it; and that the rule, that where a person by his own contract creates a duty or charge upon himself, he is bound to make it good, if he may, notwithstanding any accident by inevitable necessity, which, properly understood, we do not intend to impugn, is not applicable to such a contract."

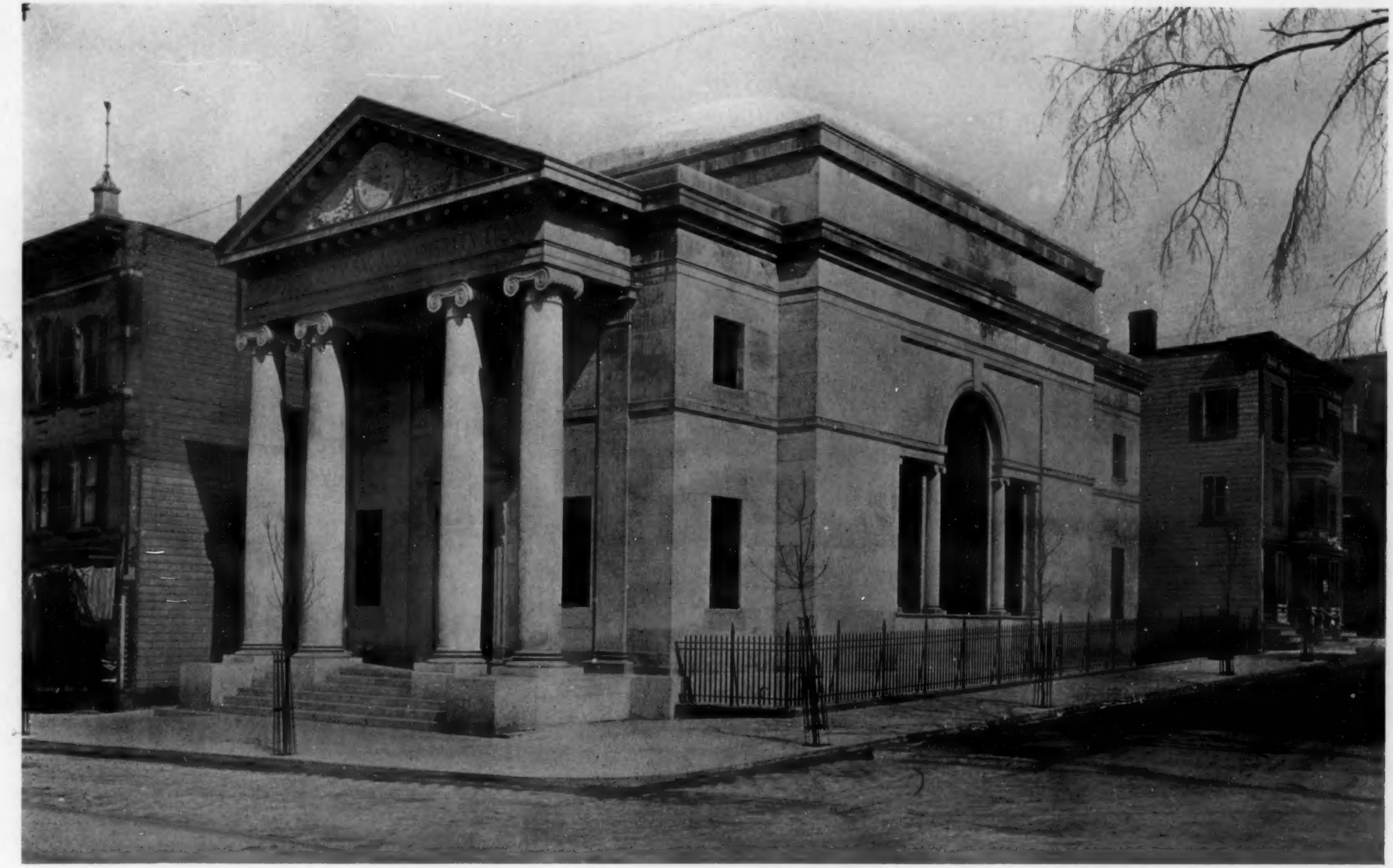
An early case in New York (Wolfe *vs.* Howes, 20 N. Y., 197) is particularly instructive. The court said there could be little doubt that the contract contemplated the personal services of the plaintiff's intestate, not only from the evidence but from the nature of the business and the amount of compensation agreed upon. Furthermore, it appeared that the business for which he was engaged required skill and experience and was in the pursuit of an art to be acquired after much study and labor. The holding of the court was, in brief, that one who, under a contract requiring his personal services, and providing for partial payment during the employment and the remainder at the end of the term, performs services valuable to the employer, but is before the expiration of the stipulated period disabled by sickness from completing his contract, is entitled to recover as upon a *quantum meruit* for such services as he rendered.

In the event of an architect's death, it is highly advisable that work in which he was engaged be terminated as quickly as is possible to the satisfaction of the employer. This is so by reason of the fact that the stopping of work because of the architect's death may in certain instances prejudice the interests of the employer. It has been held in this class of cases that the employer may counterclaim any damage sustained from what he otherwise would have to pay the executor of the deceased.

This class of cases is illustrated by the decision in Patrick *vs.* Putnam (27 Vermont, 759), where plaintiff had contracted to perform certain personal services for one year. He quit at the end of a month solely on account of ill-health, and sued for compensation for that period. His employer put in a counterclaim for an amount greater than plaintiff sued for. He contended successfully that he could not get another man as cheaply at the end of the month as he could at the time he hired plaintiff. The final judgment was for the defendant.

Architect's Certificate Insufficient Without Personal Examination

A contractor having a contract to construct a building sublet a portion of the work, the subcontractor giving the bond of a bonding company as surety. The contract between the contractor and the subcontractor provided that in case of default by the subcontractor, the expense to the contractor of completing the work, and any damage from the default, should be audited and certified by the architect, whose certificate should be conclusive on the parties. The sub-contractor did a portion of the work and then, becoming insolvent, failed to proceed. The contractor completed the contract and obtained a certificate by the architect, showing a balance due for which the contractor sued the bonding company. The defendant alleged that the architect's certificate was not given in good faith, but as the result of fraud and misrepresentation on the part of the contractor, and without personal examination by the architect, and this was found by the court. It was held that for this reason the certificate was not conclusive on the subcontractor's surety as to the amount due.—Ilse vs. Ætna Indemnity Co. (Supreme Court of Washington).



