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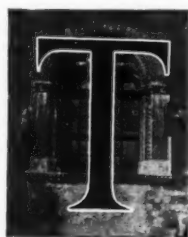


AN EXAMPLE OF THE PROMINENT PLACE TAKEN BY DONORS AND FAMILY CONNECTIONS, IN A WINDOW AT CHAMPIGNY, OF ABOUT 1540

FUNDAMENTAL PRINCIPLES OF XIITH AND XIIITH CENTURY STAINED AND PAINTED GLASS. V*

By CLEMENT HEATON

Optical and Acoustic Sentieney



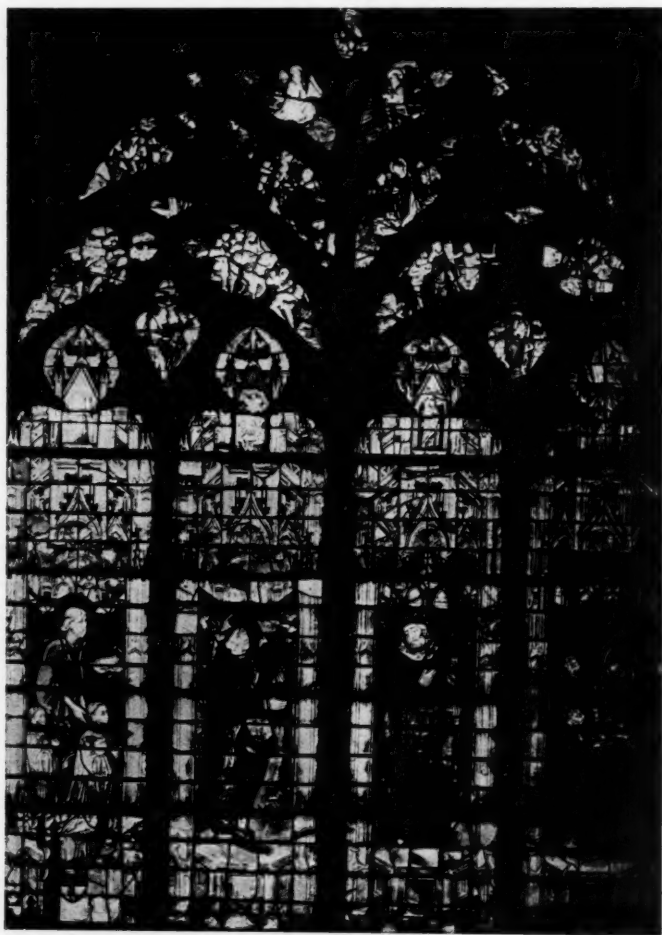
O some, whose eye is educated, what is seen, gives intense enjoyment; to others whose ear is educated, this is true of sound. Occasionally, one person enjoys both, but the two are more often separated.

A certain cathedral is celebrated for its exquisite choral music, and yet in it is painful glass, and places of

bald white light. Musicians who would shudder at a false note, see nothing of this! Certain kinds of beauty which enrich and ennoble life are to be found in certain arts, and this is what they are for. But these, to be appreciated, require a certain preliminary education.

In both the case of music and that of stained glass it is an enjoyment of the mind

*Part I. January 10, 1912, No. 1881. Part II. February 7 1912, No. 1885. Part III. March 6, 1912, No. 1889. Part IV. March 27, 1912, No. 1892.



CATHEDRAL, BOURGES, CHAPELLE DE BREUIL, 1467

Adoration of the Magi. Jean de Breuil and his brother are presented by St. John the Baptist. The canopy work is somewhat flamboyant and under it is vaulting and window openings, but no landscape.

acquired through the senses. It is a sensuous, but not a sensual enjoyment. Hence the ideas represented by means of what acts on the senses, are subordinate. Thus, it is essential that a window should be a "good window"—but a secondary matter whether the figures represented are in themselves naturally rendered. (In the cathedral referred to above are figures "well drawn," yet the glass a whole is poor). The contents of a window subjectively are the same as the words of a song sung with the music. If wise and noble and beautifully written, they are an added beauty; but even poor words will not spoil good music, because this appeals to us through the senses, and the idea of the words through

the understanding. Stained glass is to light what music is to sound.

*An Example: New College
Oxford*

Winston wrote: "We are tempted to enquire what it is that renders these windows so beautiful . . . it cannot be their discoloration—for modern windows that have been discolored fail to please. The secret lies in the fine tone and harmony of their colouring, and perhaps I may venture to add in its perfect harmony with the architectural character of the building. There is not a harsh or discordant hue anywhere. The whole colouring is equally quiet and subdued, and is in entire agreement with the silvery gray of the white glass." He says nothing of the figures!

The Danger of Archaeology

After saying so much in favour of the mediæval system of glass it may be supposed it will suffice to copy the old work. This has been done, for more than half a century, Mr. Somers Clarke, whom we quoted as condemning "transparencies," says of this: "The crude draughtsmanship of the ancient craftsman was diligently imitated, but the spirit and charm of the original was lost, as in a mere imitation it must be. In the revival of the art, whilst there was an attempt to imitate the drawing, there was no attempt to reproduce the quality of ancient glass."

A French antiquary said to us lately: "We see very well that modern glass made on old lines is quite another thing to old glass." And even where fine old windows have been "restored" most of the beauty has gone.

If stained glass is the music of architecture, this sort of stained glass is barrel-organ music, and you can't send the man into another street! An architect said to us

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lately—speaking of the cathedral above mentioned: "I have to sit behind a pillar so as not to see the windows of the choir."

The ultimate fact is that as one cannot have music without a musician, so merely copying old glass or adopting the mediæval system will not give art. What waste of opportunity there has been through not recognizing this!

Coloured Glass as a Material

Mr. Somers Clarke continues to say: "Brilliant, transparent and unbroken tints are used, lacking all the richness and splendour of colour so characteristic of the originals. Under these conditions of blind imitation the modern worker in stained glass produces things more hideous than the world has ever seen before."

Yet is it not the case, that where particular stress has been laid on glass which is not brilliant, which is broken in tint, and is not transparent, results are commonly obtained which still have not the beauty of the old glass?"

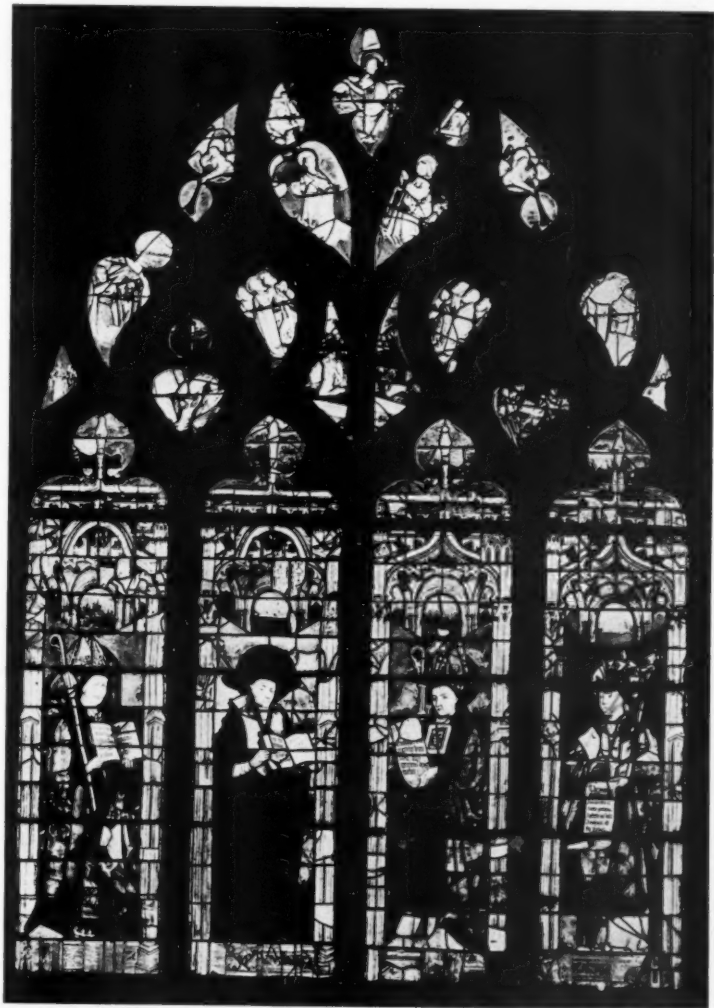
Viollet-le-Duc has shown that old glass varied in thickness, but he also showed that at Carcassone this was overdone; and although the later thirteenth century work was done with mediæval glass and mediæval methods, stained glass began to get coarse when done in large quantities and without proper artistic direction. Glass is but the means after all—the instrument; and its choice requires continual attention.

The glass at Tours is the same as that we see elsewhere, but the nuance is different, either it is used in wrong quantity as part of the arrangement or it is made in tints too strong. Since old glass which is

varied in thickness, etc., gives such unequal results, the effect cannot merely depend on this, but must also depend on the way it is used.

Radiation of Light and Distance: Their Effects

When Viollet-le-Duc, in the sentence we quoted, laid so much stress on the necessity of keeping within the limits of translucid painting, he had in mind the action of light; for in stained glass light is modified by the two conditions at once, light and distance; with light streaming through the



CATHEDRAL, BOURGES, CHAPELLE DES BEAUCAIRES, ABOUT 1470
Figures of St. Gregory, St. Augustine, St. Jerome and St. Ambrose. Flamboyant canopy work, under which is seen small landscapes, the earliest of the kind.

work, a good deal above the eye, drawing is so distorted that it is quite upset; in fact so much so that it is very difficult to draw anything exactly from the glass itself.

It is evident that the mediæval glass painters knew all about this, and allowed for it; they increased the black in the hands and feet until they looked like hay-rakes. Yet seen at the proper distance this all disappears. It really is equivalent to what is done in scene painting. Is it any use to say that the drawing should be done in such and such a way? Scarcely—because it has to be done differently according to circumstances—the size of the building, height above the eye, average intensity of light, kind of subject, size of figure, and so on. It is a technical matter of detail. What concerns architects is to see that this has been taken count of, and allowed for, and that the proper system is used to do it. How far the mediæval drawing was due to such prevision, how far to current ideals, or to personal vision, it is very difficult to say, but the three elements come in together. Hence, here as elsewhere, there is much room for judgment, and necessity for it. That drawings of old glass are deemed crude and that the glass itself is liked, is due in part to the fact that such drawing is seen out of its right place, or in it, as the case may be.

Did the mediæval men work from theory or by intuition and experience? Here Theophilus is silent and we are inclined to think it was by traditional experience and not by theory.

The same is true of the action of light on colours. In France some have given a sort of scientific explanation of the reason why such and such things were done—*e.g.*, the lines painted on the blue backgrounds. But sometimes they are not so painted, and sometimes the red is as much painted as the blue; from which it would seem that the mediæval glass painter had no theory on the subject. Certain it is that in spite of all the help from this modern theory the modern glass paintings do not appeal to us as do the old, nor are the old of equal value among themselves. One cannot leave out of account moreover the kind of glass which is in use, and this has as much effect as the tint of the glass on radiation. Having verified the

remarks made on this subject, we did not feel on very safe ground.* The value of the vitreous painting on the glass as used with the knowledge, the experience and the judgment which the properly equipped artist can bring, is however a certain thing, and to use glass without pigment to modulate the radiation, is to do much the same thing as did the knight who ventured into the fray without armour. One *can* only deal with the light when one has at one's disposition the vitreous pigment to modify the glass at will. But on the other hand if one has to represent natural drawing by the pigment, one can scarcely do so because of the light and distance.

The Question of Scale

A question which much more directly concerns architects is that of scale. One has seen churches upset by wrong scale in the glass. One church of fine character had an east window put in, where the white horse of St. Martin went across the three lights, and a huge piece of red drapery hung down in the centre. The consequence was that the horse and the red drapery invaded the whole building and spoilt it.

To use small figures near the eye and larger ones above is of course, as in all architectural work, the usual thing. But how small and how large again, depends on the circumstances, and it is one of those things which one has to feel instinctively. But this is certain, that figures if too small do little harm, while if too large they do much.

Practical Working

We have been led by experience pretty much to the position of an American reviewer who said: "Art is not a matter of rule, or rote, or precedent, but a matter of imagination, of sound judgment, of creative impulse, of refined sensibility for form and colour, of intellectual power to make concrete that which is in its essence spiritual."

