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South African Architectural Record: Journal of the Transvaal, Natal and Orange Free State Provincial Institutes of South African Architects and the Chapter of South African Quantity Surveyors

1933

Institutes of South African Architects and the Chapter of South African Quantity Surveyors

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Volume Eighteen Number Three, March Nineteen Hundred and Thirty Three.



villa in ville d'avray • by le corbusier and p. jeanneret 1928

a fine example of le corbusier's work, indicative of his superb handling of the primary elements of architecture, and showing a vigorous inter–modelling of surroundings and building. trees and landscape seen through the great window take on the form of a derain or a de segonzac— a vast colourful canvas that fills one side of the room. r.m. photo/l'architecture vivante

The attendance at the Annual General Meeting of members of the Transvaal Provincial Institute of Architects, the proceedings of which are reported in this issue, was an indication of the apathy shown by the majority of members in the affairs of the Institute. Of a total membership of two hundred and sixty-seven only twenty-six attended the meeting. This included eleven members of the Committee.

Reviewing the proceedings as a whole one could not help feeling that there was a lack of that constructive criticism by members which is so sadly needed by members of the Committee. The lack of interest displayed by members was also indicated by the fact that the same Committee was elected for the ensuing year. One can only assume from this that members as a whole are disinterested in the work of the Committee, or that new nominees are not sufficiently known to members of the Institute to warrant their election. This places the incoming Committee in a somewhat invidious position as was evidenced by the fact that one of its members proposed that in future a certain number of members should withdraw from the Committee each year in order to ensure that new members or "new blood" should be acquired. It seems a pity that at every general meeting the same procedure should take place, and that so few nominations come forward.

A certain amount of criticism was hurled at the outgoing Committee, questions were asked as to its policy and also as to the procedure of its members on the Central Council, but we do not appear to advance very much. With reference to the financial position of the Institute, this was very ably expounded by Mr. Allen Wilson, chairman of the Finance Committee, and it was clear from his statement that in these times of depression the Committee felt that no action should be taken against any member in respect of failure to pay his subscription. Attention was drawn by certain members to the fact that members of the Committee itself were in default, and that the regulations in this respect were not being rigidly adhered to. It is doubtful whether any member of the Committee is fully aware of the clauses in the regulations, but this is always the case in the working of any new act and its regulations. It is incumbent therefore on any member to draw the attention of the Committee to any irregularities, and this is what the Committee expects of members, but to take them to task for seeming breaches of the Act and Regulations is not quite fair. On the other hand it is questionable whether it would not always be wiser for members after drawing attention to such irregularities to refer the matter to the incoming Committee to regularise, as surely the elected representatives of the Institute must do.

Certain criticisms were levelled at the Central Council for not divulging the fullest information in respect of competitions and professional conduct. These were ably replied to by the President, and it is quite evident that the Central Council is devoting a great deal of its time to a general improvement in the profession. Mr. Lansley is to be congratulated on bringing up two important questions, that of the restitution of Clause 3 C of the Act, and that of the election of Honorary Members of the Institute. Both these questions were fully discussed, and the first was replied to by Mr. R. Howden whose speech was again a clear indication to members of the earnest work of the Central Council in matters concerning the Institute as a whole.

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Other matters dealt with were questions of Provincial architectural work and of advertisement hoardings. These have been gone into very thoroughly by the Committee, and in fact are still being dealt with. The retiring President's address was an able summary

of the work of the Committee for the past year, and he is to be sincerely congratulated on the enormous amount of time and work that he has devoted to matters concerning the Institute.

●

The discussion on the publication of the Journal was interesting as showing considerable divergence of opinion on the subject. It has been agreed that the appointment of a business manager is essential to attend to the business side of the Journal as apart from the advertisements, to look after its publication, and to assist the editorial staff in obtaining matter for each issue. With this matter we do not intend to deal as it is one that concerns the finances of the Institute only.

Criticisms, however, were passed on the present form and subject matter of the Journal, also on the editorial staff, and it was agreed by a majority that the question of "reverting to type" should be considered by the incoming Committee. Other criticisms were levelled at the type of print used in the set up of the Journal, and it was stressed that no editorials were forthcoming dealing with questions of policy and matters which would be of assistance to the Institute. It was further mentioned that as an effort in journalism the publication was a failure. It might be pointed out in reply that there has been no attempt so far to make the "Record" a "journalistic success." It is in the main an official record of the proceedings of the Transvaal Provincial Institute and other allied bodies. Unless as one member pointed out sufficient capital is forthcoming it is impossible to expect more than is done at the moment. It is questionable whether any official architectural journal is a "journalistic success." The R.I.B.A. Journal is in the happy position of having at its disposal a large number of technical papers read before members of the Institute weekly. Apart from the publication of these and the annual addresses of Presidents there is little subject matter, and a large portion of the journal is devoted to minutes of meetings, book reviews, obituary notices, or to work of the architectural schools. The journals of other Institutes within the British Commonwealth are almost entirely devoted to the activities of their Institutes with an occasional article. Editorials are rare, and it is evident that the control of these respective journals is in the hands of professional members of the Institute.

If it were possible to appoint a journalist with an intimate knowledge of architecture and the allied arts much could be achieved. The pity of it all is that the greatest critics of the Journal are the very last to come forward with articles which may be of value to the profession.

With regard to the "get up" of the journal and its printing type which has been so severely criticised, one can only say that in this respect it is well abreast of the times, and already the Journal is known and appreciated overseas. To those who are mainly responsible for the publication of the Journal. apart from the honorary Editor whose duties as a member of the Committee are chiefly to conduct its policy, the greatest amount of encouragement and congratulation is due. Their task is mainly an onerous one and it is fitting that the younger members of the profession who in the very near future will conduct the affairs of the Institute should at this stage be responsible for the views expressed in our "Record." If as has been suggested we should "revert to type" one can only say that the sooner a new journal committee is appointed the better.

All matters affecting the interests of the Institute, its annual meetings, its professional problems are fully reported, the activities of the Town Planning Association and the Institute of Art are recorded, and with it all is a leavening of articles on architecture and the fine arts which can be of value only to those sincerely interested in the development of architecture and its allied arts. To those who wish for a social and personal column it is quite an easy matter to satisfy, but it is for them to submit these so called "newsy" articles and they will be embodied each month. As for the question of advertisements it is quite obvious to anyone who cares to study the files of the "Record" that these have increased considerably and it might be pointed out that the majority of advertisers are prepared to have their advertisements designed so as to conform with the general "get up" of the subject matter.