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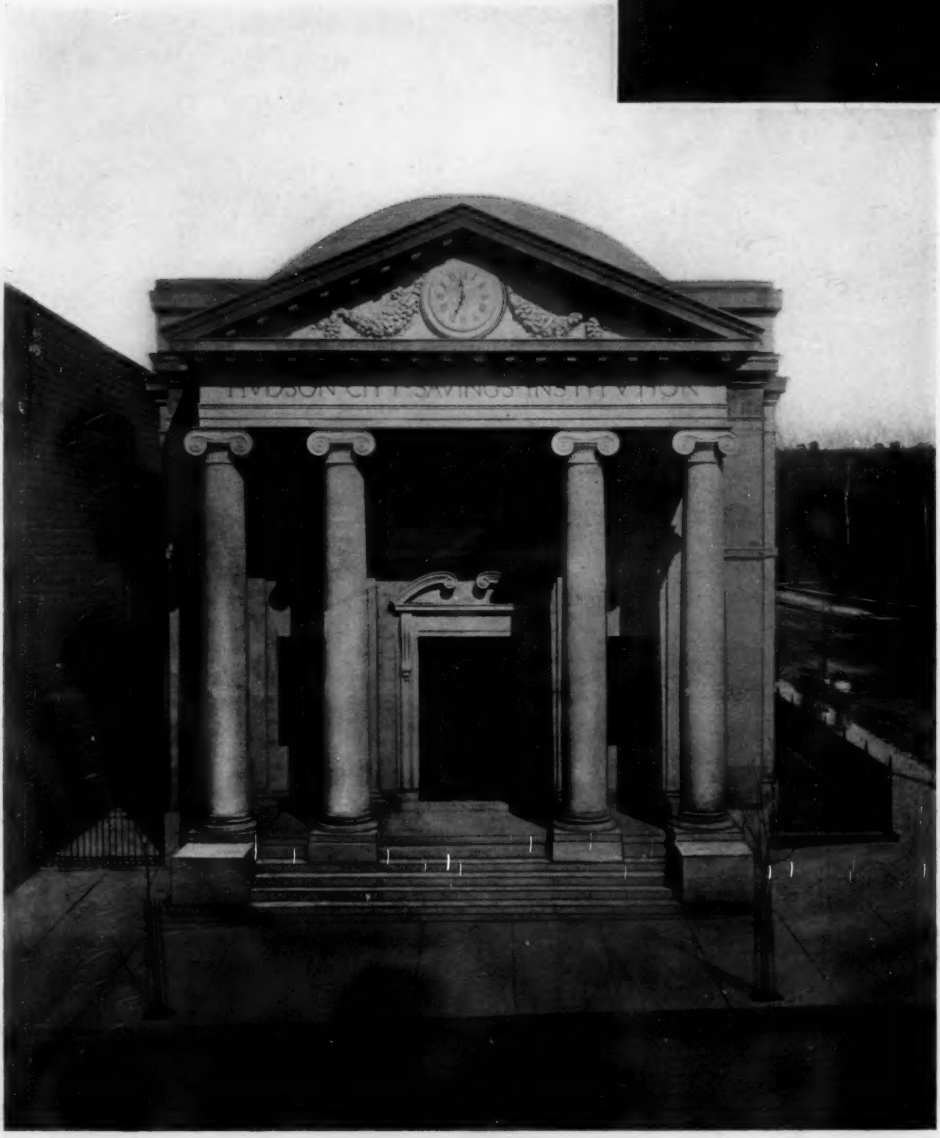
HUDSON CITY, N. Y.

WARREN & WETMORE
ARCHITECTS

DIRECTORS' ROOM

BANKING ROOM



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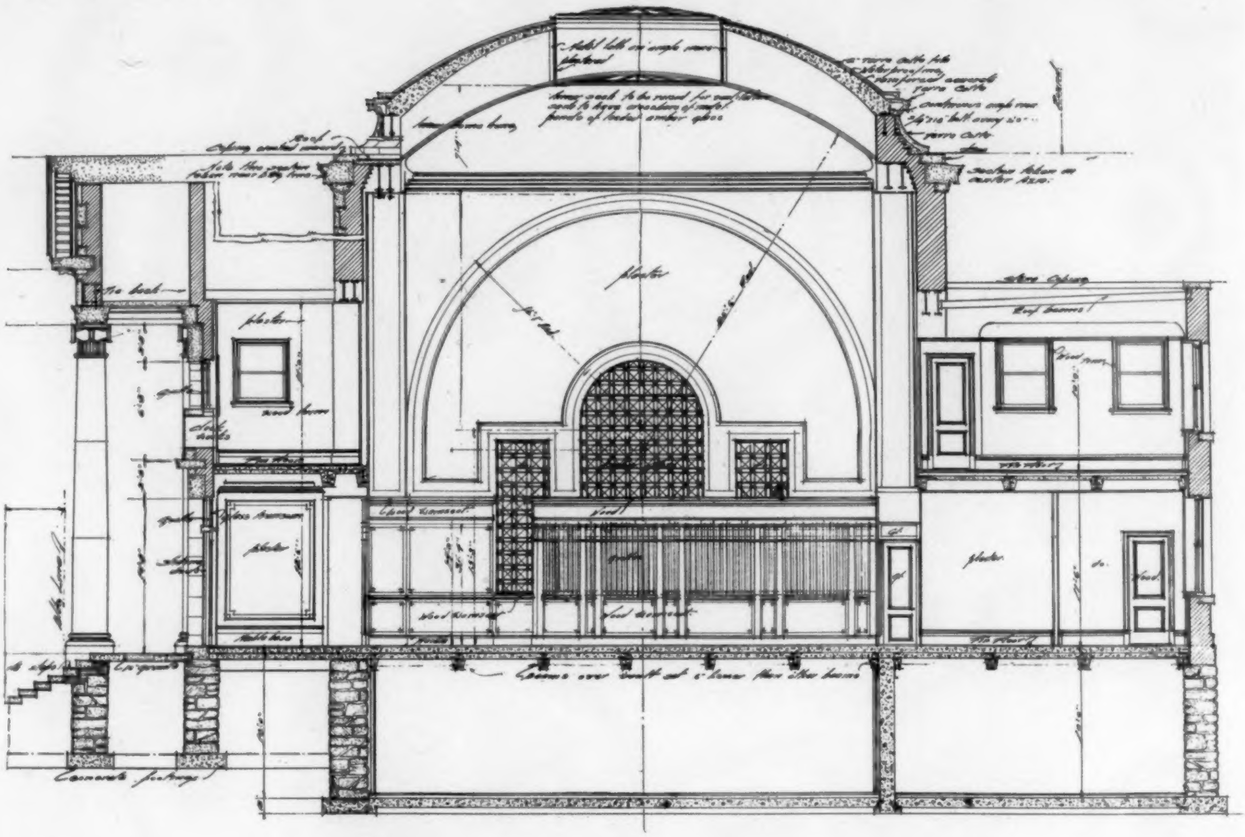