To that definition, knowledge of craft, must be added, but then it is certainly true. Hence, if glass painting has the importance indicated, seeing that it is so complex in

* Lewis Day, one of the latest writers on ancient stained glass, who examined it very closely, wrote: "It would be rash in the extreme to formulate any theory as to early schemes of colour: probably the glaziers' main thought was to get somehow a deep rich, solemn effect of colour."

its nature and so varied in its application and so delicate in responding to the call made upon it, is it too much to ask that it should be considered as music, and that consequently it should not be expected to succeed apart from a musician?

And if so, there is more implied than that merely an artist should produce it: it requires *specialization*.

A painter once replied to a comrade who said he was "going to do a window"—"the window is more likely to do for you"—for by long study he had come to see what it meant and he added: "Nothing is more difficult than to produce a good window."

It is not astonishing that much modern glass should not be on the level with the old, when one considers the régime under which it has been produced in the nineteenth century.

Modern Methods of Work

Glass painting is often a matter of surfaces of considerable size, and materials are used of some weight, and labour is required to deal with some parts of the process; melting the lead, casting it, rolling it out; cutting and firing the glass, and so on. One cannot do the work without these labours. Yet it is clear that all this has no part in the æsthetic result, any more than moving blocks of stone has to do with the design of a building. But these things are interwoven intimately with the æsthetic side, so it comes about the craft is at once laborious and highly delicate. Now imagine any factor depressing the æsthetic element and favouring unduly the other and one sees at once, one would get a "piece of work"—complete as far as glass and lead go—which is not in the proper sense art at all.

This depressing influence weighed with full power on the art, and has continued to do so, on its revival.

It came of the fact that all Gothic art had been despised since the Renaissance. Revived in the nineteenth century the art of glass painting, which was part of Gothic architecture, was face to face with a rival ideal, in the form of art patronized by academies, enthroned in the place of honour which itself it once enjoyed. The sister art of Sculpture, which held also a prominent place in Gothic art, has however been

admitted into the patronage of the academies, but in consequence had been totally transformed. The revived art of glass painting may be said to be like the man reported as killed in war, but who recovering from his wounds and returning home, was repudiated by his family. Stained glass, once so honoured, was considered merely as an "industrial art." So that while cutting marble was fine art, painting on glass was industry. This point of view is held still, even among people well informed in the history of art.

Under this system the price was fixed irrespective of the study spent on it, and reputation from the practice of this art was not to be expected. Under these conditions it was inevitable that it should have been practiced as an industry. This was a new turn in its history and explains much.

For industry aims at producing in quantity, by repetition, what is destined to be consumed, and so an indefinite demand exists. Art aims at producing in small quantity what remains for generations, and is never consumed. There is a distinct difference between the two. Art begins with mind ("creative impulse") and ends with mind (admirative appreciation.) Industry exists to meet a more or less general want for personal needs, and mind simply directs the operation.

No beauty exists where either the infinitely delicate power of nature or the human mind is not behind it. Any production outside of these causes will be without beauty. If any circumstances whatever debar the mind from working, or of working sufficiently, or if the wrong mind is at work, beauty there cannot be.

Hence the effect of driving stained glass out of the family of the arts, is to render beauty in it impossible; in a measure this has been accomplished.

Lately this has been in some degree remedied; but the general public is far from realizing the case; the condemned prisoner has been set free, but is not reinstated. And those who have come from the region of other arts have brought with them an atmosphere and ideals which the mediæval men never dreamt of.

In the following pages we will trace as fully as the records allow, how the mediæval glass was produced.

A NEW AVENUE IN NEW YORK

FURTHER evidence of the value of the services of the architect in the work of town planning and in councils where civic betterments are the subject under consideration is furnished by the admirable plan for a roadway running North-east from the Pennsylvania Terminal at Seventh Avenue, 32nd to 33rd Streets, and terminating at Broadway and 40th Street, proposed by Mr. Henry Rutgers Marshall, Architect.

It has been many times stated in these columns that the short-sightedness on the part of officials in failing to provide a proper plaza or approach to the Pennsylvania Station had practically made it impossible to view this imposing structure from any satisfactory point. Had, in fact, robbed the building of an adequate setting.

Mr. Marshall's plan for the proposed new Avenue is intended to not only repair this omission in a very practical and economical way, but also to open up a lane of communication between the only railroad terminals located on Manhattan Island. The advantages are thought to be so very apparent to the dweller in New York as to receive his instant approval. In fact this approval is said to have been generally given by men who are conversant not alone with the scheme's æsthetic value as a civic betterment, but also by those whose knowledge of real-estate values and taxation render them authorities on the subject.

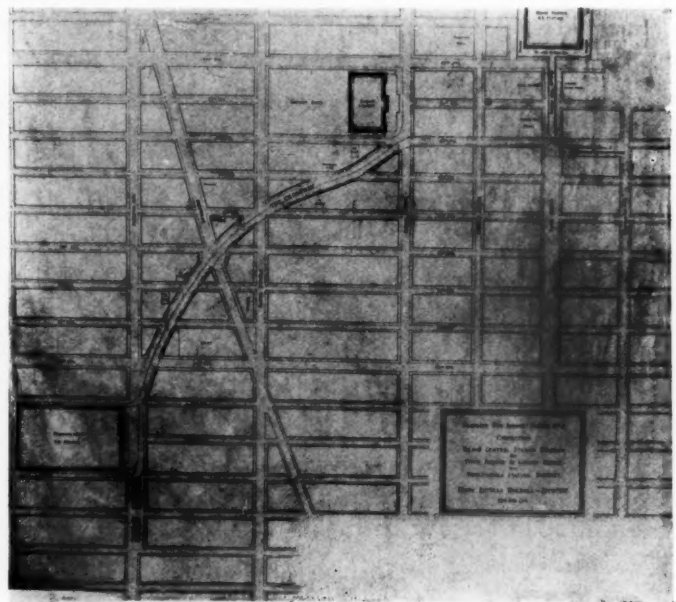
The general direction of the proposed Avenue and its intersection with existing streets and avenues can be studied with the aid of the sketch map printed herewith. To cut an avenue in a straight line from Fifth Avenue near 42nd Street to the Pennsylvania Railroad Station would be an immensely expensive operation as it would pass through a number of important buildings and it would cross Broadway in the middle of a block.

Mr. Marshall's plan, as will be noted, avoids these objections, and is accomplished by cutting an avenue some little distance to the North of the direct line above referred to. By swinging an avenue on a slight curve it could be made to start at the most desirable point, and would cross Sixth Avenue at its intersection with 38th Street and Broadway at its intersection with 37th Street.

The line proposed would pass through a district where practically no important buildings would have to be considered. Only two modern buildings would have to be razed. One, a comparatively small building on the S. W. corner of Fifth Avenue and 40th Street, the other a nine-story building but 50 feet wide near the corner of 37th Street and Sixth Avenue.

This proposed Avenue would apparently develop a large amount of property now yielding a comparatively small income and practically give to the city the same property at a largely increased valuation.

Mr. Marshall offers an additional suggestion, of a 50-foot sub-surface traffic road for heavy cartage, to be located under the proposed avenue, continuing under 40th Street to Lexington Avenue.



PROPOSED NEW AVENUE

Connecting Grand Central Station and Fifth Avenue at Library Square, districts, with the Pennsylvania Station District. Mr. Henry Rutgers Marshall, Architect

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The intersection of Lexington Avenue with 40th Street is very nearly on the grade of the car tracks of the Madison Avenue electric line. It will, therefore, be seen that without any noticeable grade, a sub-surface roadway could be built as suggested which, at its south end, could be made to rise by a gentle grade to the level of Seventh Avenue near 29th Street.

This road would be available for a large

amount of heavy traffic between the South-west and North-west and would be entirely unobstructed by cross travel except at Park Avenue where electric cars only would be met.

It might also be used with great convenience to the public by an electric passenger line connecting Lexington Avenue with Seventh Avenue, near the Pennsylvania Railway Station.

THE CURRENT ARCHITECTURAL PRESS



N article in *The International Studio* for March, treats of "The Development of the Farmhouse," and is illustrated with view and floor plan of a house at Cazenovia, N. Y., of which Mr. Thornton Chard is architect.

The work of Eugene Bondin, whose canvases of sea and shore along the coast of Normandy have much excellence is illustrated and a well written review of the work of this gifted artist accompanies.

The recent exhibition of The Architectural League of New York is described, and some features of mural decorations shown are illustrated.

The issue abounds in reproduction of current work in Europe and this country, all accompanied by well written criticism which enables the readers of this magazine

to keep in close touch with contemporaneous art.

In an article entitled "Modern Architecture," printed in the March issue of *The Western Architect*, the author, Mr. H. P.



Study by Elihu Vedder, for a Lunette
(From *The International Studio*)

Berlage, states that it is his belief that a modern architecture is by way of developing itself. Its character, he states, is that of matter of fact simplicity both in construction and ornamentation. Mr. Berlage's article is worth reading, but while it shows a respect for its subject and quotes, somewhat pedantically in support of his argument, we are inclined to believe that in some respects his readers will not be prepared to accept all of his conclusions as logically sound.

The illustrations in this issue comprise a well proportioned water-tower and power plant, Mr. V. A. Matteson, Architect; Apartment Houses by J. E. O. Pridmore, and residence work by Messrs. Mauran, Russell & Garden.

A design for a concrete hotel by Mr. George W. Maher also appears in this issue. It is interesting as a further illustration of



House in St. Louis, Mo. Messrs. Mauran & Russell, Architects
(From *The Western Architect*)

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Detail of Entrance, The Bohemian Club, San Francisco, Cal.
Messrs. L. P. Rixford & G. W. Vielham, Architects

(From *The Brickbuilder*)

those somewhat radical expressions in design for which Mr. Maher's work is known.

It is of interest to note in *The Brickbuilder* for February the skillful manner in which architects in this country are handling burnt clay products in domestic architectural designs.

A brick house recently built at New Haven, Conn., Messrs. Delano & Aldrich, Architects, is a particularly good example.

The Bohemian Club, in San Francisco, Loring P. Rixford and George W. Kelham, Associated Architects, is a satisfactory solution of a somewhat difficult problem as to site. Its main facade, constructed of brick and terra cotta, is well balanced and dignified and perhaps best of all suggests the purpose for which the building was erected. Details of exterior, with interior views and floor plans permits a satisfactory study of a very creditable result.

Mr. D. E. Waid's series, "How Architects Work," treats in this issue of the offices of Mr. J. H. Freedlander, Mr. H. Van Buren

Magonigle, Messrs. Delano & Aldrich and Messrs. Trowbridge & Livingston.

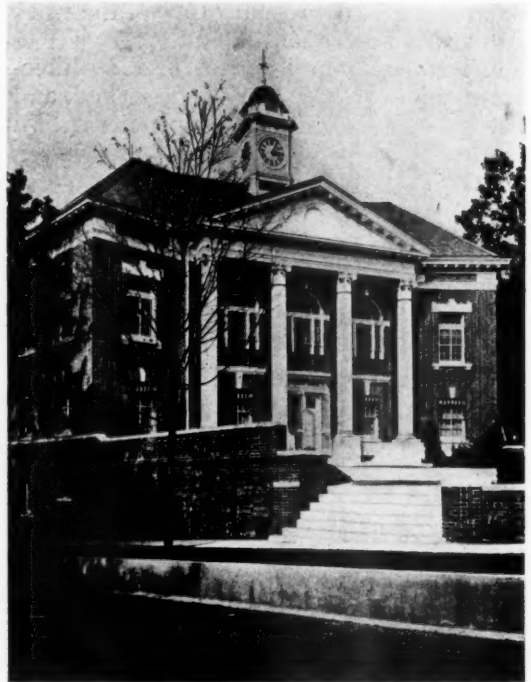
The Della Robbia room in the Vanderbilt Hotel, New York, Messrs. Warren & Wetmore, is described by Mr. Samuel Howe and in part illustrated in this issue.

The Architectural Review is again with us. After an absence of many months (the last previous issue was dated April, 1911) it now appears in its usual form, under date of January, 1912, but as Volume 1, No. 1. This issue was received early in March.

Practically the entire issue is devoted to the illustration of the competitive designs submitted in the Robert Fulton Memorial Competition, held June 1910.

It is stated that as these take so large a space all text has been largely eliminated.

Architecture for March is devoted chiefly to the work of Canadian architects. The Medical College, McGill University, Montreal, David R. Brown-Hugh Vallance, Architects, and the Royal Victoria Library, Toronto, Messrs. Sproat & Rolph, Architects, are shown by means of a number of photographs. No plans or details are given.