The main object of the journal committee is to forge ahead, to keep abreast of the times, and when capital is forthcoming to present to members as large a number of illustrations as possible, and further to interest the allied arts and crafts in our efforts in order to produce in this country as soon as possible a journal that will make a greater appeal to the public than to the majority of the members of the present Institute of South African Architects. To those who love their work, and look upon it as an art rather than a commercial venture we make a great appeal, and feel that we are now reaching the period when we have sufficient members of that calibre to carry our art outside the confines of the profession and create, as is our earnest desire, a public appreciation of architecture.

It has been proposed that in the very near future we shall still further change the policy of the Journal, and by altering its title make a greater appeal to the public than has hitherto been possible. Why quibble about questions of capitals when the reading matter is clearly legible ? To argue the point to its logical conclusion it is clear that if one looks to the beginnings of things as far as our art is concerned that in the literature of those days capital letters were not employed.

A new era is coming and a logical outlook is necessary. It behoves us then to see that we are prepared to meet it. This transitional era, as one may term it, is well expressed in a recent article in the "New Statesman," which we are pleased to reprint here . . . "Mr. Howard Robertson, the Principal of the Architectural Association School, gave an admirable lecture on the 'Training of the Architect.' It was an explanation of his own methods, illustrated by lantern slides, largely of designs prepared by his own pupils. His most important principle was that architecture of the past must be regarded as a fund of accumulated experience and not as a vocabulary from which to borrow forms of expression. In the discussion that followed it was clear that the audience was divided into roughly two groups : the traditionalists (including, I fancy, most of the architects present), who advocate the use with modifications of old forms to disguise modern structure ; and the functionalists (including, I think, most of the students and some of the laymen present), who stand for a logical submission to the practical purpose of the building and a candid acceptance of the nature of modern materials, concrete, steel, and glass. The puritanism of the latter camp may sometimes blind them to the beauties of past architecture and lead them to disregard aesthetic considerations in their own work ; but the former are responsible for most of the stillborn buildings tricked out with meaningless ornament, which disfigure the streets of London. Mr. Robertson encourages his pupils both to appreciate past styles and to practise the manner appropriate to the present. He has made the A.A. the best architectural school in the country, and I shall be surprised if his pupils are ever guilty of some of the enormities recently erected by eminent elderly gentlemen."

This quotation may be considered somewhat irrelevant to the subject matter under review but it is evidence of the changing outlook in our art, the principles of which can be applied to the allied arts of painting, sculpture and the printed book.



the mayas and aztecs • waldo franck

translated by nancy courtney acutt

In the high valley of Anahuac, between the two oceans, another population lived and died at the same time as the Mayas. Like the people of the Mayas they had Quetzalcoatl for their god :—the plumed serpent who assumed so many forms. These early people were great architects, in which they resembled the Mayas also and they were friends of the stars. But in their human sacrifices they did not resemble those primitive folks, who offered fruit, grain, birds and flowers and rarely men and women.

The Aztecs, who found their wonderful buildings already forsaken, called them Toltecs (mechanics), because they were such admirable workmen. They believed that Quetzalcoatl, the good god of the red beard, had come forth in the climax of the Toltec culture. He emerged from Eastern waters to live with them at Anahuac. He illumined the Toltec world and, when he drowned anew in the Oriental sea the golden temples were deserted. It may be that the stupendous god was the Sun himself, which comes from

the East. Legends tell us of a god, unique in the variety of his human forms and of his disappearance to the East, from whence he will return in his own time.

Perhaps it is no more than a tribal memory of men who truly came from the Atlantic, bringing to the Mayas and Toltecs that which his brothers travelling towards the East, brought to Egypt and to Europe. The Toltec ruins remind one in many ways of the Orient, particularly of China. Their mystery is unsolved. These Mexican cultures belong to so mixed a period of evolution that it must be admitted that there was an intermediate period, when it is possible they came from other parts of the world. This can be proved by strata disclosed by the subsidence of the lakes on the tableland. The archaic cultures which have been disclosed in Mexico below the Mayan and Toltec ruins, explain nothing to us.

From the tropical sea Mexico rises rapidly, tier by tier, like a Toltec temple. The waves of the lake lap the flanks of a volcano—the Orizaba. Doubtless many fields have been devastated, but maize, tobacco, bananas and cocoa-trees advance towards the West. In the middle of the road the earth is hewn out in an abrupt and rocky manner. The parched zone remains below and the cool earth above levels into fields and thence into prairies decorated with flowers. Further on are lakes and craters, cut up and destroyed by the volcanoes which extend on to the table lands.

This is Anahuac, shut off from the South by the wall formed by Ixtaccihuatl, the "white woman" and by Popocatepetl, the "smoking mountain"—two huge volcanoes, whose snows purify the valley and separate Anahuac from the land of the Pacific. Because these Northern Andes, known as the Sierra Madre, face the West like the Southern Andes and their rivers also flow through Western valleys, the men from the huge populations which have dwelt among them have gone to seek their gods in the Orient.

In the very heart of Anahuac and below the great volcanoes is the lake Texcoco. In other times the waters extended further. Teotihuacan, the sacred city, was built on its shores. Teotihuacan means the place of the gods and was a city of the priests, two millas long by four in width. The outside ramparts were arched in the form of altars, the lines of which traced the routes of the heavenly bodies, the cycles of the sun and moon and the position of the earth in its various seasons. In the centre and half a milla apart rose the temples.

The largest of these was called, inappropriately, the pyramid. This was a building of five terraces, mounting more than two hundred feet above the plain. It was built of volcanic stone and basalt, plastered with cement coloured blue and red. On the top was the god Quetzalcoatl. Steps led from thence to the interior altars, where the sweet fruits of the earth burnt in sacrifice and the wise men observed the heavens.

There were many more temples all terraced towards the top, all polychromed and sculptured. When the priests had fulfilled their rites they descended to the subterranean dwellings. The steps of scarlet tiles led to large halls and other steps to rooms lower down. The stucco of the walls was grotesquely decorated with ornaments modelled from maize and pumpkins and the brilliant colours reflected the light to the darkest corners of the shadows. But through it all the quadrangular form of a temple was preserved.