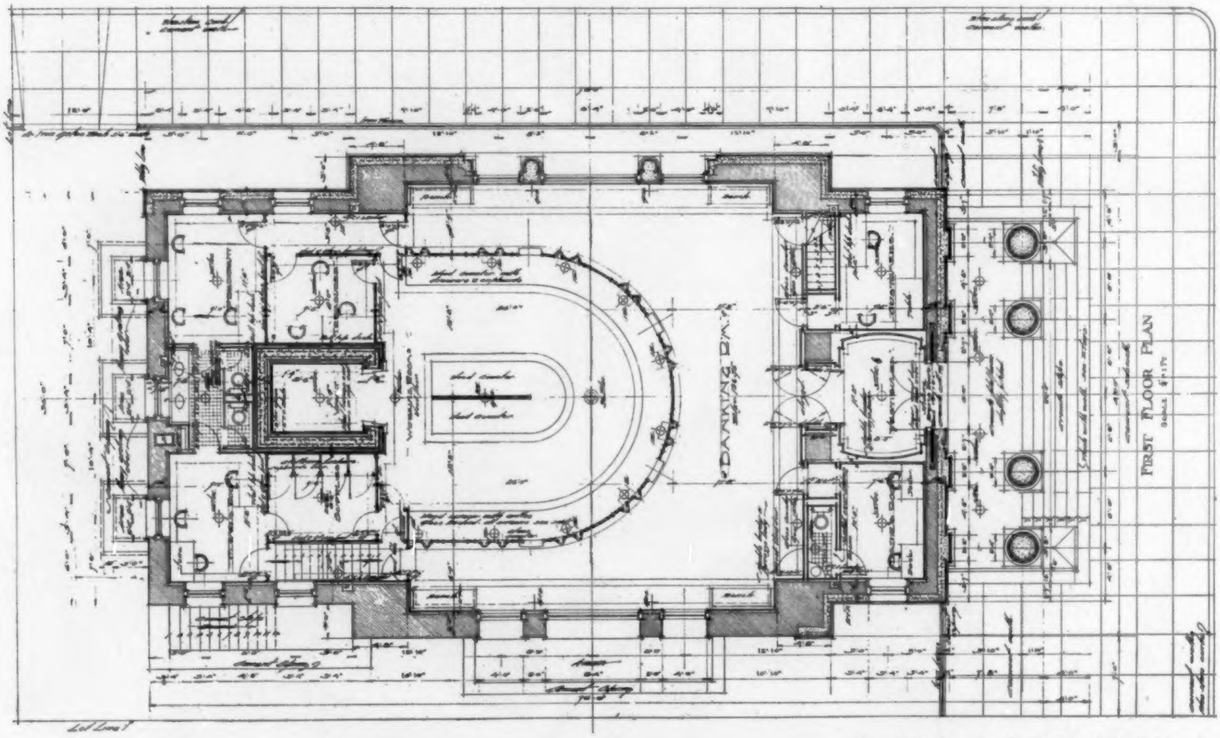

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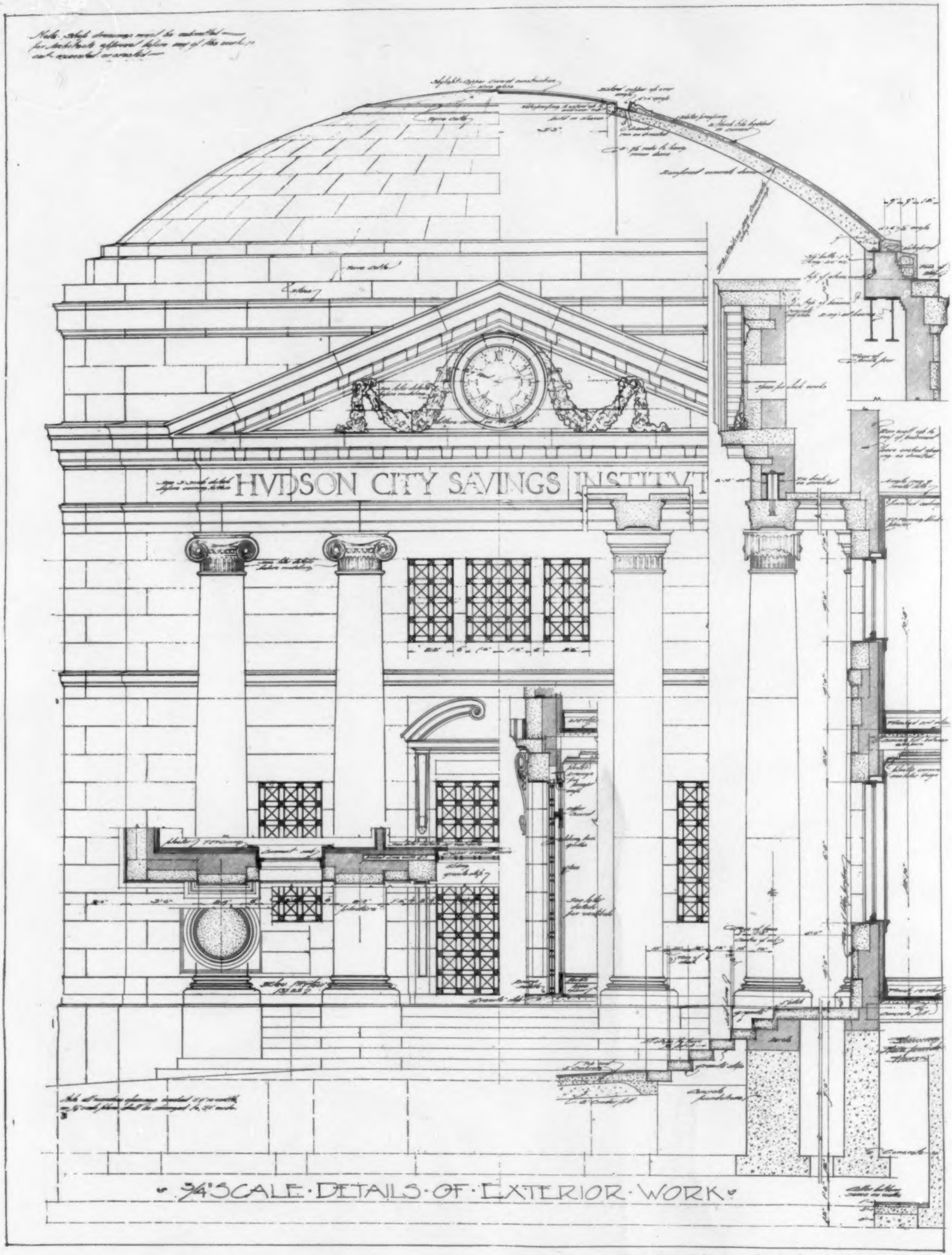