Town Hall, Huntington, L. I., N. Y. Messrs. Peabody,
Wilson & Brown, Architects

(From *Architecture*)



Detail of a house at Lenox, Mass. Messrs. Delano & Aldrich, Architects

(From *The Brickbuilder*)

Both subjects show an adaptation of Gothic that is well worth studying. Other subjects illustrated in this issue are the prize-winning design in the Perry Memorial Competition (see *THE AMERICAN ARCHITECT*, February 21st), Messrs. Peabody, Wilson & Brown's Town Hall for Huntington, L. I., and a house on Madison Avenue, New York, by Mr. A. J. Bodker, Architect.

The leading article in the text by Mr. Melvin Spencer treats of the architect's relation to illumination. M. Spencer's familiarity with his subject entitles his article to respectful consideration.

The ability of architects whose work remains as permanent records of the Italian Renaissance, to execute in a great variety of periods or styles, is well described and illustrated in an article in the March *Architectural Record*, contributed by M. Stapley and illustrated by photographs and drawings by Mr. A. G. Byne. Mrs. Stapley writes with the certain touch of one familiar with her subject, and the article is a valuable contribution to the biographical lore of men whose work is apt to be unknown for lack of an appreciative historian.

Mr. Montgomery Schuyler and Mr. Thomas Nolan describe the Architectural Treatment of a Building for a Philadelphia Publishing House. Mr. Aymar Embury's well illustrated series of early American churches is continued.

The illustrations are mainly of recent work by Mr. Charles A. Platt, the excellence of which is generally conceded.

RECENT LEGAL DECISIONS

TAKING POSSESSION AS ACCEPTANCE OF BUILDINGS

IT has been held in numerous cases that the mere fact that an owner moves into, uses or occupies a building after construction does not necessarily constitute an acceptance of the building. The reason is that the owner of the land cannot divest himself of the possession without surrendering a portion of his freehold. As was said by Comstock, J., in a leading case on the subject, *Smith v. Brady*, 17 N. Y. 173, "The owner of the soil is always in possession. The builder has a right to enter only for the special purpose of performing his contract. Each material as it is placed in the work becomes annexed to the soil, and thereby the property of the owner. The builder would have no right to remove the brick or stone or lumber after annexation, even if the employer should unjustifiably refuse to allow him to proceed with the



Loggia, House of H. F. McCormick, Esq., Lake Forest, Ill. Mr. Charles A. Platt, Architect

(From *The Architectural Record*)

work. The owner, from the nature and necessity of the case, takes the benefit of past performance, and, therefore, by merely so doing, does not necessarily waive anything contained in the contract. To impute to him a voluntary waiver of conditions precedent from the mere use and occupation of the building erected, unattended by other circumstances, is unreasonable and illogical, because he is not in a situation to elect whether he will or will not accept the benefit of an imperfect performance. . . . The question of waiver of the condition precedent (performance) will always be one of intention, to be arrived at from all the circumstances, including the occupancy."

The fact that the owner of a building went into possession with knowledge of latent defects in its construction and inferior material will not prevent his claiming damages for such defects as an offset against the contractor's action to recover the contract price therefor, unless an express waiver is shown, or such other facts and circumstances as would amount to a waiver of damages.

Nor are latent defects waived by other defects being pointed out by the owner and his silence as to the latent defects.

And the fact that an owner allows his tenant to enter and occupy the building as erected does not of itself constitute an acceptance of the work.

If the owner uses and occupies the building under protest and complaint that the contract has not been fully performed there is no acceptance. And possession is certainly not acceptance where it is taken under an express agreement that it shall not be construed as a waiver of the owner's right to show that the building is not constructed according to contract. *Eastman v. Blanchette* (Tex.), 94 S. W. 441.

The use of a building for the purpose of completing its construction, where such use is contemplated by the contract, does not constitute an acceptance of the work. And the act of a school district in holding a meeting within the school house after its erection, when they voted not to accept it on the ground that the contract had not been completely performed, did not amount to an acceptance thereof. *Smith v. School Dist.*, 20 Conn. 312.

The contract may, and often does, pro-

vide for acceptance on a certificate of the architect. This provision may, of course, like any other be waived, but the occupancy of the building has, in several cases, been held not to be of itself evidence of waiver. *Pope v. King* (Md.), 69 Atl. 417; *Gillis v. Cobe*, 177 Man. 584. But the fact that the owner has taken possession may be considered with all the other facts and circumstances of the case as tending to show acceptance.

When the work is not of the construction of the building, but of repairs or alterations thereon, or additions thereto, the value of use and occupancy as evidence of acceptance is, of course, materially lessened. The continuance in a house after it has been painted, the necessary use of plumbing, permitting the work of covering a building with artificial stone to remain, and the use of a house where plastering alleged to be defective has been done, have been held not to amount to an acceptance of the work.

A contractor contracted to build an addition to a house. The plastering was to be done by another contractor. The first claimed that his work was completed and the plasterer went in and finished his. The doing of the plastering did not constitute an acceptance of the first contractor's work. *Schindler v. Green* (Cal.), 82 Pac. 341. When contract work has been done on the interior of a building the continued use of the building by the owner is not necessarily an acceptance of the work. And the fact that an owner walked from necessity over a walk and steps from his door to the street does not show a constructive acceptance of the contractor's work in building the walk and steps. *Gevinnus v. Shies*, 161 Ind. 500. Damages were allowed an owner for defects in a gangway leading to his bath-house, although he continued to use the gangway after knowledge of the defects. *New York v. Dexter*, 110 N. Y. Supp. 360.

There are, however, circumstances under which taking possession by the owner will constitute acceptance of the building. So, where a fault is not in the contractor's work, but in the plan, possession taken by the owner will, notwithstanding his protest, make him liable for the full contract price. *Gray v. James*, 128 Mass. 110. When the keys of the building were delivered by the

(Continued on page 164)

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ILLUSTRATIONS:—

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.
STUDENT WORK, SOCIETY OF BEAUX-ARTS ARCHITECTS.

FRONTISPIECE:—

CHURCH, S. MARIA DELLA CONSOLAZIONE, TODI,
ITALY.

A CUSTODIAN OF ART FOR NEW YORK

THE bill introduced in the New York Legislature on March 12th by Assemblyman Hoff is so palpably pernicious in its character that little knowledge or appreciation of the fine arts is necessary in order to recognize its unwisdom. Shorn of all pretense and meaningless phraseology, the bill amends the Charter of Greater New York, providing for the creation of the office of Custodian of Works of Art belonging to this city, and gives to the official thus designated such broad and unusual powers as to justify the closest scrutiny of the measure, not only by art lovers but by everyone who has the city's welfare at heart.

If this bill was to become law, the present Municipal Art Commission would be virtually abolished and its duties and those of the Borough Presidents, in so far as the preservation, inspection or presentation of works of art are concerned, would devolve upon the newly created Custodian, who would be appointed by the Mayor and receive a salary of \$5,000 a year. The Board of Estimate is directed to provide from the city's money and cause to be set aside a fund sufficient to pay for work and special expert consultation in the inspection or care or preservation or presentation of works of art within the jurisdiction of the Custodian.

It is perfectly apparent that the political appointee, contemplated by this bill, is not only to have charge and care of the city's art objects, but is also to have practically unlimited authority in the selection and purchase of future works of art for this city. The position in which sculptors, painters and artists generally, on the one hand, and the city on the other hand, would be placed by such provision can be readily imagined. While the bill provides that in the removal, re-location, restoration, renovation or other action taken for the care, preservation or presentation of any object of art, the Custodian may ask the co-operation of the Art Commission, it is obvious that the probability of his so doing is extremely remote. A political appointee to a position of such unlimited power and authority would scarcely confess weakness by acknowledging the need of any counsel or advice, nor jeopardize complete realization of his plans by asking it.

It is safe to say there are scarcely a half dozen persons in this country qualified to satisfactorily fill the position of Custodian created by this bill. That any one of them would accept it at a salary of \$5,000 per annum is very improbable, and that one of them *would be selected* for the position, there is even less chance.

The Municipal Art Commission has been doing splendid work without salary or consideration of any kind, aside from the interests of the city. It consists of eleven men, chosen on account of their peculiar fitness for the work to be done. Why there should be *any* change at this time is not apparent. That there should be

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such a revolutionary and indefensible change can apparently be explained only by a study of practical politics. It would seem offhand that there was no chance for such a measure becoming law, and yet it will probably require the most vigorous and determined opposition not only by organizations of artists and art lovers, but by good citizens generally, to accomplish its ultimate defeat beyond possibility of resurrection.

A SATISFACTORY REPORT

THE preliminary report recently made by the Committee on the Improvement of Fifth Avenue, appointed by President McAneny, of which Mr. Arnold W. Brunner is chairman, is conservative to a point which renders it encouraging as offering some promise of possible accomplishment. One of the chief faults which may be noted in the average report covering possible improvements, or civic developments, is that of over-ambition. So much and such radical change is advised as to discourage. Not sufficient weight or importance is given to existing conditions which must be overcome. The result is that little, if anything, is accomplished.

The report received concerning Fifth Avenue Improvements, admits freely the limitations which must be recognized. The Avenue could never be made a counterpart of some of the beautiful streets of the old

world constructed from one end to the other in accordance with a predetermined design. It is acknowledged that much irregularity must remain along our most important thoroughfare and many are the architectural blemishes which cannot now be remedied. It does appear entirely practicable, however, to widen the Avenue between 14th and 23d Streets, and there is no obstacle to prevent the planting of trees, the establishment of isles of safety and the improvement of the artificial lighting. The Committee also contemplates important changes in Madison Square and the 59th Street Plaza, details of which are not yet completed.

The restriction of the height of future buildings to 125 feet is advocated, with the hope of thus eliminating or at least minimizing the danger of the erection of loft buildings for factory purposes on the Avenue in future.

The design of future buildings in architectural harmony with their surroundings is also advocated.

Of course the value of this report will depend largely upon the use which is made of it, but that the members of the Committee have given their subject careful and intelligent study, bringing to bear not only technical and artistic ability, but also a large amount of practical knowledge, and what is often termed, hard common sense, is evident.

RECENT LEGAL DECISIONS

(Continued from page 162)

contractor to the owner, who went into possession on the understanding that he accepted the building up to a list of alterations then agreed on, which were subsequently satisfactorily performed, the delivery of the keys and their acceptance constituted an unequivocal acceptance of the work. *Vanderhof v. Shell*, 42 Or. 578. And if the owner gives notice to the contractor that he will complete the work and deduct the cost from the contract price, that is an election to accept it subject to the necessary cost of completion.

And when the owner takes possession of and occupies a portion of the building while the work is in progress and afterwards takes possession of and occupies the whole

building, it has been held to constitute acceptance, although the contract is not in all respects complied with. *Cosby v. Adams*, 1 Wils. (Md.) 342.