Now the interior courtyard and the intertwined divisions of altar and garden are overgrown with weeds. Steps lead to an interior retreat. The walls portray in large size the contrasting forms of the plumed serpent, the sagacious head shining in the architraves. The frontal and balustrades are outlined by the scales of the body, which rise and fall in big curves. The graceful garlands in the halls are made from the fruits of the earth. There is a solid prosperity about the place.

Even in the foundations the nature of a serpent is to be seen and the form of man can be observed in the angles of the flesh. Moreover the serpent is winged and his progress takes flight to end amongst the flowers. One is able to reconstruct, with imagination, the Toltec city, from the top of the stairs, looking towards the great quadrangle. At the opposite side the temples of the sun and moon appear to be of bronze, below the sapphire sky. There can be felt the inflexible progress of the planets and the starry march throughout the ages.

From Teotihuacan to Cholula the dust of the fields still retains the earth surviving from the Toltec culture. Thousands of little figures in potter's clay, vases of highly coloured china, little stone heads, necklaces, small bells, bits of obsidian carved like human faces, all these reveal the nature of the former people and the fragrance of their time on earth. From these tiny heads in an earthen bowl flow the grief, the grotesque humour, the compassion, the kindness and more often the collected wisdom–of an immaculate clarity–which is derived from the balance of all emotions. The spirit neither gives nor takes, it halts between being and suffering and glows with intense flames which cannot destroy it.

It was a perfect art, perfect in unity, equalling the best of the Egyptians. In it stone became as malleable as the wind can make music. It was an art almost as profound as the Mayan, but infinitely diverse, more lyrical, less contrapuntal and it rested more on the qualities than on the structure of life.

(End of Chapter I.)



the plumed serpent



golden casket

The process of creating in temporary materials an effect or illusion similar to the one illustrated holds much delight for the designer, for the effect once visualised is an actuality a short time later and no time is allowed for his interest to lag as might be the case were the execution of a more laborious nature.

The problem was the creation of an atmosphere both reposeful and full of interest which would form a background suitable for dancers. Being a temporary illusion, it partook somewhat of the nature of a stage set, the dancers fulfilling the role of actors.

The fillip of interest was provided by representation of the delicately decorative art of Japan—picturesque to Western eyes. This was borne out by the colour scheme of pink and grey green echoing the cherry blossomed trees of Japan.

The walls were treated as one continuous frieze to preserve the unity of the room. The only vertical divisions were the doors and a few changes in background colour. The only horizontal division was the picture rail although a low horizon line formed a base for all the features.

The focal point of the scheme was the dragon, represented as is usual in Oriental art as pursuing the flaming "Jewel of Omnipotence." Legends are told of dragons which were painted so wondrously by Oriental geniuses that on completion they took leave of the canvas and vanished in black thunder clouds. This monster needless to say remained all too securely pinned upon the wall.

The design of the side walls was restricted by the openings. Scenes depicting a Buddha, a pagoda, a Japanese inland lake with a torii arch on the shore and a sacred bridge with Fujiyama in the distance were composed, distributing the interest evenly on each wall. The same motives were used on each wall but were composed differently.

The band played under a canopy of streamers shaped like the characteristic temple roof, the wall behind was decorated with Japanese lettering and the platform was enclosed by a fretwork railing lit from behind.

In the colour scheme as seen in the sketch, the gentle contrast of pink and grey green is seen to predominate. Thus the dragon, Buddhas and pagodas whose predominant colours were green were placed on a background of pink while the vermilion torii and sacred bridge scenes had a green background. Similarly the portions of wall with green background had pink streamered portions of ceiling and vice versa. Each area of colour was large and the contrast tempered by the dim lighting effect was hoped to be insufficient to destroy the unity of the room.

The light filtered through the silhouetted butterflies and Japanese characters of the hanging lanterns and the curved lattice of the wall brayiers so that all was dimly seen in a warm light and the ray of a spot light resting for a moment on the head of a Buddha or the scaby back of the dragon was, it is to be hoped, insufficient to mar the reposeful atmosphere desired by dancers.

The walls of the room were normally panelled below the picture rail. This panelling was covered first with white paper then with twisted streamers, and the features of the scheme were painted on cardboard which was cut out and pinned on the walls. Ordinary water colour wall distemper was used but was mixed with a little size to prevent it flaking off.

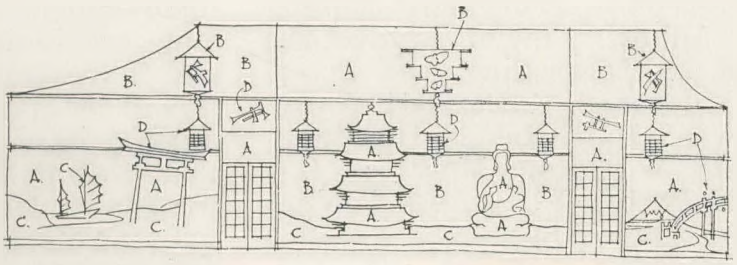
Some indication of the scale may be gained by the fact that the Buddhas were eight feet high and the dragon twenty-two feet long.







END WALL.



SIDE WALL.

A. GREY GREEN
B. PINK.
C. BROWN.
D. VERMILION & BLACK.

Minutes of the Sixth Annual General Meeting of Members of the Transvaal Provincial Institute held in the Chamber of Commerce Board Room, Johannesburg, on Tuesday, the 14th March, 1933.

Present:—The President, Mr. C. C. Deuchar, in the Chair ; Messrs. B. R. Avery, M. Cowen, N. T. Cowin, S. C. Dowsett, F. L. H. Fleming, L. Grinker, J. Lockwood Hall, N. L. Hanson, G. M. Harrison, J. E. Harrison, Robert Howden, W. G. Lansley, A. Leitch, G. E. Gordon Leith, W. Gordon McIntosh, D. A. McCubbin, Rex Martienssen, G. E. Pearse, Harold Porter, V. S. Rees Poole, J. Shaw, H. Simonsen, R. Wild, F. Williamson, Allen Wilson, and A. S. Pearse (Secretary).