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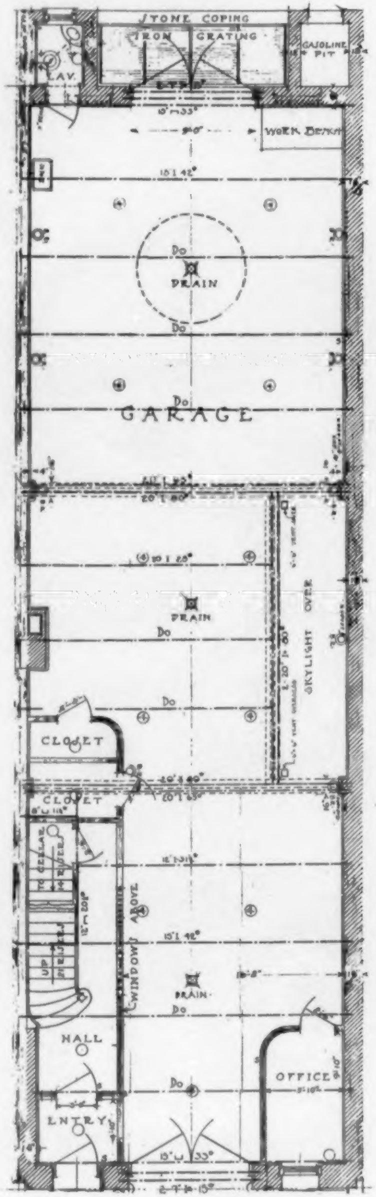
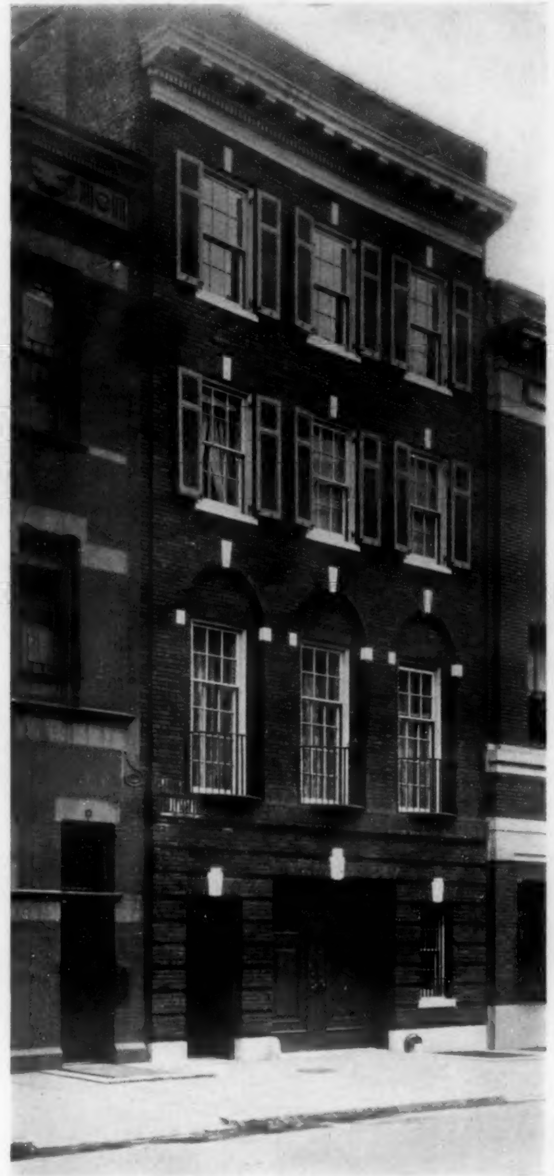
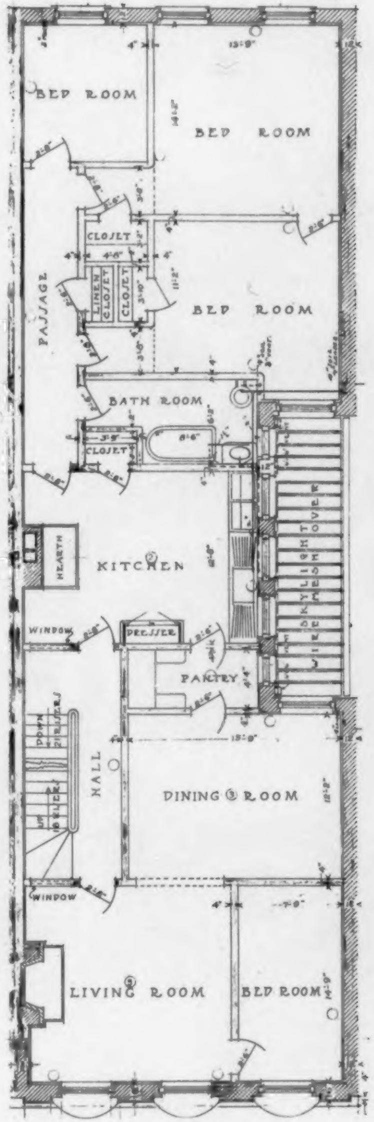