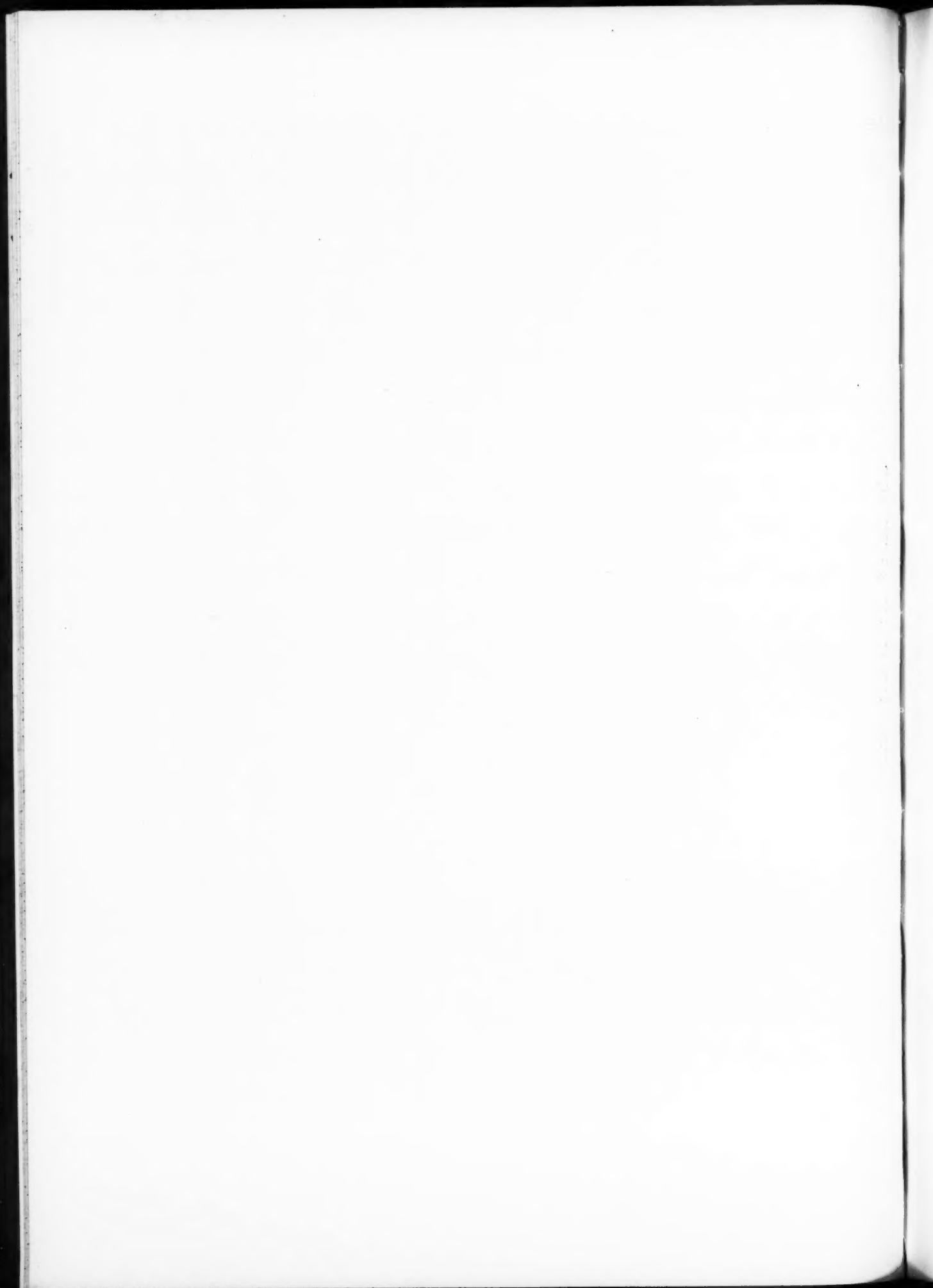
The owner's presence about the building during its construction, without objection to the manner of construction, and his giving instructions in regard thereto does not prevent him objecting afterwards that the work is not properly done. But such actions coupled with partial payments during the building taking possession, and his expression of satisfaction after completion would be strong evidence of the performance of the contract. *Demoss v. Noble*, 6 Iowa 530. And it has been held that a railway company which takes possession and uses a warehouse and pier, with a trestle alongside it, without making objection to their



The base is of Carthage stone, and the superstructure Buff Bedford limestone, the roof is of tile and copper; the main entrance doors, carriage entrance doors, and the marquee are of bronze. The front walk and main terrace are paved with 9 x 9 red quarry tile, laid with wide black mortar joint. The house is of fireproof construction throughout, having reinforced concrete floors and brick and terra cotta partitions. A bowling alley running the full length of the house, billiard room, laundry, and all the necessary store rooms, etc., are in the basement. The main vestibule is paneled in pink Skyros marble, and the carriage entrance vestibule in Siena.

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.

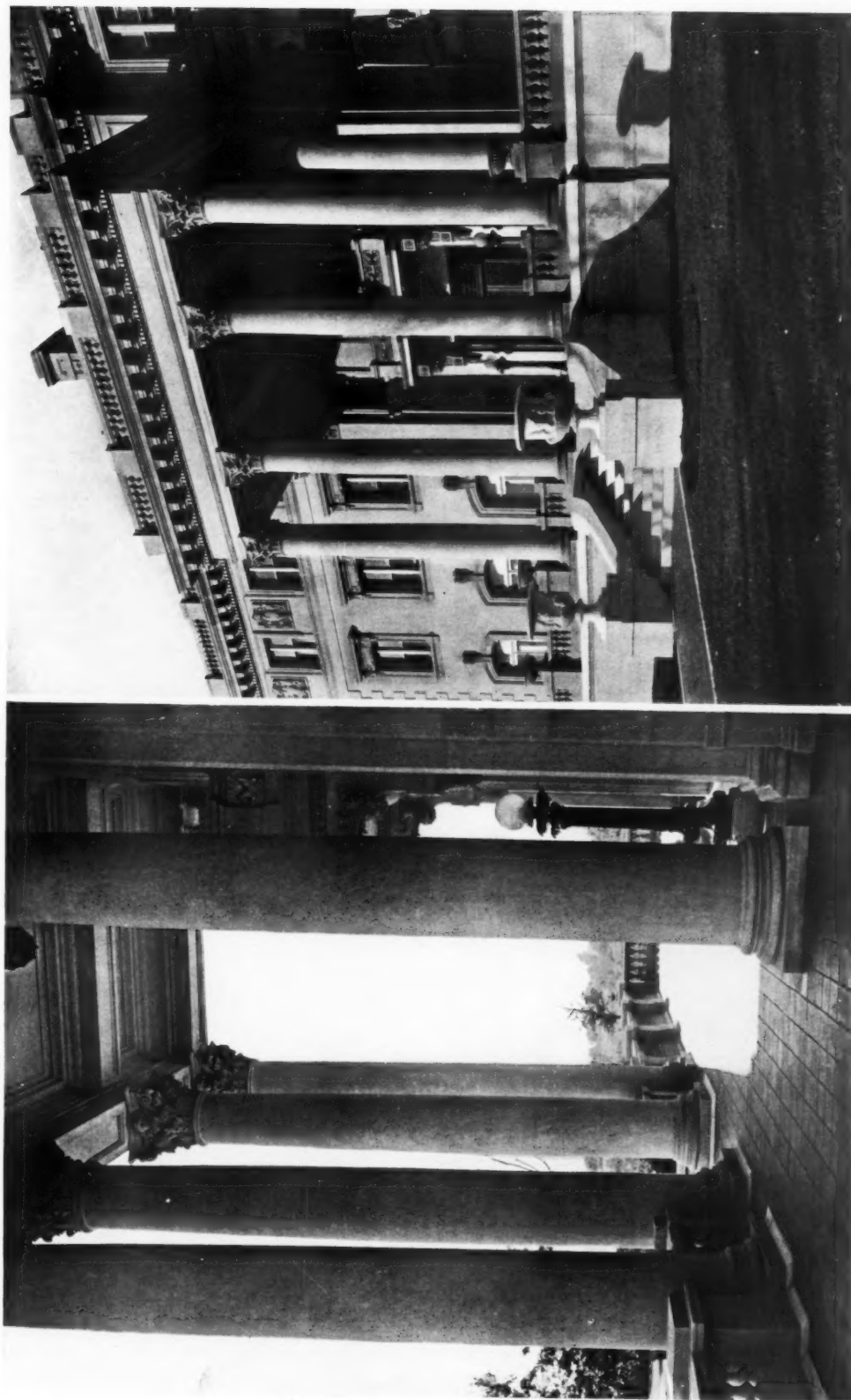
MESSRS. HOWE & HOIT, ARCHITECTS



THE AMERICAN ARCHITECT

VOL. CI, NO. 1893

APRIL 3, 1912



HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.
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THE ENTRANCE HALL is in the style of the French Renaissance; the walls are of Caen stone, and the floor of Italian marble bordered with Hauteville marble; the grand staircase is of Italian and Hauteville marble and the balustrade of bronze. The electroliers are of bronze with shafts covered with crimson velvet to match the crimson velvet on handrail on balustrade. The hangings are of cut velvet and gold background; the rugs and stair runners are especially woven, hand-tufted, Austrian rugs; laces on vestibule doors are of Italian fillet; furniture and woodwork of carved French walnut. The tapestries are specially woven Aubusson.

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.

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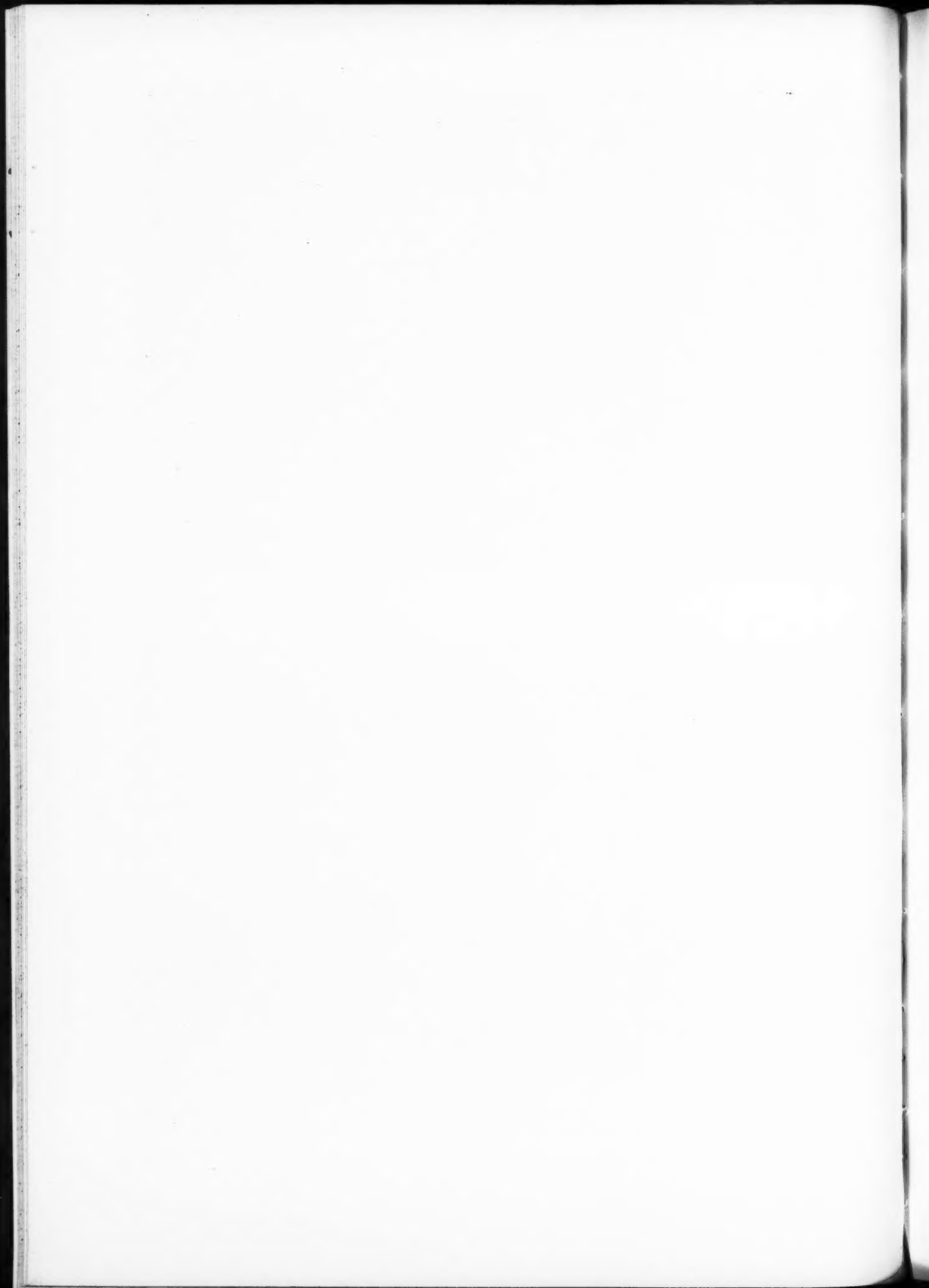
DINING ROOM—Woodwork is French walnut with carving laid in old gold; floor of quartered oak; mantel and base are of green marble; ceiling of decorated plaster; wall covering of green silk damask. The subject of the large Gobelin tapestry is "The Feast of Bacchus." The electric fixtures and hardware are finished in old gold; hangings of green silk velvet. Furniture is of carved French walnut, upholstered in tapestry. The cantenieres at the windows are of specially woven Gobelin tapestry. The rug is Austrian, hand-tufted, in tones of green.



THE BREAKFAST ROOM is in the Adams style; woodwork, white enameled; windows of leaded glass. The ornamental, vaulted ceiling is in plaster relief. Electric fixtures and hardware are of silver; side walls are decorated with Adams design in tones of green on aluminum leaf. The window hangings are green silk; rug is an Austrian hand-tufted rug, in tones of green; furniture, mahogany, upholstered in green Morocco leather.

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.