The Chairman declared the meeting duly constituted and the notice of meeting was taken as read.

Election of Committee.

The Chairman called for all ballot papers to be handed in, then declared the ballot closed.

Messrs. W. G. Lansley and R. Wild with the Secretary were appointed scrutineers and proceeded to call out and check all names from the ballot envelopes with the register. These totalled 95.

The Chairman then declared the meeting adjourned until 5 p.m. to enable the scrutineers to complete their duties.

On the resumption of the Meeting at 5 p.m., the Chairman received the scrutineers' report and declared the following members elected as the Committee for the ensuing year.

Messrs. C. C. Deuchar, S. C. Dowsett, A. S. Furner, J. Lockwood Hall, Robert Howden, G. E. Gordon Leith, W. Gordon McIntosh, G. E. Pearse, Harold Porter, V. S. Rees Poole, F. Williamson, and Allen Wilson.

Minutes.

Minutes of the Annual Meeting held on the 15th March, 1932, which had been circulated to members were taken as read and confirmed.

Statement of Accounts.

Mr. Allen Wilson, Chairman of the Finance Committee, in moving the adoption of the revenue and expenditure account and balance sheet said :—

Mr. President and Members of the Institute, in proposing the adoption of the Balance Sheets for the past year, which I trust you have all received and carefully perused and are prepared to blame or praise as the case may be, we hope you will not be apathetic and bear in mind a little honest criticism does everybody good. As regards the figures, the name of our Auditors is a guarantee that great care has been taken in the preparation of the Balance Sheet and my thanks are due to them for the valuable assistance they have given me at all times.

I will first go over each item as we particularly want every member of the Institute to be conversant with the working of the Provincial Committee. Afterwards I shall be very pleased to reply to any queries.

Balance Sheet at the end of December, 1932.

You will probably wonder why there is a sum of £196 4s. 4d. shown as a liability when there is a sum of £192 8s. 9d. shown as a probable asset. I don't want to weary you with ancient history, but it may be interesting to some, who in the past have not taken much interest in our finances, to know that this latter sum is a relic of the large sum collected and contributed by the Transvaal Institute and individual members towards the promotion of the Architects and Quantity Surveyors Act No. 18 of 1927, the conditions being that this amount "may be refunded if and when the funds of the Central Council permit."

Last year I briefly touched on this matter and explained that the Finance Committee had never wavered in pressing home to the Central Council, that we looked upon this as an asset, with a sincere hope of a prompt settlement,

Early this year, the payment of levy to the Central Council had the careful consideration of our Provincial Committee, who decided it should be handed over at an early date, leaving a sum of about £90, which constitutes the levy on unpaid subscriptions, which we are assured will be struck off by the Central Council. Accordingly £50 has been paid on account, leaving about £50.

We are assured by our representatives that when this last payment is made, the Central Council, having already repaid the other Provinces the full amount of the money subscribed, will morally be bound to pay us the £192 8s. 9d. This levy has to be paid and it is hoped the incoming Council will make a point of doing so, month by month as the subscriptions come in.

Our accumulated funds are depleted. This is only as expected and is a reflection of the times and consequent inability of some of our members to pay their subscriptions. The Committee have spent a lot of time, exercised a lot of patience and used personal efforts to try and reduce the liability of our members and there is no doubt that in some cases it is impossible for some to pay. The Committee, realising this, have refrained from pressing, but I must repeat what I said last year that some are not playing the game and are taking advantage of the depression as an excuse to avoid paying. We know they are carrying out work and are doubtless collecting fees. It may seem hard but I do think that all members, whenever a job turns up, should allocate a certain amount of the fees towards the body which is using every endeavour to support and sustain the dignity of their profession. "Half a loaf is better than no bread" and we feel that there are many who could pay a little ; a few shillings each month would keep the ball rolling and perhaps not be missed. I beg that members will note my remarks proportionately to their depleted incomes. Unfortunately, those to whom my remarks apply are probably not at this meeting, but it may reach them through the instrumentality of our Journal. I can assure you and the members generally, that the Committee do not want to exercise the power given to them under the Act as regards taking legal proceedings, and only in very extreme cases will it be done, but they may have no alternative in fair justice to other members.

It has been suggested that the subscription shall be reduced. If anyone can show the Committee the advantage of this, I am sure it will have every consideration. Personally I consider such a procedure would reduce our income and be of no advantage, except to those who, owing to a little bit of luck, are able to pay. The man who finds it difficult to pay his subscription now, will still find the same difficulty to pay, say half, whereas the extra two or three pounds to the man who has work in hand is nothing.

As to the loan to the Journal of £400. In the past this sum has appeared as part of our accumulated funds, a certain portion being used in the production of our Journal as a three monthly issue. On the production of the Journal as a monthly issue, the Finance Committee, realizing the paper issue was becoming a business proposition and on the advice of the Auditors, opened a separate account for the Journal and with the consent of the Provincial Committee, transferred the sum of £400 as a loan at four per cent. At the same time it took over and relieved the Institute of half the rent of the office. Of course, this is only on paper. The Journal is the property of the members of the Transvaal Institute. The publication was offered to the Central Council, under certain conditions, but they could not see their way to accept the responsibility at the time

We hope its activities will be of service to the whole of the profession throughout South Africa. It is already accepted as the official medium for all the Provincial Institutes and the Chapter.

The sum of £119 7s. 0d. under "sundry debtors" is a moiety of the subscriptions of the members of the R.I.B.A. in the Transvaal, and has been lodged to our credit in London, but now that we are off the gold standard it is being sent out. I feel the Transvaal Provincial Committee should not deal with this money, unless in consultation with members of the R.I.B.A., and it should be used to increase our Benevolent Fund or for Educational purposes and not be swallowed in the working expenses of your Institute.

Revenue and Expenditure.

The sum of £109 11s. 0d., having been received on arrear subscription from 1931 and before, is a fair indication of the work of your

Finance Committee, and I do not think the amount collected for 1932 is bad, considering the general paucity of work.

Since the beginning of the year, the expenses of your Administration have been considerably reduced. Secretary's remuneration from £240 to £180 ; Rent of Office from £45 to £30 ; Certain Duplicating Expeness to £30 or more. The Committee has done its best that the savings shall not interfere with the activities.