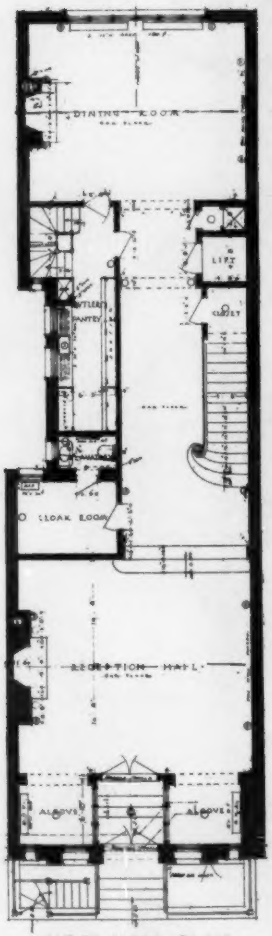


GARAGE AND APARTMENT AT
No. 163 EAST SIXTY-NINTH STREET, NEW YORK

ALBRO & LINDEBERG
ARCHITECTS

HOUSE
No. 124 EAST 55TH ST.
NEW YORK

ALBRO & LINDEBERG
ARCHITECTS



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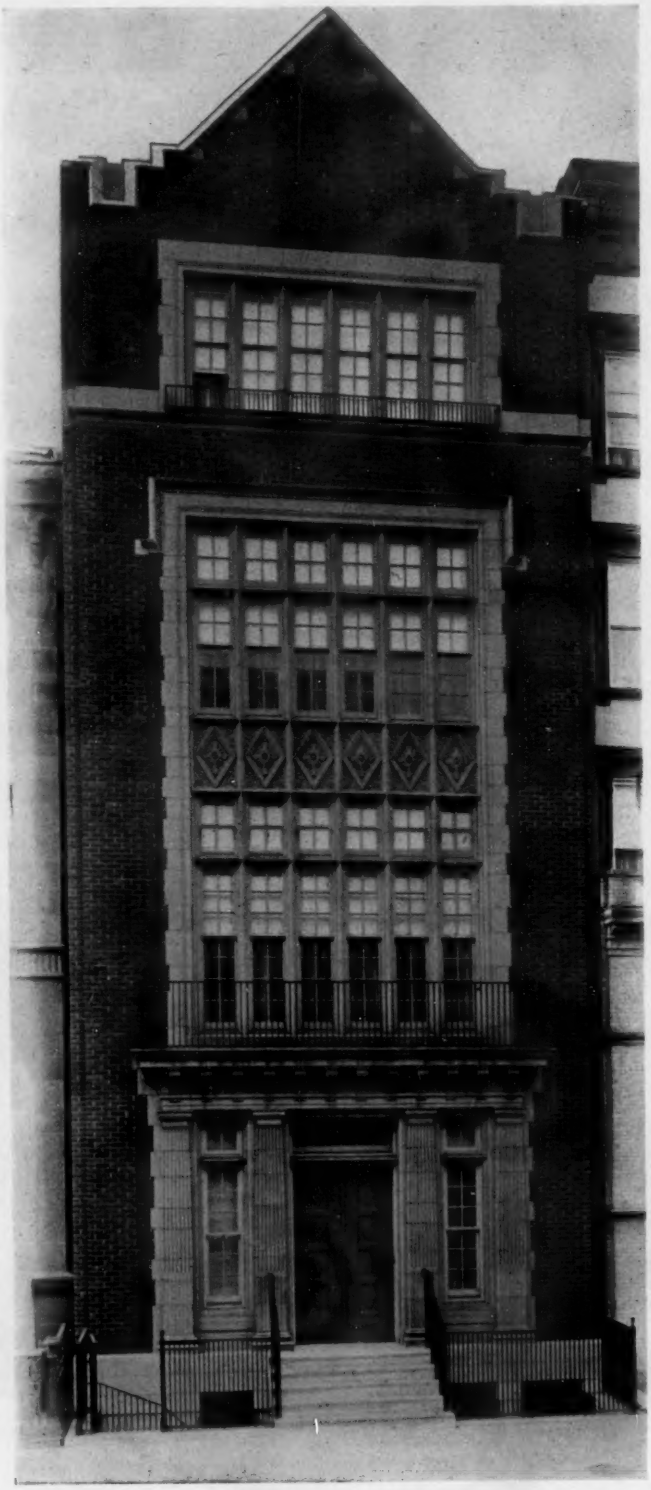

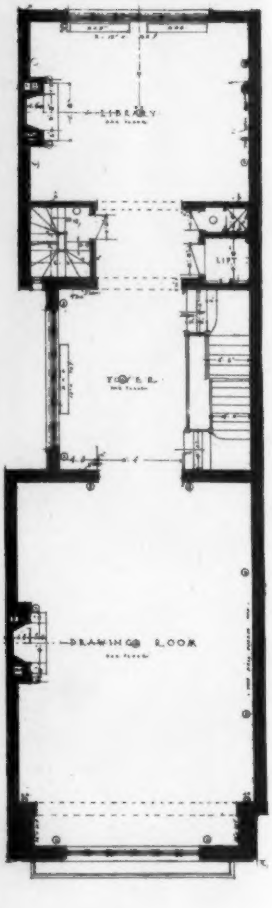

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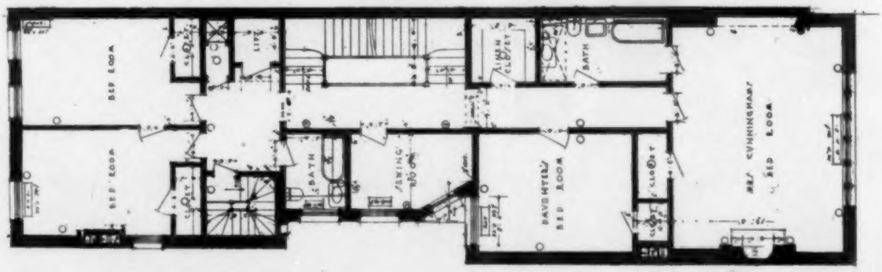

· THIRD FLOOR PLAN ·

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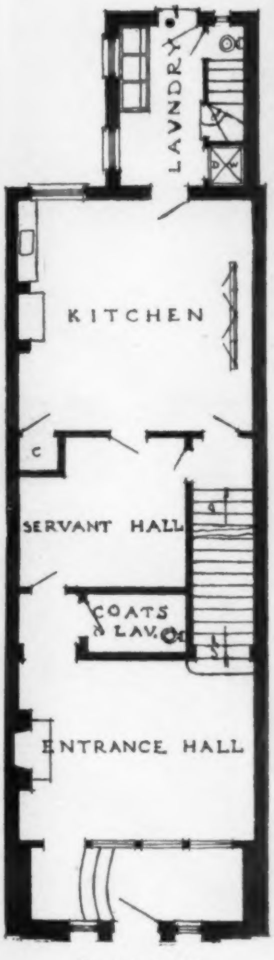
REMODELED HOUSE
FOR
E. T. COCKCROFT, ESQ.