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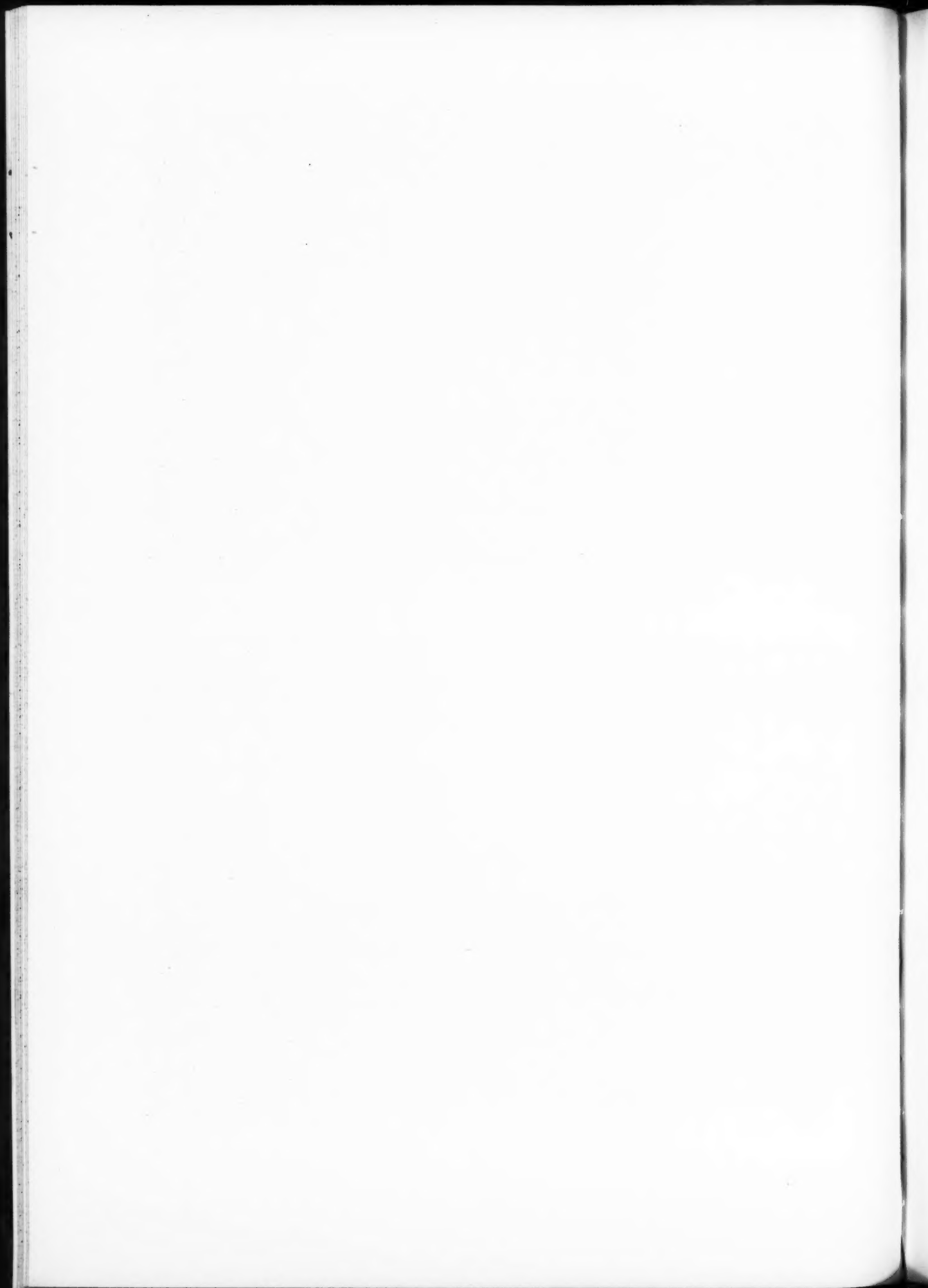
THE LIVING ROOM is a Francis I; woodwork, mahogany; floor, quartered oak. The large fireplace is of carved Caen stone; walls covered with an old blue silk fabric of Francis I design in antique gold ornament; the hangings are old blue French velvet the rug is blue Austrian, hand-tufted; the laces, Italian fillet. Furniture is of carved mahogany in Francis I period; hardware and electric fixtures, old silver.

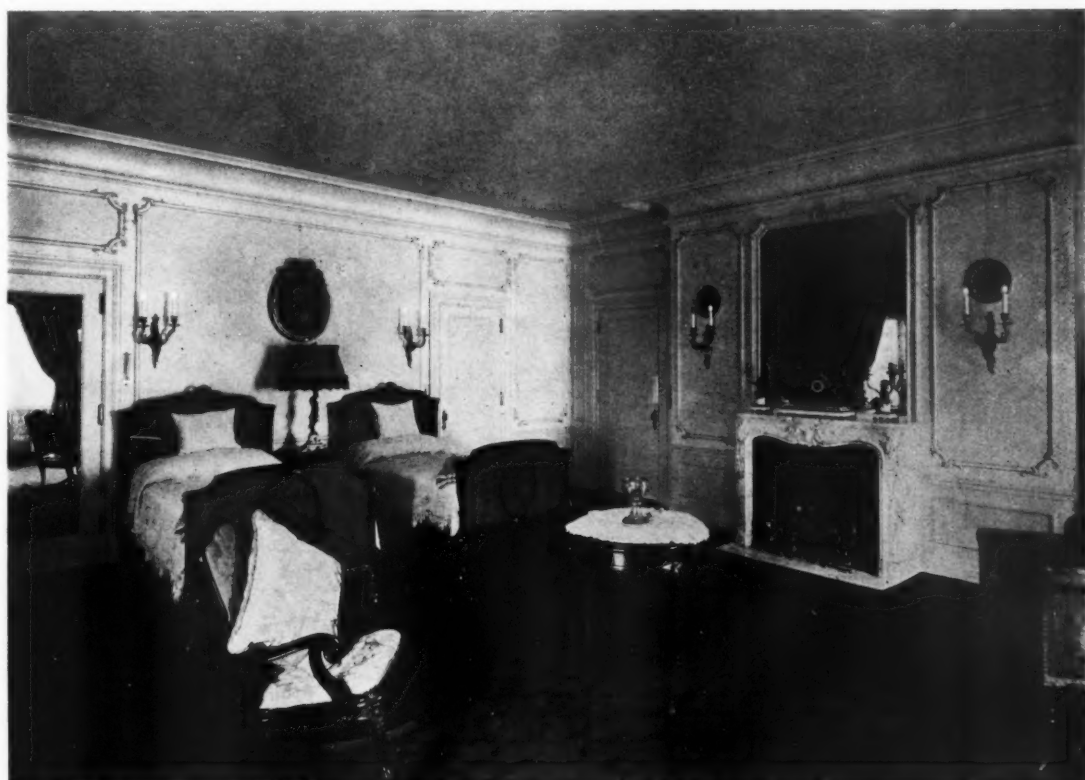


THE SALON is in the Louis XVI style; woodwork, white enameled. The ornaments are laid in in gold and toned down to antique finish; floor of quartered oak. The wall panels are carried out in ornamental plaster relief. The base of the room and fireplace are of white marble; electric fixtures and hardware, gold plate. The window hangings are of silk of Rose du Barry tones and embroidered; the intermediate drapings are of cream silk, embroidered brocade; laces, Italian fillet. The rug is a special, hand-tufted Savonnerie. Furniture is of carved French walnut and gold, upholstered in special velvets; Furniture finished in solid gold, upholstered in Aubusson tapestry.

HOUSE OF R. A. LONG, ESQ., KANSAS CITY MO.

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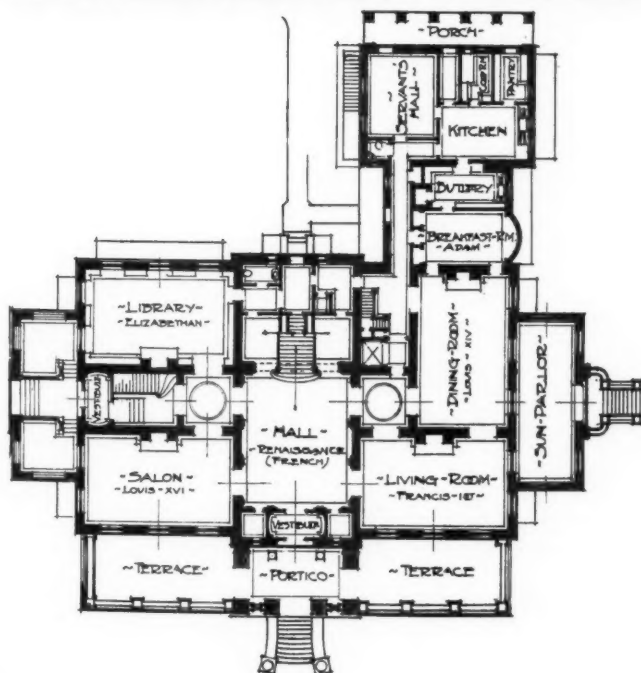




The various bedrooms have each been consistently carried out in their respective periods of decorative treatment.

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.

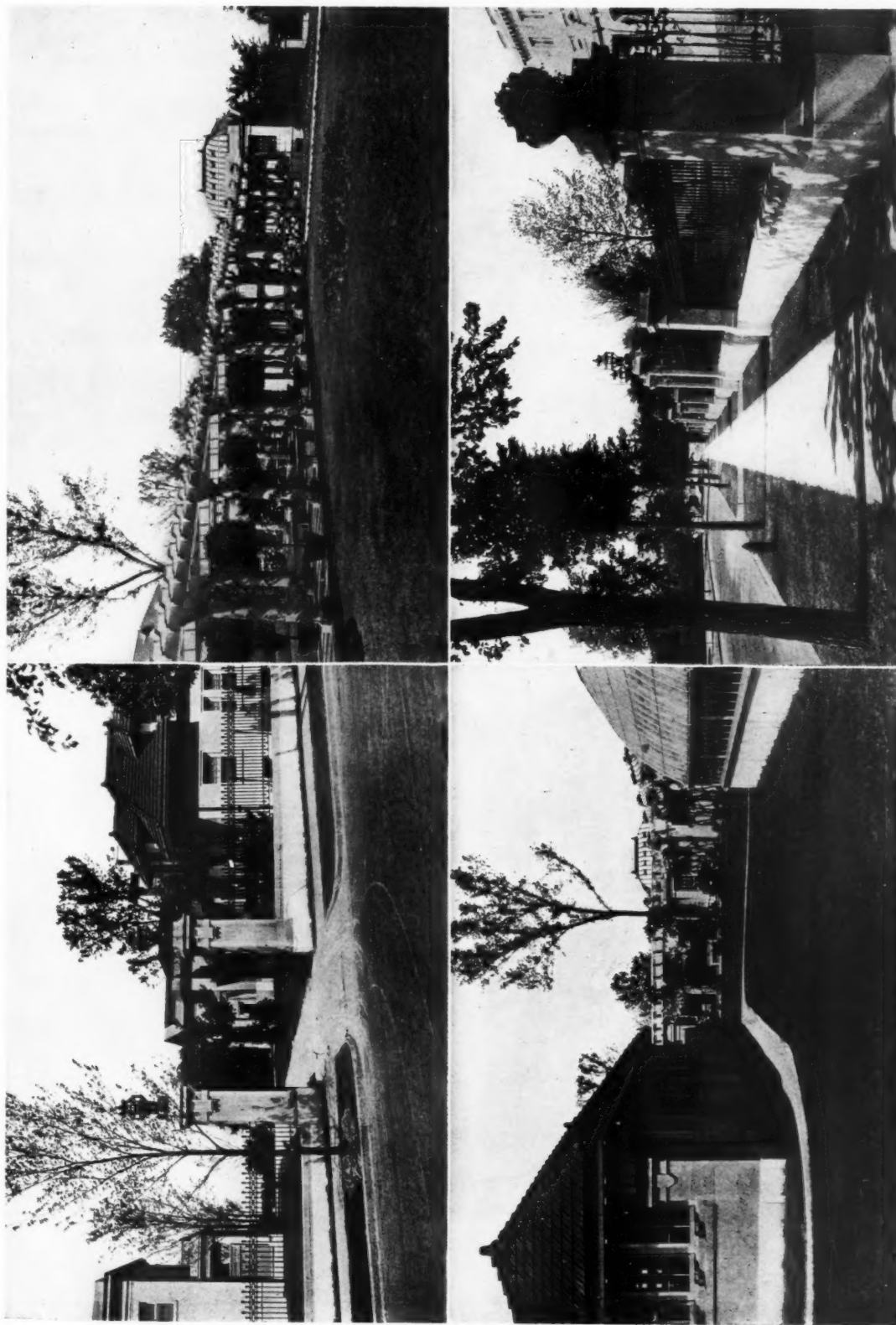
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HOUSE OF R. A. LONG, ESQ.
KANSAS CITY, MO.