Grant of £7 10s. 0d. towards the expenses of the Pretoria Committee, in my opinion, is money well laid out. They have a strong and keen Committee and we feel that the activities of this Committee are of great help to Pretoria members and any matters they bring to the Provincial Committee.

Journal.

This is a matter in which I am particularly interested. Whilst the running of the monthly issue is in its infancy, financially it is a success and it cannot be denied that the Editorial matter improves with every issue. You only want to know from me that the finances are sound (even in these bad times) with every promise of improvement. A great deal will depend upon the appointment of an interested Committee.

Our members can assist in making the Journal further successful by obtaining advertisers and then by every possible way giving them full value for their money. There are many ways in which this can be done. Before specifying anything, look up your Journal, and all things being equal, give the preference to the advertiser. Our office will have all catalogues and a telephone message may supply you in a few minutes with information that may take you hours and even days in any other way. I trust all our members will bear this in mind.

I know you will be pleased to know that last year we were able to give an honorarium of fifty guineas each to our Assistant Editors. In addition, we now pay half rent of the office, share of telephone, etc., and relieve the expenses of the Provincial office. We hope in the near future to pay proper remuneration to our Editors and have an office of reference for our members.

I wish to record our thanks to Messrs. D. M. Sinclair and W. G. Lansley, co-opted Members of the Finance Committee for their valuable assistance, and hope they will be able to continue the good work.

In reply to questions by Mr. McCubbin and Mr. Leitch, the Chairman said that, in view of the depressed times through which they were passing the Committee had decided not to issue summons against any members who were in arrear with their subscriptions. Mr. Leitch referred to Regulation 103, and, after discussion, it was agreed on the motion of Mr. Howden that the meeting calls the attention of the incoming Committee to the non-compliance with this regulation in the past and that this be not overlooked in the future. The motion for the adoption of the accounts was agreed to.

Committee's Annual Report.

On the motion of the Chairman, the report of the Committee for the past year, which had been circulated to members, was adopted.

Auditors.

On the motion of Mr. Williamson seconded by Mr. McCubbin, the Auditors, Messrs. Alex. Aiken and Carter were re-elected and their remuneration for the past audit was fixed at ten guineas for the Institute and ten guineas for the Journal Account.

Presidential Address.

The President, Mr. C. C. Deuchar addressed the members as follows :—

Gentlemen,

At the end of my year of office I take this opportunity of thanking the Provincial Institute for electing me as their President for the past year and also the Provincial Committee for the valuable support and assistance which has been so readily given.

I would particularly like to thank the Chairmen of the various Committees for the time they have devoted to the important matters referred to them, and specially express appreciation, on behalf of the Institute, to the Chairman of the Finance Committee (Mr. Allen Wilson).

It is with deep regret that we have to record the deaths of Messrs. J. G. Kraan, C. Hosking, P. J. Eagle, S. P. Lindhout and H. Rowe Rowe, members of this Institute. In each case your Committee submitted expressions of sympathy.

It is gratifying to announce that six new members were added to the roll of practising members and one member transferred from the salaried to the practising class.

During the year under review, probably the worst in history for many years, the Institute Committee has carried out its duties and emerged financially sound. In spite of the depression and while there have been no architectural competitions held or large contracts entered into, the Institute can be congratulated on the success achieved by its members in the carrying out of Provincial work. In this connection one would like to mention the names of Messrs. Moerdijk, Cowin and Powers, Howden, Harold Porter, and Spicer and other members. These gentlemen have carried out the various architectural commissions entrusted to them by the Provincial Administration so successfully that the custom of entrusting this work to private practitioners is soundly established and should reflect favourably on members of the Institute in the future.

Unfortunately little or no work has been given out during the present year owing to the financial position of the Transvaal Provincial Administration. In the near future, when it is hoped that further new works constructed out of public funds will be given out, I hope that some of the larger services will be made the subject of competition. It is practically the only opportunity some of our younger members have of establishing themselves and gaining a footing in the profession and should be encouraged.

In times of depression the unfair competition to the profession by non-qualified persons is probably more pronounced than usual and has caused a great deal of concern. The Committee, together with the Central Council, are giving careful consideration to the matter. To a certain extent some of our members have not been altogether free from blame in this respect, but I feel sure, that with the new class of highly trained members now coming from the University, who will not undervalue their services, this unfair competition will disappear in time.

During the present year your Institute was successfully represented to oppose an application for the erection of hoardings along a street boundary. This action was taken as the result of a policy so strongly advocated some years ago by Mr. Fleming, one of your past Presidents.

Important conferences have taken place during the year in connection with building bye-laws and standardisation of bricks. Unfortunately considerable opposition was met from the Master Builders' to this proposal, but it is considered that it will eventually be broken down and agreed to by all concerned.

With the Town Planning Ordinance coming into operation this year, the Institute and members of the profession will be called upon to consider the position carefully and assist wherever possible.

The Central Council has dealt with a great number of important matters of this Institute and has published the new Conditions of Contract for the Union. It has also published regulations governing architectural competitions and in some cases actually issued copies to various bodies, with a view to assisting them in promoting competitions among members of our profession. Your representatives gave considerable assistance.

Whilst discussing the activities of the Central Council, I would suggest that your Committee consider the question of electing its members to this Council for a period of three years as against the prevailing custom of one year. It would place your elected representatives in a better position to become acquainted with the work of the Central Council and the personnel would be more constant than at present may prevail with yearly nominations.

The Department of Architecture and Quantity Surveying, so ably presided over by Professor Pearse, fully deserves the support of the profession. Excellent work has been done in Pretoria by Professor Bell-John and his staff.

With the number of highly trained students passing out of the University, after having completed their full course, it behoves the profession as a whole to zealously guard the interests of these young architects and quantity surveyors. The field of employment is limited and, wherever possible, Government and Municipal authorities in particular, should see that in all appointments these young men receive full consideration. In this connection one must applaud the action of the Johannesburg Municipality. At the same time I would like to mention the fact that

approximately fifty per cent. of the plans submitted to the Municipality are not prepared by registered architects. This is obviously unfair competition and the Act should be amended to stop this practice which can only be achieved by the introduction into the Act of C 3 of the old Transvaal Act.