No. 59 EAST 77TH ST.
NEW YORK
ALBRO & LINDEBERG,
ARCHITECTS



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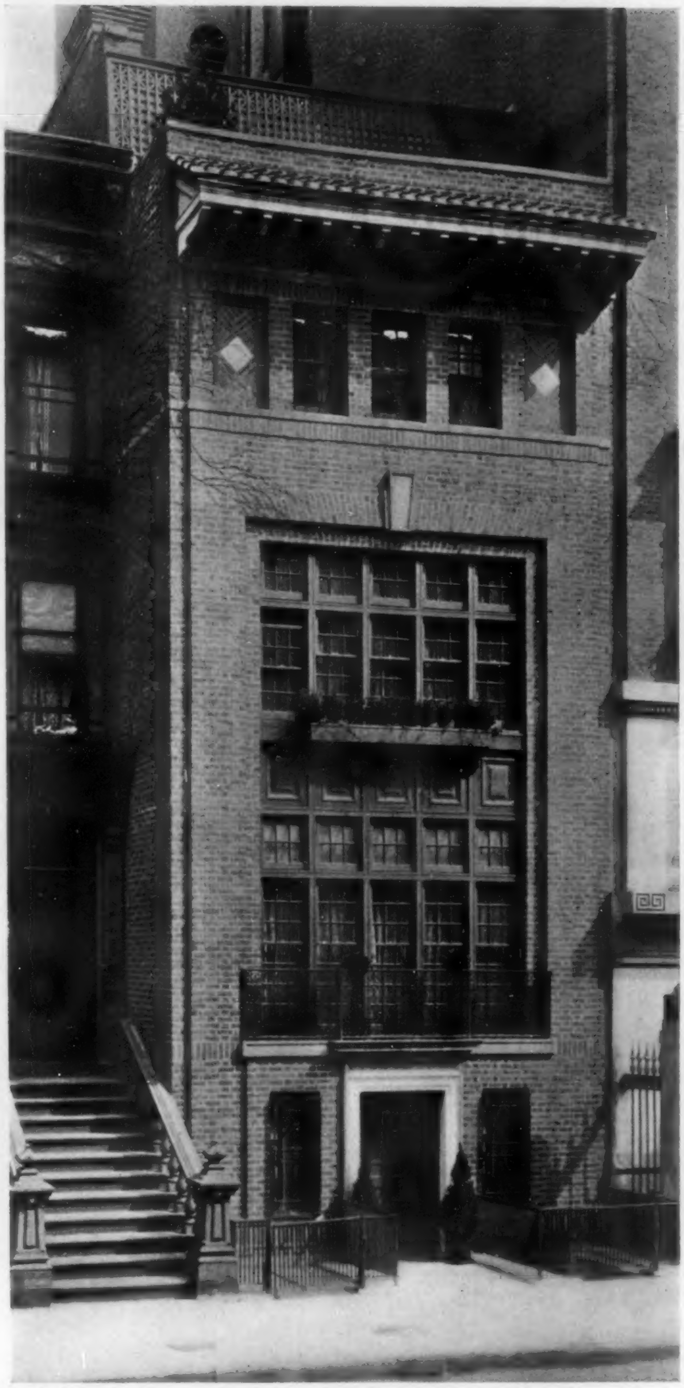

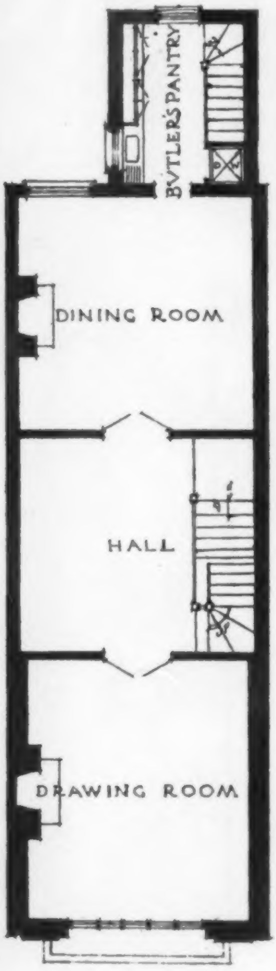

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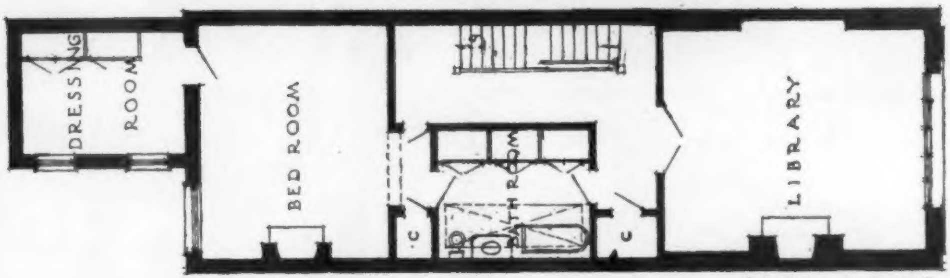