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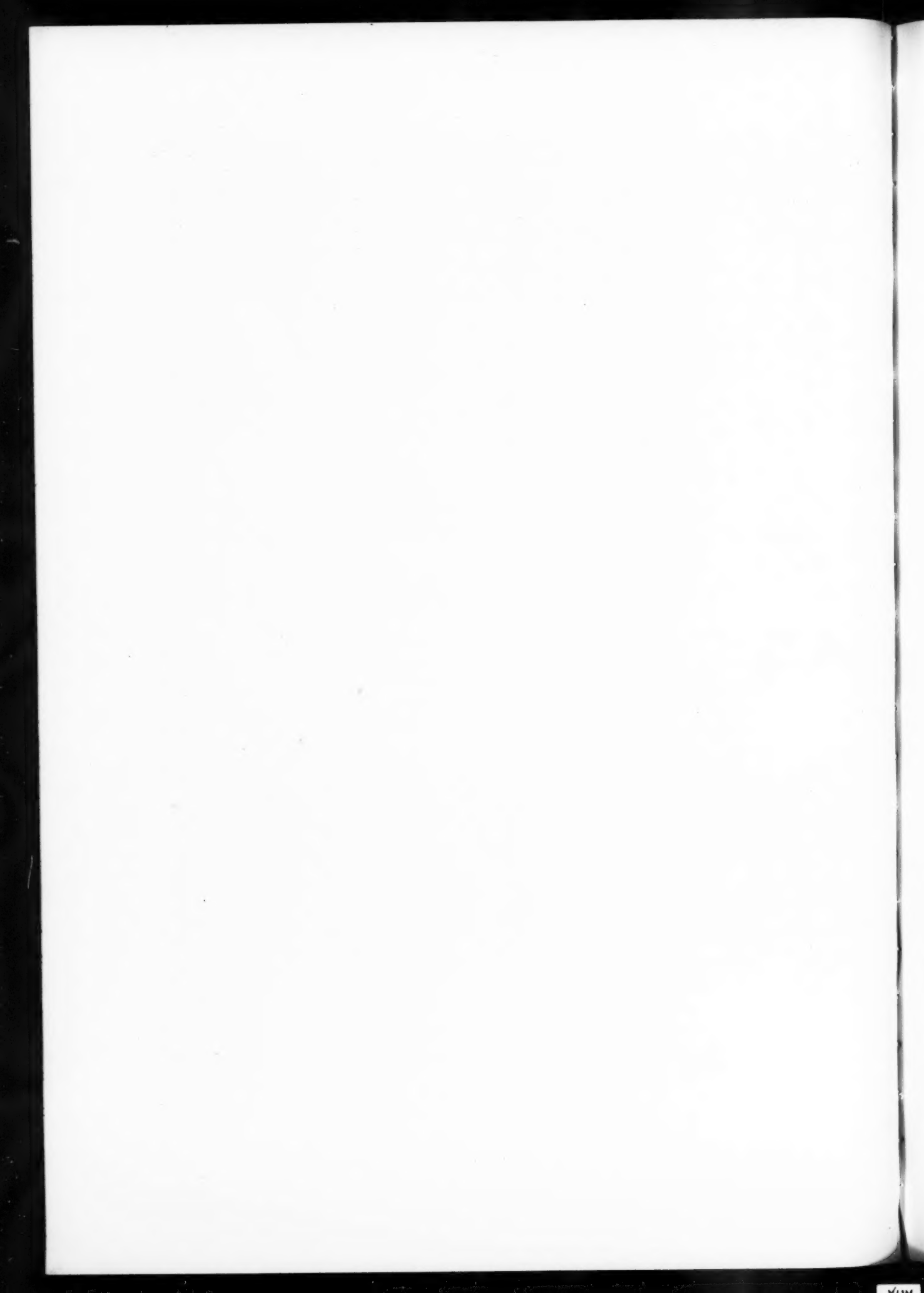
The sun parlor has a floor of quarry tile, walls of Bedford limestone, ceiling lights of art glass, green wicker furniture, hangings in cretonne in tones of green and red flowers, and the lattice work for vines on stone is of green.

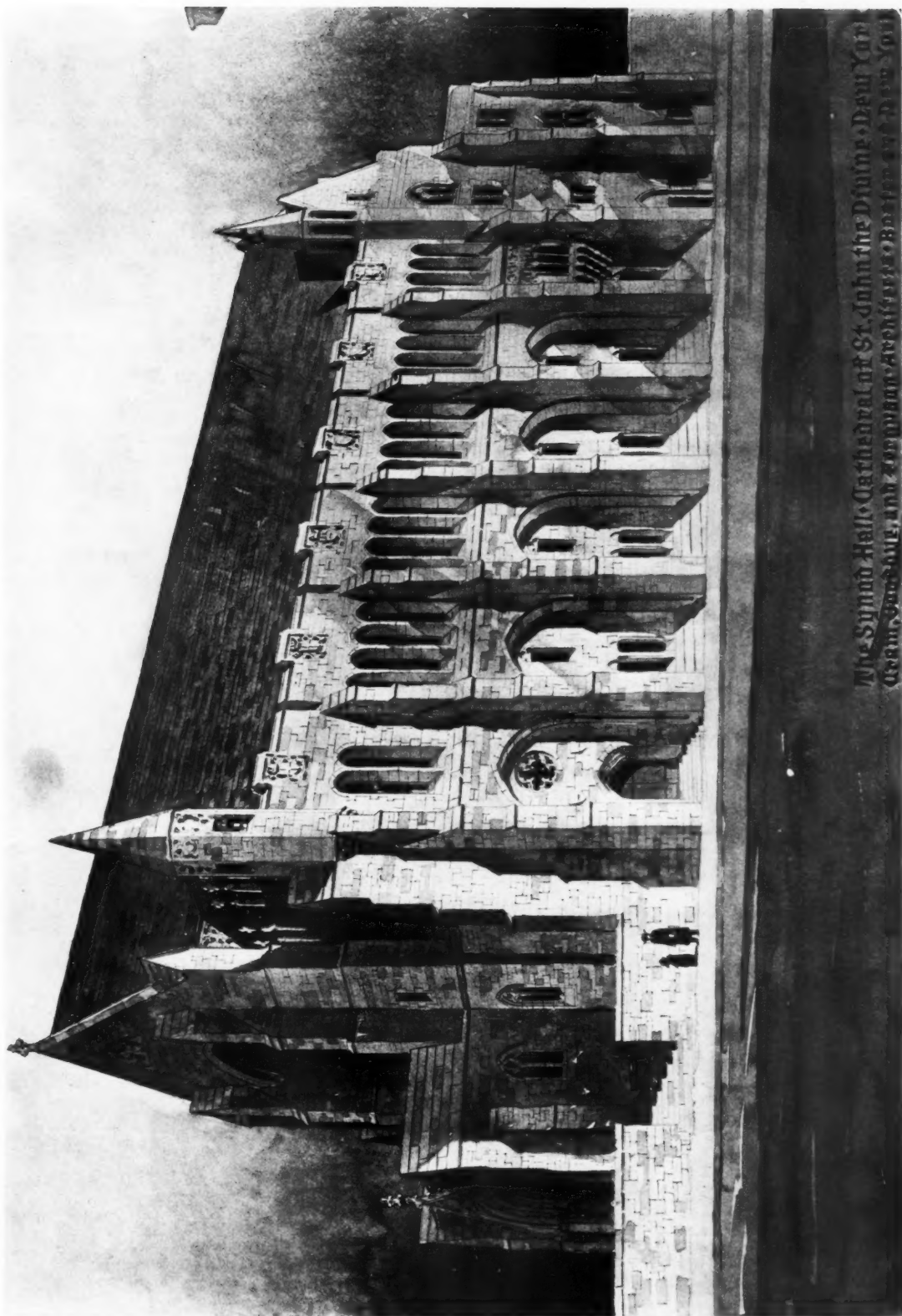


DETAILS OF GROUNDS AND APPROACHES

HOUSE OF R. A. LONG, ESQ., KANSAS CITY, MO.

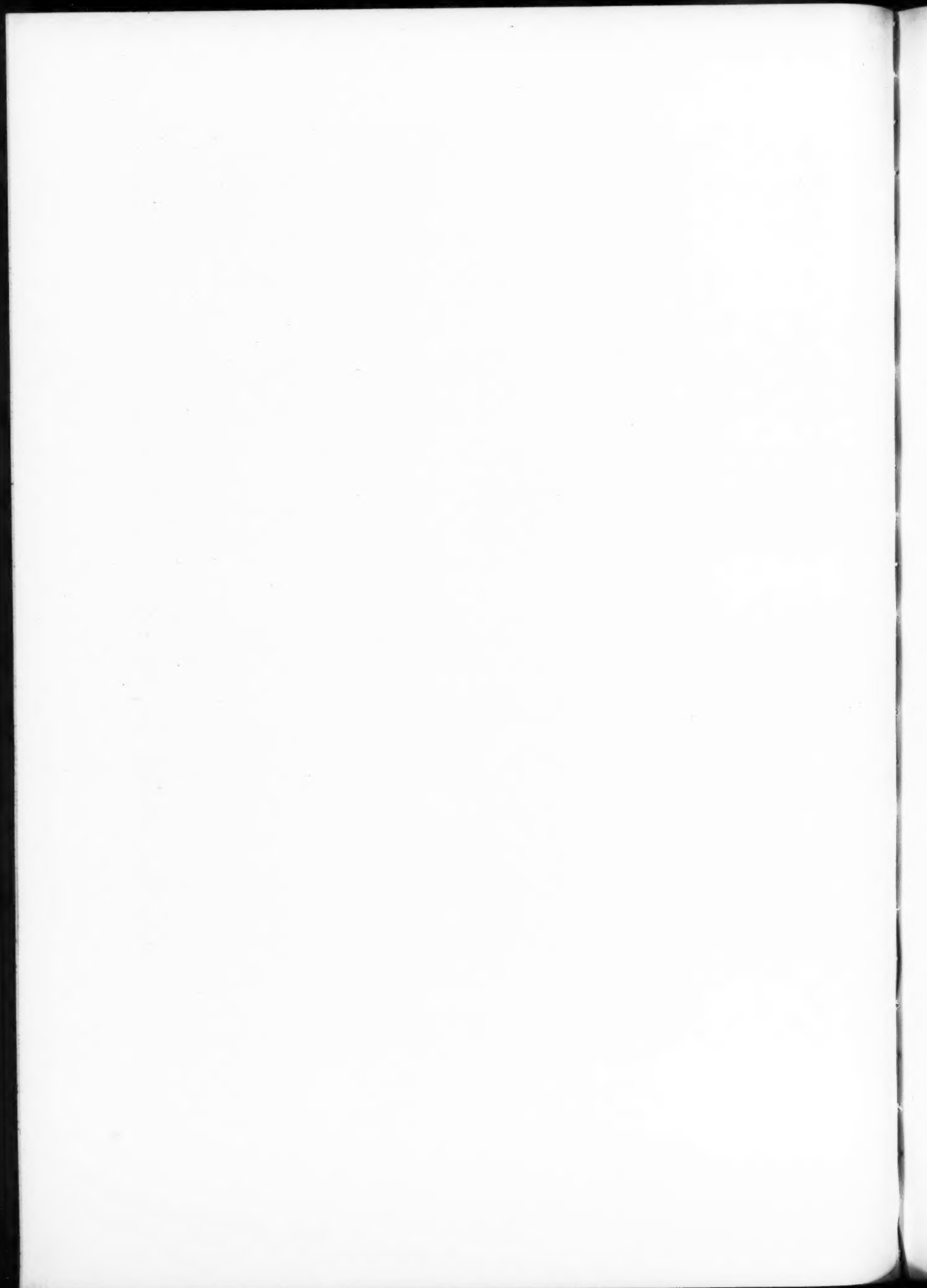
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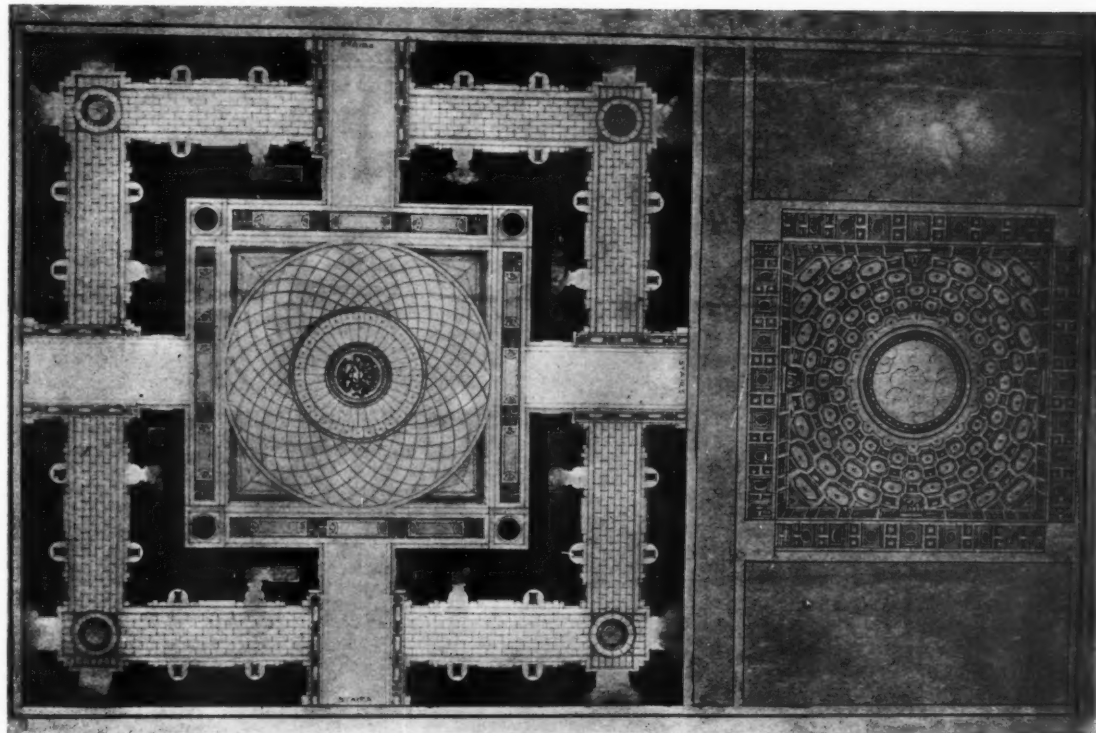