The South African Architectural Journal is financially in a sound position, but it is felt, however, that the time has arrived to definitely place this publication on a permanent basis. You will forgive me if I encroach on your time to explain the position. As you already know, this journal, which was previously only a quarterly issue, has during the past year been published monthly, and a copy supplied, not only to every member of the Transvaal Institute, but also to every practising member of the other three Provinces and members of the Chapter of Quantity Surveyors. Our advertisers have given us satisfactory support and the volume of business has grown considerably. I venture to suggest that the stage has now been reached when the control should be separated definitely into management and advertising. With this object in view it is proposed to discuss the position fully under "General" at this meeting and secure your approval or otherwise to the proposed change over.

It would be lacking in courtesy on my part, not to record our deepest thanks to Professor Pearse, as Editor, and Messrs. D. Lefebvre, Rex Martienssen and Gordon McIntosh, as sub-editors, for the most excellent work performed and the admirable productions they have been able to publish.

Owing to the financial position it will be observed in the method of producing the Annual Report that your Committee has exercised all care in the expenses of the running of the Institute. The balance sheet shows that the Institute's finances are sound and, with reasonable support, will continue so.

Your Committee seriously considered the question of reducing the subscription for the current year, but decided not to alter the present conditions.

While the Committee and Sub-committees meet frequently, and carry out a tremendous amount of work for the Institute, it is an open question if it would not be better to hold more general meetings during the year, so that any or all members could be present and give the Committee the benefit of their advice.

The Pretoria Local Committee has carried out its duties, under the guidance of its Chairman, Mr. Burg, for the good of the profession and has also achieved a great deal of success by its activities and bringing its members together for better acquaintance and understanding. All recommendations from this Committee have been dealt with by your Institute.

During its year of office your Committee has in every way tried to maintain the prestige established by the old Transvaal Institute of Architects and I would like, at this stage, to eulogise the forethought displayed by members of that body in the establishment of the Benevolent Fund. This fund, so carefully fostered during the period of professional prosperity, has been the means of assisting members and persons allied to the profession in the period through which we are now passing.

While the profession is passing through a slack period, it is conducive to keener competition amongst our members to produce a higher standard of work.

The general public are now taking a greater interest in architecture and its problems and are ready to realise the advantages accruing to themselves by employing an architect capable of giving them sound expert advice on the problems they are confronted with. This must be all for the good of our members and, I hope create a greater spirit of harmony and co-operation within the profession.

Our dealings with the Federation of Master Builders on all matters of interest common to both the Building Industry and the profession have been most cordial.

I thank you for your patience and indulgence with me, but could not possibly close without expressing, on your behalf, a very deep sense of appreciation and paying tribute to your Secretary, Mr. A. S. Pearse, who has so ably carried out his duties and given untiring services on behalf of the Institute.

Colonial Mutual Competition.

In reply to an enquiry by Mr. McCubbin regarding plans submitted in Durban by an Australian architect who was not a member of this Institute, the Chairman reported that the matter had been taken up by the Central Council and the Australian architect had

retired, the winner of the competition had been protected in every way and ultimately Mr. Elsworth, a Capetown Architect had been appointed to carry out the work.

Protection.

Mr. W. G. Lansley, in dealing with the subject of protection and the reintroduction of clause 3 c. in the Act said it was scarcely necessary to emphasize that to a great extent the lack of confidence by the majority of members in their governing bodies was due to the negative results in this respect.

Within the past twelve months, contrary to official reports, individual members have been compelled in their own interest to state their case independently of the Central Council, which has resulted in the Administrator's action with regard to dual occupations and steps taken by the Commissioner for Inland Revenue to compel unregistered persons preparing plans to take out licences.

Yet despite all that has been done by the members, and left undone by the authority in charge of the Central Councils affairs, piracy is becoming everyday more prevalent. The very fact of the issue of an Architects Licence, authorising any individual to legally prepare plans for a remuneration and to endorse such plans as a "Licensed Architectural Draughtsman" is significant enough to any member of the profession. These people are unrestricted with regard to fees and are preparing drainage plans for five shillings and six shillings and cottage plans from ten shillings to fifteen shillings.

That piracy has by no means abated, is evidenced from the result of an enquiry only a few days old, which proves that for every one plan prepared by an architect, four plans are prepared by unauthorised persons.

This being the case, the assertion that the Architectural profession is overcrowded, falls to the ground, and the cry that many members have been unable to even make expenses owing to lack of sufficient work during the last twelve months, is without foundation.

With justified protection there is a living for every member of our profession and scope for the encouragement of every architectural student in South Africa whose future at the prsent moment is very serious indeed. It is for these students, even more than for our own interest, that we have just got to fight.

That the Government should financially assist in the education of our architectural students on the one hand and on the other, issue an architects licence to unqualified persons and encourage the practice of piracy, is illogical, for it is defeating their own ends and aiding and abetting the unemployment and destitution of qualified members of a legalised profession.

With a broadminded, logical framing of the architects case for protection, the issue so far as this Institute is concerned is absolutely positive. We have been told by the Transvaal Administrator and a member of the Government, at an address delivered on a public platform, to press for Protection as the only solution of our difficulties. The Minister of Education is quite sympathetic with regard to the future of our students.

This Institute can no longer dare to ignore the serious economic position of its members, nor dare we ignore the future of our students.

Again I emphasize that the moment for the introduction of Protection is opportune and essential to the successful functioning of this Institute, that we dare not assume anything but a positive adoption within the course of the next twelve months, and in this respect every member of this Institute will give the Central Council the assurance of their full confidence in their ability to successfully place our petition before the House.

Mr. Howden gave a full explanation to the meeting of the steps being taken by the Central Council in this connection and the President said that the incoming Committee would continue to keep the matter in mind for action at the right moment.

Honorary Memberships.

Mr. Lansley said he was bringing this matter before the meeting purely as a question of principle. There is not the slightest intention to deprecate the action of the Central Council who are perfectly within their rights in appointing Honorary Members according to the reading of the Act.

It is with the undefined framing of the Act in this respect with which we have to deal. The right of the Central Council, to nominate any person as an Honorary Member, carries a huge responsibility, and he submitted that such nominations do not prescribe the considered verdict of the members of the Institute and therefore carry no weight.

There is always a tendency to overestimate the value of services rendered and the possibility to allow one's heart to run away with one's head. It is certainly a dangerous policy to allow sentiment to play any part whatsoever with the status of a professional Institution.