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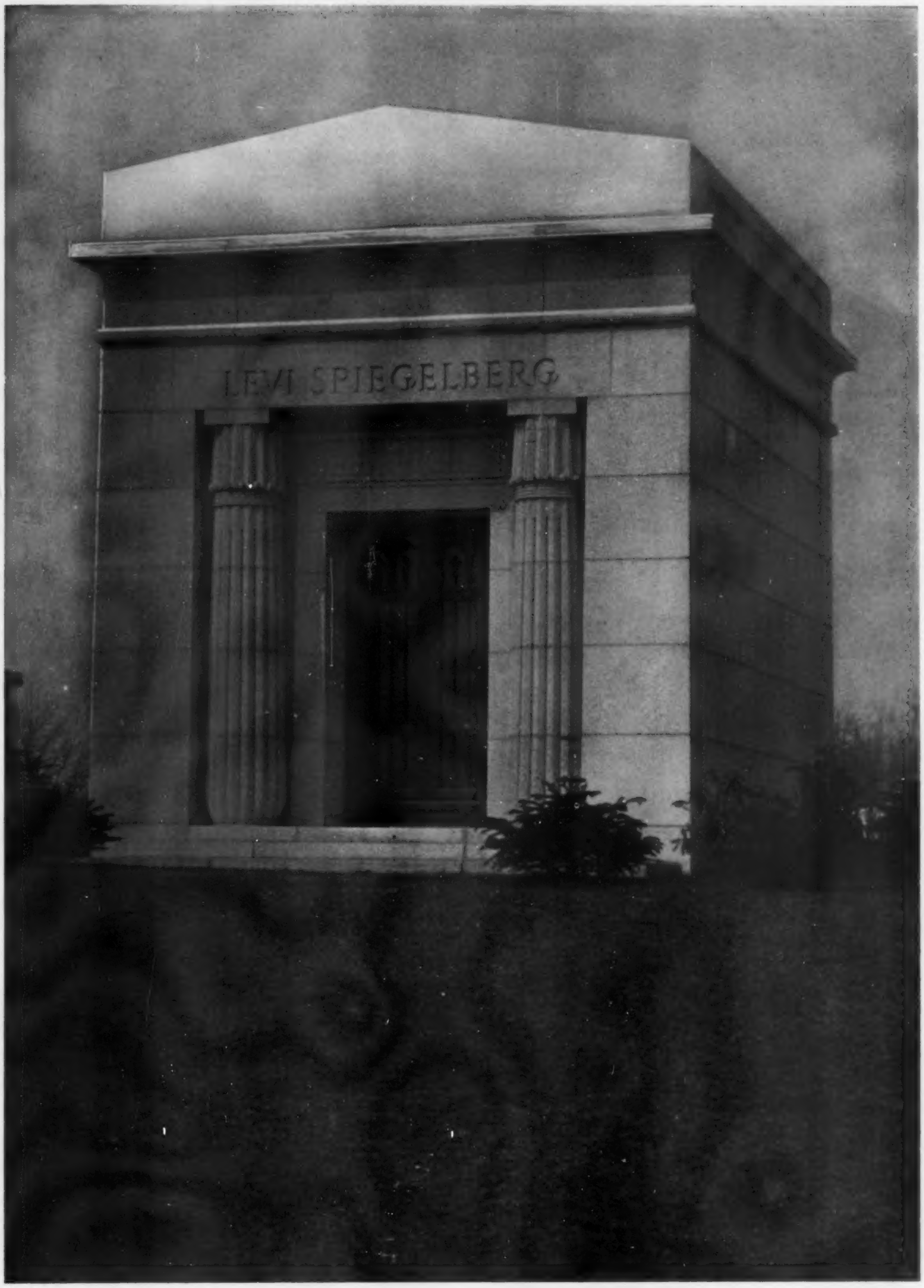
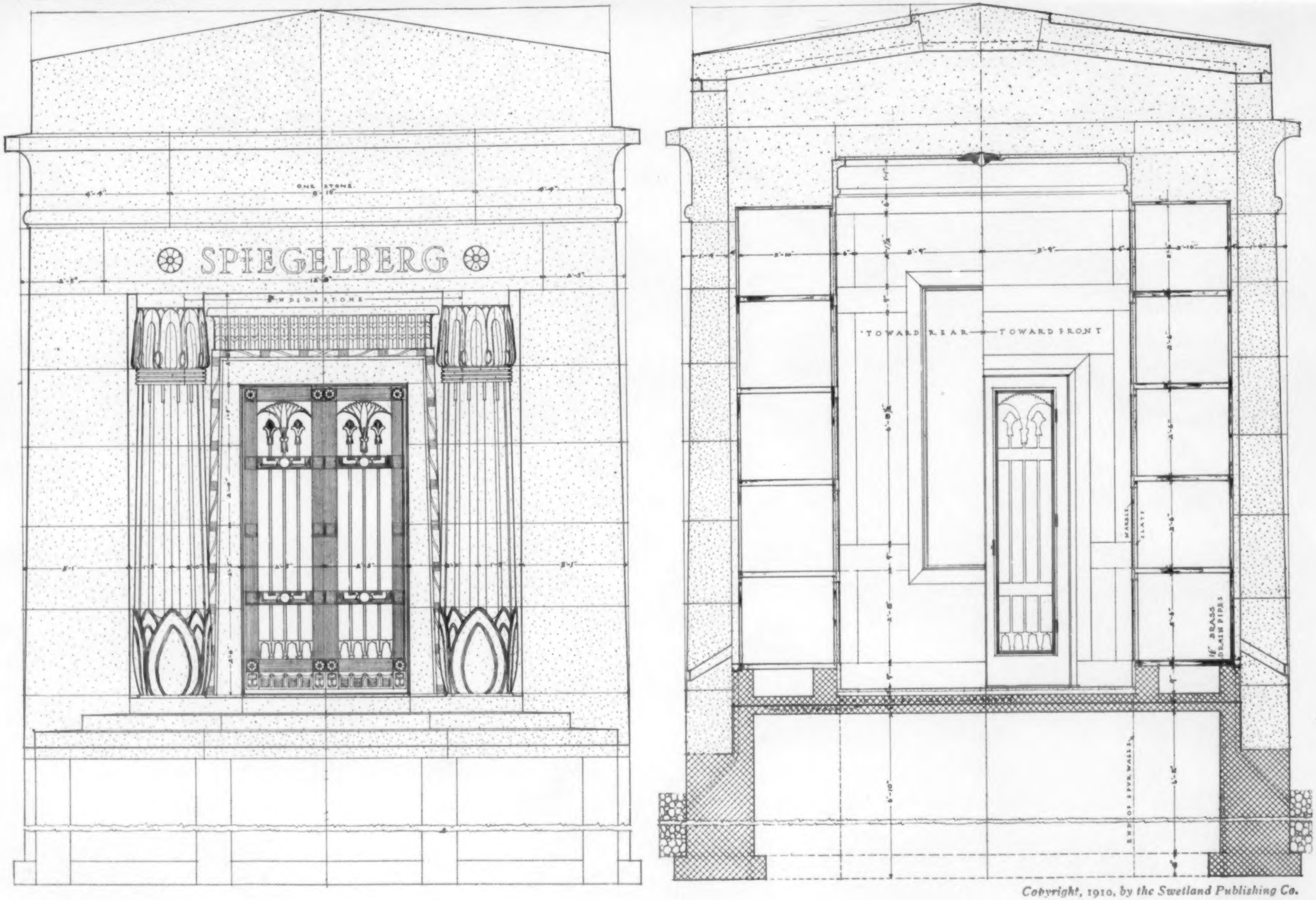


MAUSOLEUM AT
SALEM FIELDS CEMETERY, BROOKLYN, N. Y.