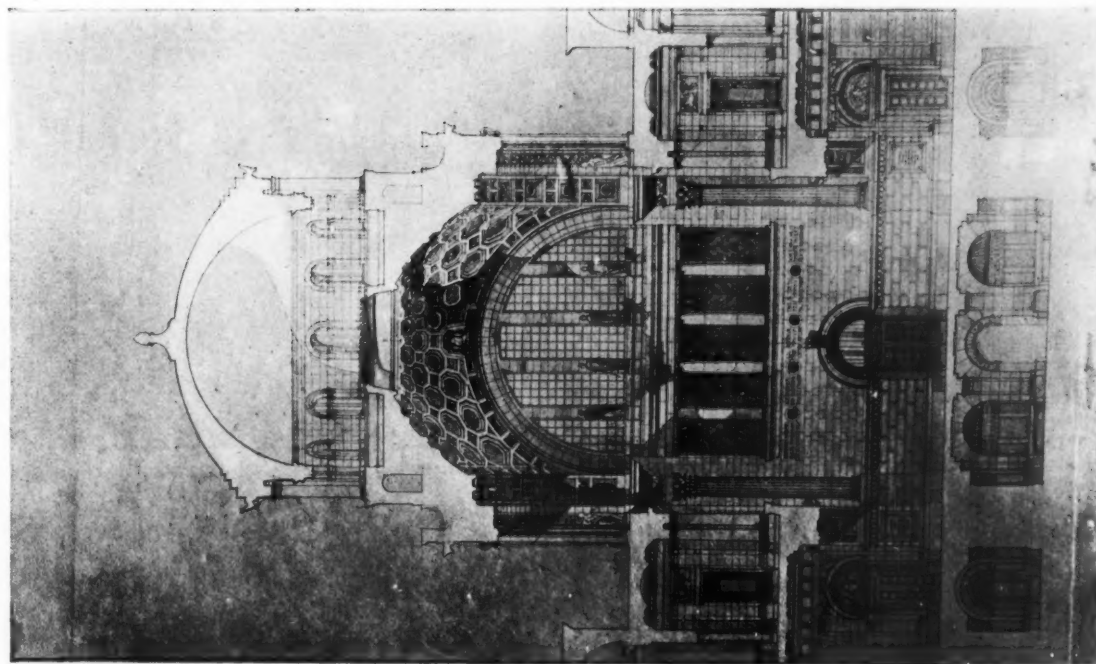
PERSPECTIVE OF PROPOSED SYNOD HALL, CATHEDRAL OF ST. JOHN THE DIVINE
MESSRS. CRAM, GOODHUE & FERGUSON, ARCHITECTS, FOSTON AND NEW YORK

*The Synod Hall, Cathedral of St. John the Divine, New York
Cram, Goodhue, and Ferguson, Architects, Boston and New York*





B. HOYT

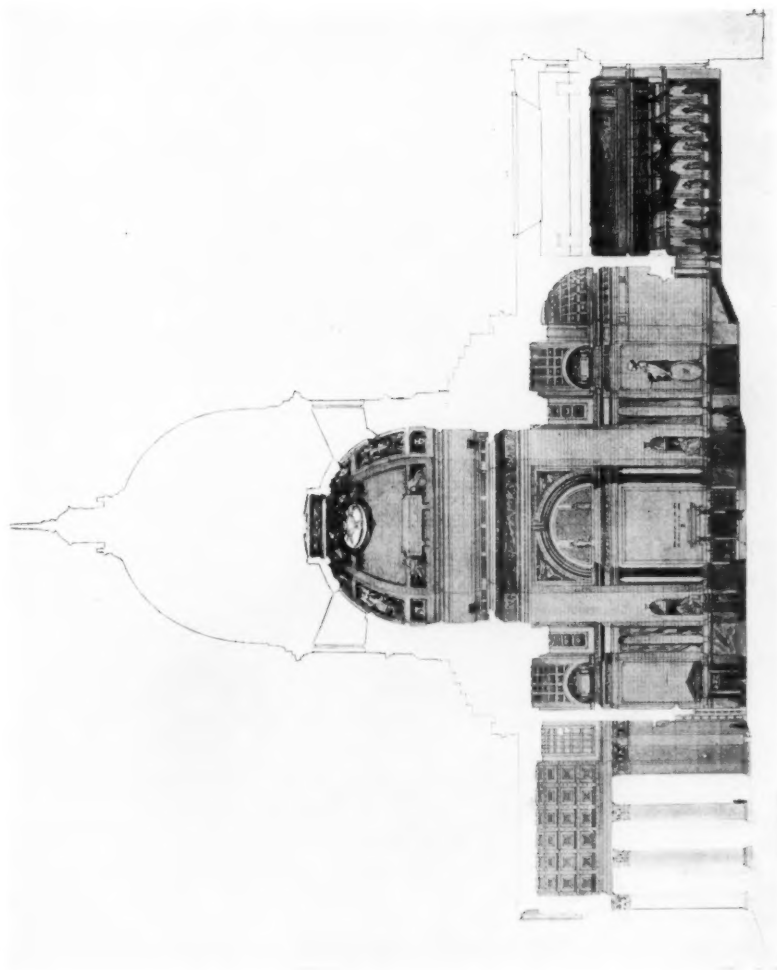


ATELIER WARE

FIRST MEDAL

Class "A"—III Project (Problem in Design). The Interior of a Rotunda of a State Capitol

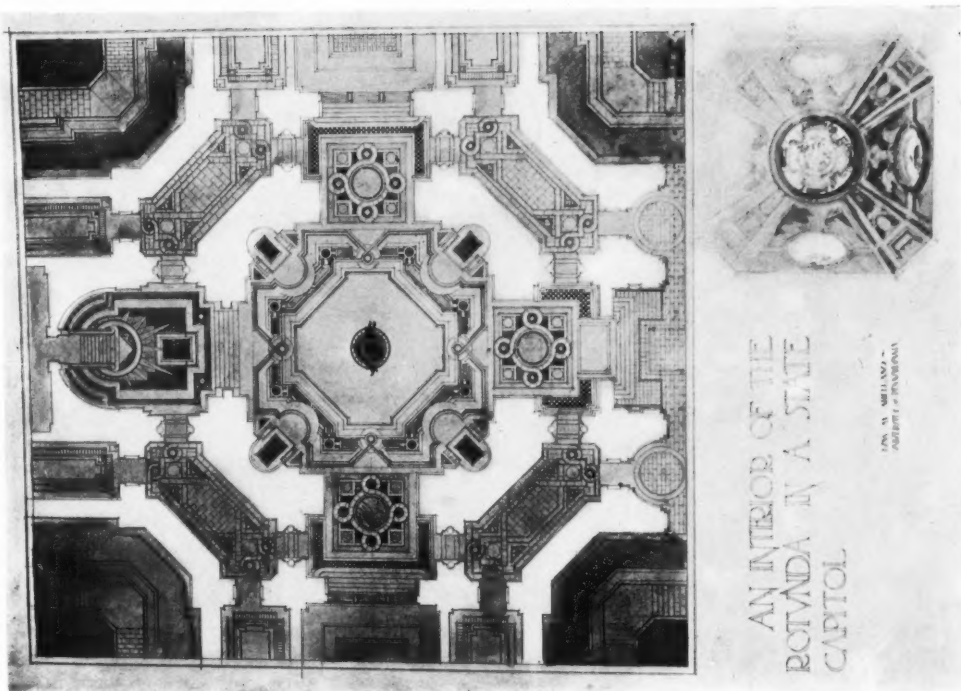
STUDENT WORK, SOCIETY OF BEAUX-ARTS ARCHITECTS



J. M. ARELLANO, FIRST MEDAL.
UNIVERSITY OF PENNSYLVANIA SCHOOL OF ARCHITECTURE, PHILADELPHIA, PA.

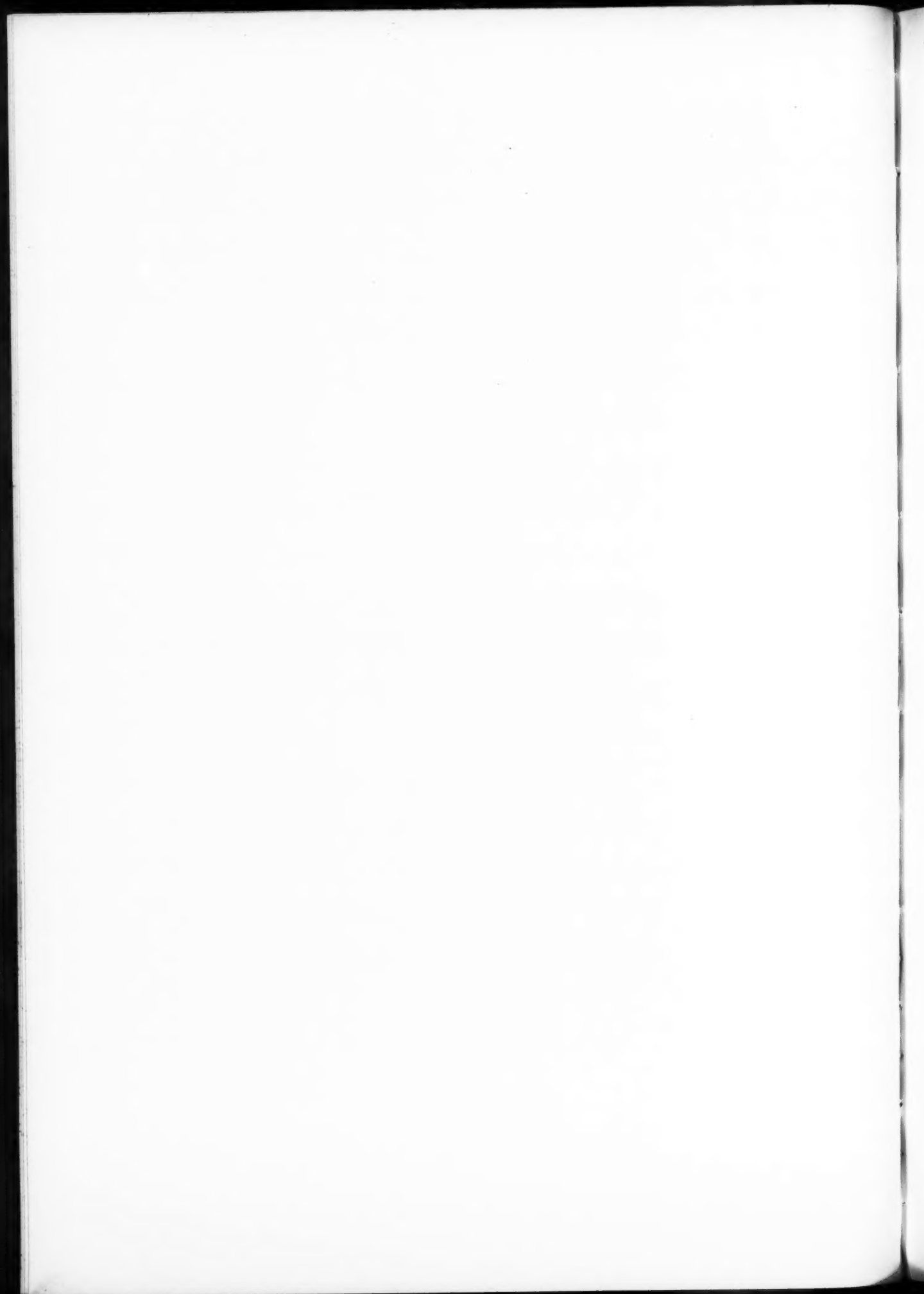
Class "A"—III Project (Problem in Design). The Interior of a Rotunda of a State Capitol