He therefore submitted for consideration the following motion :—

That the Central Council should clearly define recommendations for nomination of Honorary Members, on the basis of :—

(a) Professional Status.

(b) Unremunerative services.

(c) The question of a remunerative servants eligibility for nomination.

(d) That on consideration of other recommendations, the Central Council shall nominate such candidate.

(e) That such nomination shall receive appointment on a two thirds majority of the ballot at a General Meeting.

Such appointments would then relieve the Governing body of all responsibility, and further carry the unanimous and dignified verdict of the Institute as a whole.

The President supported the suggestion that in future, before making any nominations, the proposed names should be circulated to the various constituent bodies for approval.

Mr. Leith drew attention to the possibility of one constituent body proposing an honorary member and this being opposed by other constituent bodies without their having knowledge of the position.

Mr. Dowsett moved that Mr. Lansley's proposal be referred to the incoming Committee for necessary action.

This was seconded by Mr. Williamson and agreed to.

Journal.

The Chairman reported that the Committee had been considering a proposal to separate the management from the advertising side of the journal, that Mr. Allen Wilson, Chairman of the Finance Committee, had gone very fully into journal matters, and that the auditors had been interviewed and recommended this change.

Mr. Williamson said that in view of the comparatively recent change over from a quarterly to a monthly journal no change had been made in the old arrangement regarding management, but it was felt now that the ways and means for the extension of the journal were inadequate, and he moved that the Secretary be asked to concentrate on the securing of advertisements and that Mr. Allen Wilson be asked to take over the administrative side.

Mr. McIntosh moved as an amendment, that seeing that no definite report had been received from the auditors on this suggestion, the matter be referred to the incoming committee with power to act.

Mr. Lansley, in seconding Mr. Williamson's motion said he felt that the journal could be run to better advantage under the proposed change. Mr. Avery seconded Mr. McIntosh's amendment and suggested that a full report be obtained and submitted to a special meeting.

Mr. Cowin said this matter had been fully discussed by the finance committee, but he felt that the position is starved through lack of capital. He strongly advocated some issue of debentures, and added that unless they were prepared to find more capital, he did not see how the journal could advance. He also thought that the editorial section could be improved.

Mr. McCubbin supported Mr. Cowin's remarks and criticised the letter press and type used which he said did not appeal to the general public and he thought that the sooner the journal reverted to normal lettering the better.

Mr. Williamson said he did not agree with Messrs. Cowin's and McCubbin's criticisms. The Editors' had done most excellent work and if any members had criticisms to make, they should write to the Editor.

Professor Pearse remarked that they were apparently discussing two questions. The question of finance must be gone into thoroughly by the finance committee. As chairman of the Journal Committee he and

his assistants fully appreciated any remarks made. On the issue of a monthly journal it was decided to make a change in the cover and style and type of printing, to appeal to the allied arts and crafts and if this meeting decided to disapprove of the present form, they should put forward a recommendation to the incoming committee.

All matter for the journal now came from the younger members and he felt that this should be encouraged. In spite of all appeals, nothing came from the older members and the editors always had great difficulty in getting matter. If only some concrete proposals were put forward by members, these would be appreciated. If the profession as a whole was opposed to the present form, type, etc., why do they not say so definitely.

Mr. McCubbin suggested that the Journal Committee should seriously consider reverting to the old form of type.

Mr. Allen Wilson supported the suggestion that this matter should come before the Journal Committee for consideration.

Mr. Fleming also supported this and said he thought the way the journal was presented was bad journalism in ignoring the valuable traditions of the past. Another point of criticism was that the journal was not edited, had no policy, and gave no guidance which would bring members together.

The Chairman then put Mr. McIntosh's amendment to the meeting which was not carried.

Mr. Williamson's original motion was then put to the meeting and agreed to.

It was also agreed to recommend to the incoming committee to consider the question of reverting to the original type.

Provincial Committee.

Mr. Williamson said he was disappointed that the outgoing committee had been re-elected without change and no new blood had come in. He moved that the incoming committee consider the retirement of say three or four of their members annually and the nomination of three or four others in their places. This was seconded by Mr. Allen Wilson and agreed to.

Provincial Architectural Work

Mr. Leitch mentioned the question of members getting on the Provincial panel of architects and asked if it would not be better for members to put in their names through the Secretary instead of each one writing and applying.

General.

Mr. Fleming moved a hearty vote of thanks to the President for his work during the past year. In connection with certain references in his address, to Provincial and Government work, he suggested that the Committee should definitely ask the Provincial Council to submit all work to competition. He also referred to the hideous growth of advertisement hoardings and urged that municipal authorities should obtain power to deal with this matter.

The vote of thanks to the President was carried with acclamation.

On the motion of Mr. Williamson, a vote of thanks and appreciation was passed to the Editor and Sub-editors for the excellent work they have done on the journal and also to Mr. Allen Wilson, Chairman of the finance committee.

The President thanked Mr. Fleming and members for their vote of appreciation and said that the incoming committee would give attention to the various matters referred to it by this meeting.

This concluded the business.

At the first meeting of the newly elected committee of the Transvaal Provincial Insittute, held on the 23rd March, Mr. A. Stanley Furner, A.R.I.B.A., was elected President, Mr. G. E. Gordon Leith, F.R.I.B.A., was elected Senior Vice-President, and Mr. V. S. Rees Poole, F.R.I.B.A., was elected Junior Vice-President.

The fourteenth annual exhibition of works of Art and the Crafts will be held in the Selborne Hall, Johannesburg, from the 24th April to the 6th May, 1933.

Members of the Institute are again urged to support the "Architectural" Section by sending in more of their plans and elevations.

Your Committee has pleasure in presenting the following statement of its activities during the past twelve months, being the Sixth Annual Report of the Natal Provincial Institute of Architects.

During the year one member has resigned and two new members have been enrolled. The total membership is sixty-one, composed as follows:—Practising Members, thirty-eight ; Practising Absentee Members, three; Salaried Members, twelve ; Salaried Absentee Member, one ; Retired Members, seven.

The Annual subscriptions remain as follows :—Practising Members, £5 5s. ; Salaried Members, £3 3s. ; Retired Members, £1 1s.