H. VAN BUREN MAGONIGLE
ARCHITECT



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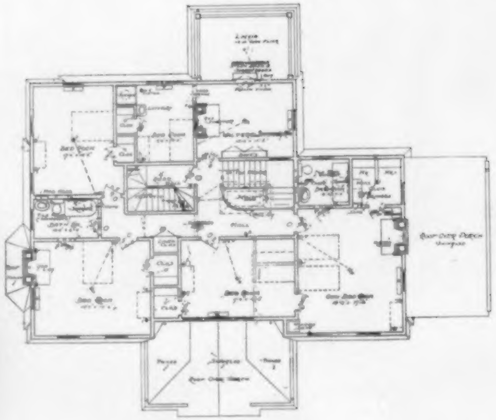
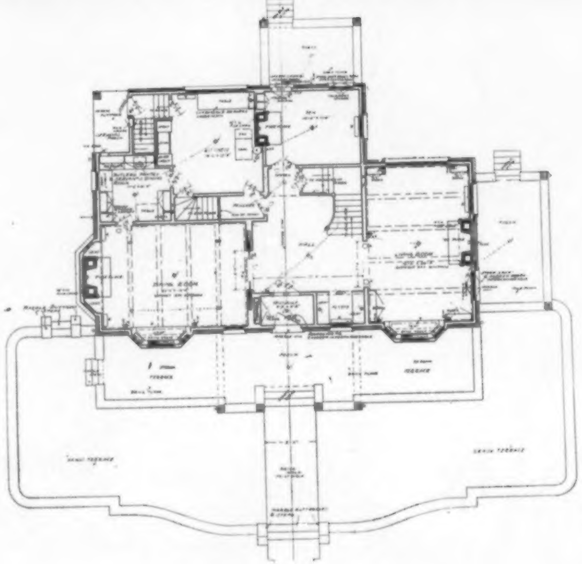


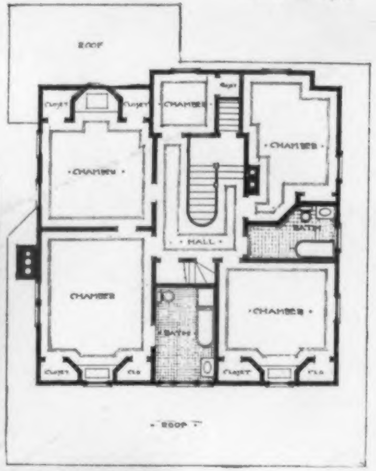


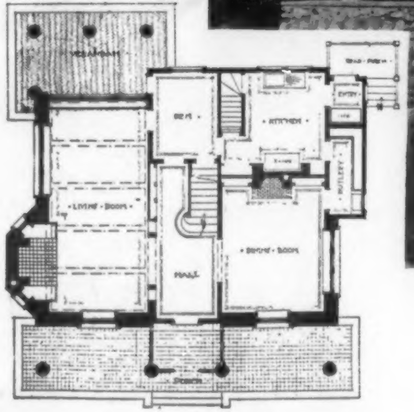
HOUSE OF MR. G. W. TODD
EAST AVENUE, ROCHESTER, N. Y.

FOOTE & HEADLEY, ARCHITECTS

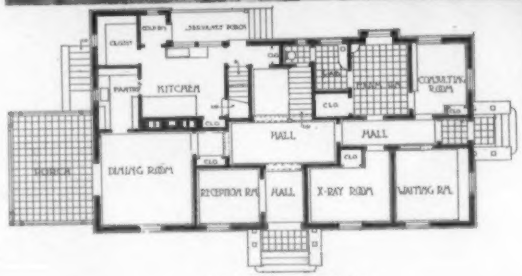
HOUSE OF DR. COLE
WHITE PLAINS, N. Y.

WILLIAM STANWOOD PHILLIPS
ARCHITECT





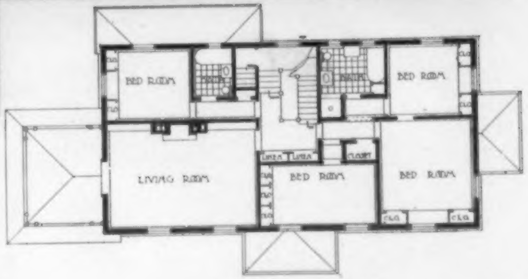
House is of field stone, hand-hewn, with stained shingles above. The living porch, on the southwest corner, is inclosed for winter use as a sun parlor. Interior is in oak, stained; living room, Ingle Nook, in clinker brick with rough marble shelf and Welsh tile floor; beamed ceiling. There is a large billiard room under the living room, running out under the living porch, with a separate staircase. This room is finished in Mission style, with a field stone fireplace. Staircase hall paneled in oak. Dining room has wide cornice and paneled wainscot. Second story woodwork, white, with mahogany doors.



FIRST FLOOR PLAN

HOUSE FOR DR. CATER
BRICK CHURCH, ORANGE, N. J.

The house of Dr. D. A. Cater, of East Orange, N. J., is a good example of a suburban doctor's residence. This house is situated on a corner lot, small in size. Advantage is taken of this fact to make the main entrance to the house on one street while the professional entrance is from the other. About half of the first floor is given up to the professional suite of the doctor, including consulting room, waiting room, X-ray room, examining room and laboratory. This, of necessity, crowds the living portions of the house so that the dining room, kitchen and a small reception room are all that can be put on the first floor. A porch is arranged adjoining the dining room so that meals may be served there in summer. The main living room is on the second floor and the bed rooms divided in suites, the guest's room being next to the living room, and the bed rooms for the family with the bath by themselves over the front portion of the house.



SECOND FLOOR PLAN

MANN & McNEILLE
ARCHITECTS