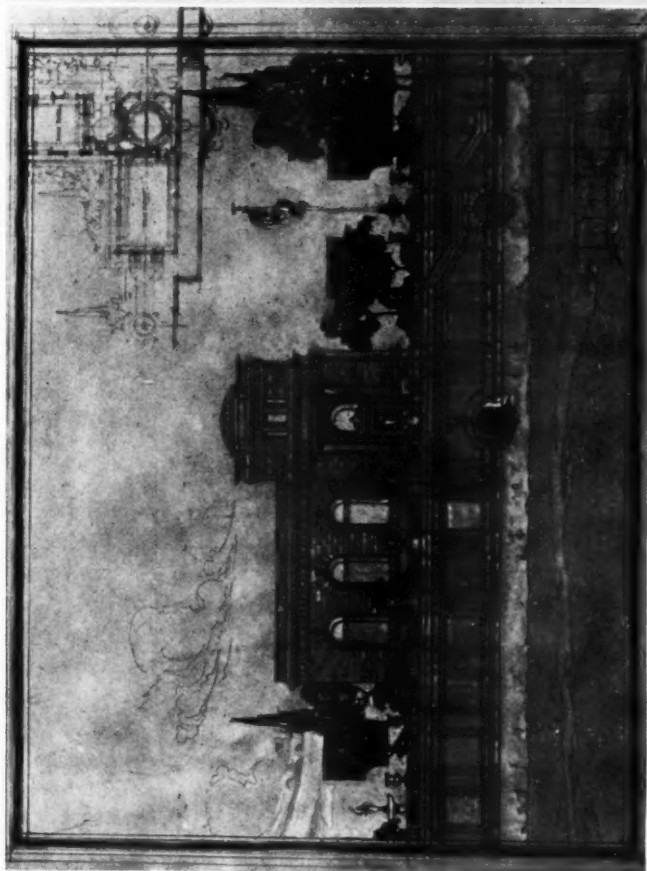
STUDENT WORK, SOCIETY OF BEAUX-ARTS ARCHITECTS



AN INTERIOR OF THE
ROTUNDA IN A STATE
CAPITOL

J. M. ARELLANO
ARCHITECT & ENGINEER





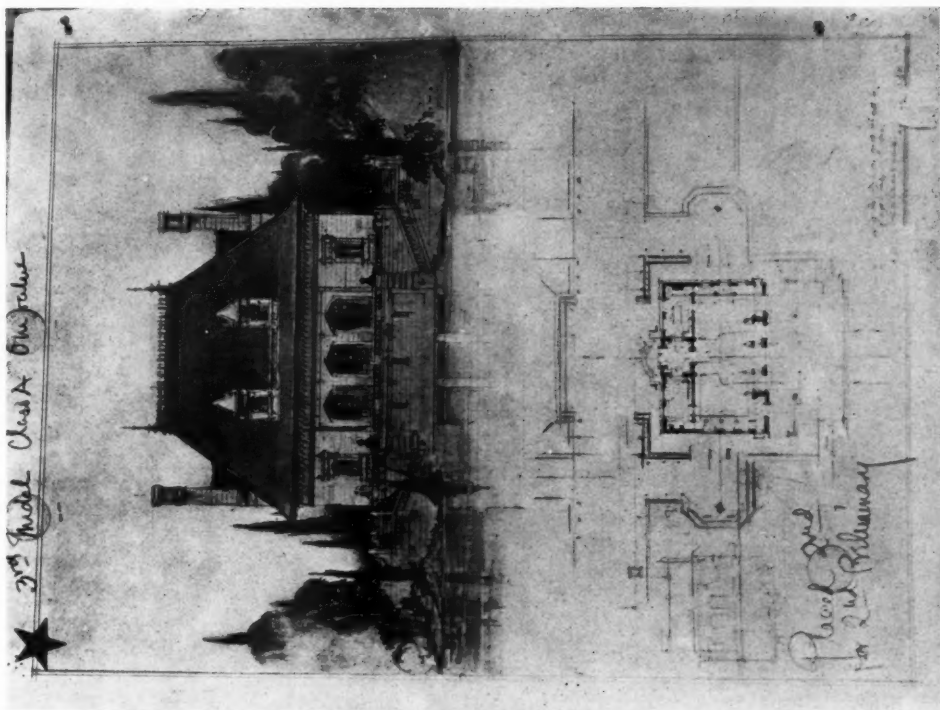
ABOVE:—J. E. STANTON, PLACED FIRST.

AT RIGHT:—D. M. KIRKPATRICK, PHILADELPHIA ATELIER, UNIVERSITY OF PENNSYLVANIA,

PLACED SECOND

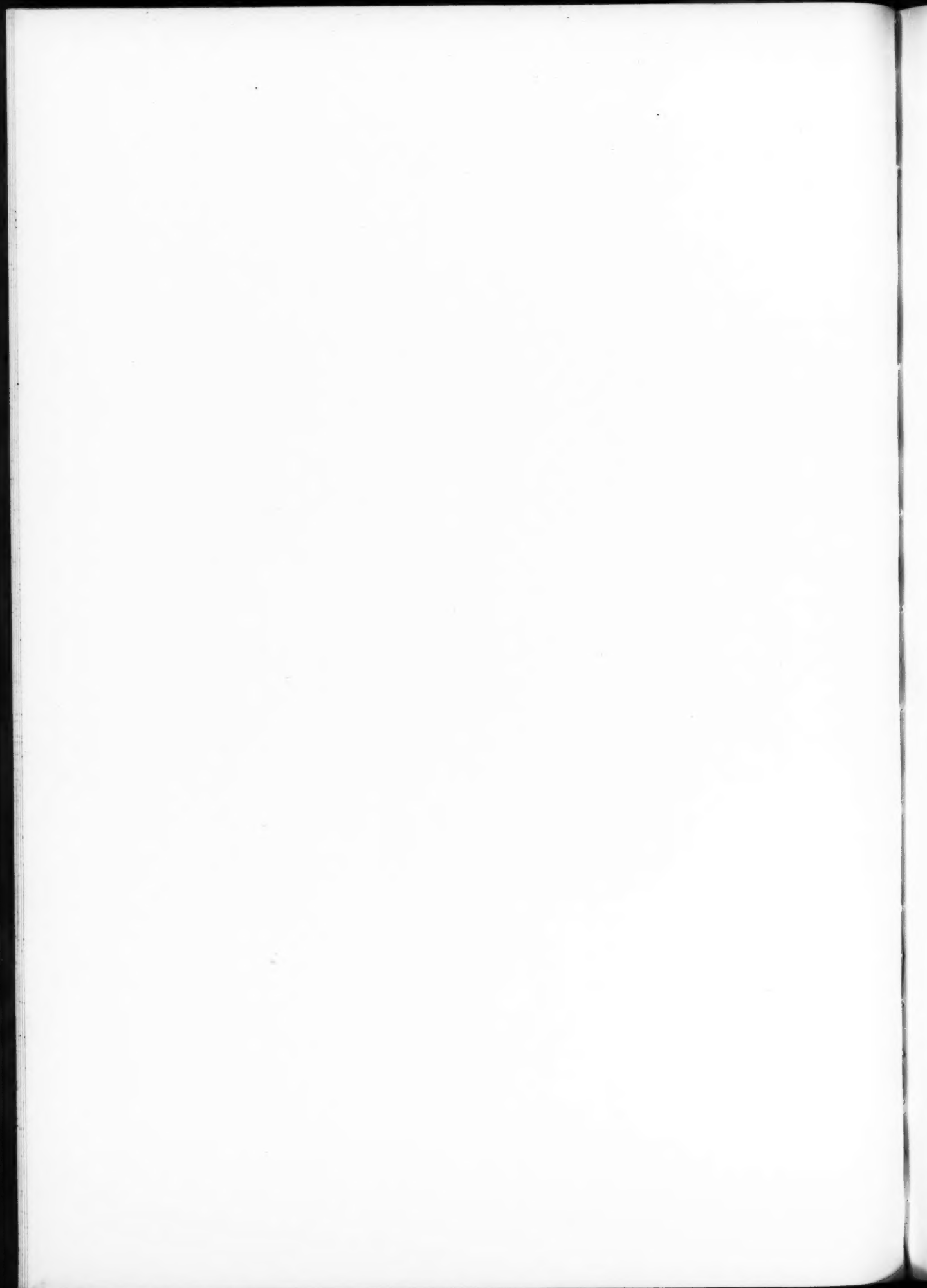
Firs Preliminary Paris Prize Competition. A Guard House on the Borders of a Reservoir

STUDENT WORK, SOCIETY OF BEAUX-ARTS ARCHITECTS

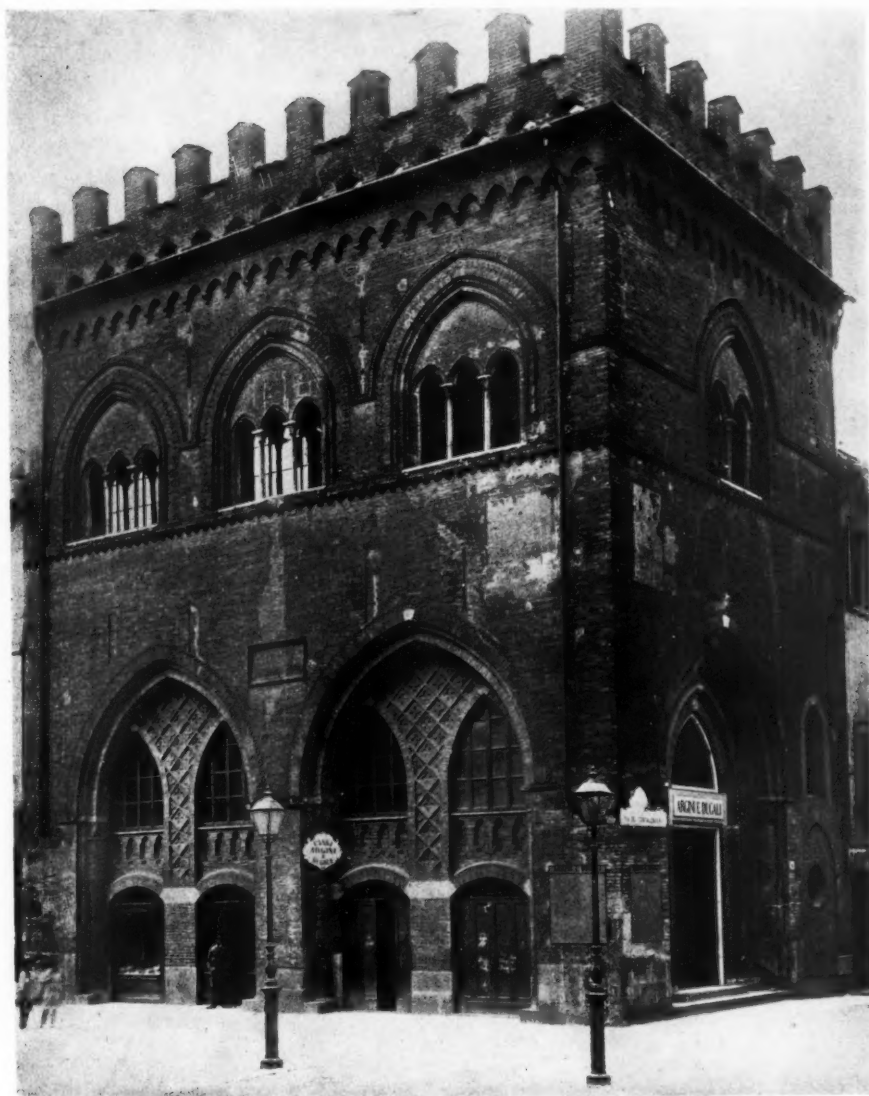


★ 3rd Medal Class A On Judgment

Placed 2nd
for Preliminary



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PALAZZO DEI GIURECONSULTI (1292), CREMONA, ITALY