The Levy payable to the Central Council remains upon the same basis as before, but a reduction to a figure that will not press so heavily on the Provincial Institutes may be looked for in the near future.

The Committee for the year under review consisted of nine members as follows : Messrs. H. E. Chick (President), W. Paton (Vice-President), W. S. Payne, E. M. Powers, W. B. Oxley, G. T. Hurst, A. Woodrow, G. Le Sueur and W. Murray Jones.

The year under review has been a busy one for the Committee, no less than thirteen meetings have been held.

Various matters concerning the Institute and the profession have been dealt with.

It is to be recorded with satisfaction that your Committee has been consulted and its advice sought by various local bodies, and every endeavour has been made to justify this confidence, either by co-operation, assistance and in appointing one or more members to act on Committees.

Mr. W. S. Payne (President-in-Chief) was re-elected as this Provincial Institute's Representative and Mr. E. M. Powers as Alternate on the Central Council of the Institute, and have attended meetings which are held in Johannesburg.

Congratulations are extended to Mr. Payne on his election to the office of President-in-Chief of the Institute of South African Architects.

As usual the activities of the Central Council and its Executive have covered a wide area of subjects among other important matters being architectural education, Amendments to the Institute's regulations and the new "Conditions of Building Contract."

As a result of the labours of the Central Council and the Provincial Institutes the new "Conditions of Building Contract" came into vogue in October last, and have been adopted by the Federation of Building Trades.

These "Conditions" are to be had in two documents, one on the "Quantity Basis" and one on the "Lump Sum Basis" and may be had from the Secretary at one shilling per copy.

The President-in-Chief (Mr. W. S. Payne), and Mr. Powers represented the Institute on the Port Elizabeth Building Collapse Case and attended the trial at Port Elizabeth.

Col. Hurst is this Provincial Institute's representative on the Natal Technical College Council. Mr. W. Paton represents this Provincial Institute on the Art Consultative Committee of the Natal Technical College. Mr. F. J. Ing is the Provincial Institute's representative on the Committee of the Greater Durban Town Planning Association.

Thanks are due to these gentlemen for giving much of their valuable time to the various matters concerning the Institute and profession.

Among other matters, consultation with the Town Council in connection with the redrafting of the Durban Borough Building Bye-Laws, has taken up much time of the

Committee, and your President, Mr. Chick, has attended several meetings in conference with the Building Plans Sub-Committee.

From the audited Balance Sheet and Statement of Accounts for the year under review, a copy of which is enclosed herewith, it will be seen that this Provincial Institute is in a very satisfactory position. Revenue in excess of expenditure amounted to £24 2s. 3d., as compared with £70 1s. 0d. in the previous year. This difference is due chiefly to the extra expense incurred in connection with the new Committee and Reading Room, and the deferred payment of the R.I.B.A. moieties for 1931, owing to the exchange disparity.

The increase in outstanding subscriptions may be attributed to the difficulty of collecting them owing to the existing depression.

Members are reminded that the subscriptions fall due on the first day of January in each year and payment should be made as early as possible and thus save a deal of trouble and expense in rendering accounts and collecting the fees.

The Committee must regret the indifference and inconsiderateness of several members in the matter of their subscriptions.

Early in the year, in pursuance of a resolution adopted by the Annual General Meeting, a room adjacent to the secretary's office was acquired and equipped for use as a Committee and Reading Room, where professional journals and periodicals may be consulted by members and students.

The opportunity is taken of expressing the Committee's thanks and appreciation to those members who have so kindly assisted by the loan of books and journals during the year.

The Committee will be glad of donations of architectural books to form the nucleus of a library, and will be grateful to members for offers in this direction.

Members are reminded of the facilities now afforded in courses of architectural education at the Natal Technical College, Durban.

Full particulars of these courses may be obtained on application to the Registrar of the College.

At a recent meeting of your Committee the sum of £12 was voted to the Architectural Classes, for the purchase of a set of Models of the Architectural Orders.

During the year the "S.A. Architectural Record" monthly journal has been circulated to members and no doubt much appreciated.

It is requested that members co-operate by forwarding for publication any articles of interest to the profession.

Matters relating to Architecture, Town Planning, etc., will be welcomed by the Editor.

Thanks are extended to the Royal Institute of British Architects and Allied Societies, for their Journals and Year Books received from time to time.

british architects' conference, cambridge 1933.

The Royal Institute of British Architects announces that the Annual Conference of British Architects will take place at Cambridge from June 21st to June 24th inclusive and the Cambridge Chapter of the Essex, Cambridge and Hertfordshire Society of Architects will be the hosts of the Conference.

The conference will be largely of a social character and it is expected that many ladies will be present as the guests of members.

If any members of the South African Institute of Architects happen to be in England at the time mentioned, their presence will be heartily welcomed at the various functions which will form part of the programme.

Copies of the programme with full particulars and all the necessary information will be sent to any members who care to write to the Secretary of the Royal Institute on the subject.

proprietorship of plans • r. wild

Who is the rightful owner of a Plan ? The person who commissions the architect, the Municipality, or the architect himself.

The concensus of public opinion is that the person who pays the architect is the rightful owner of the plan. While the Civic bodies maintain that once a plan has been submitted to them and the Building Fees paid that plan becomes their personal property and can only be allowed out of their possession by an order of the Court. Another aspect is the fact that the Civic bodies make use of the plan for Building and Assessing purposes for their sole use and benefit, and further charge the Architect a Search Fee to glance at the plan. They have recently introduced a system whereby an architect must first obtain the written consent of the owner of the property to trace such plan, thus constituting the owner of the property with the right to deny the architect's privilege to trace his own plan, the work of his own hands, and the product of his own mind.

Yet there is no reason that can be given which constitutes them as the right and lawful owners of any plan submitted to them. This they partly admit, as they will not allow any person to see or make use of any plan except the person whose name appears on the plan as owner of the property thus again constituting the owner of the property as the owner of the plan. Any person with a written letter of permission from the aforesaid owner can make use of the plan.

Now the said owner commissions an architect to prepare him plans for a certain purpose for which he pays the architect certain fees for his work. He, the said owner, is looked upon as the rightful owner of that plan of work, and he has a right to sell the works that plan produced. But he is not entitled to reproduce a similar work with that same plan without the architect's permission and for which the architect is entitled to re-fees, even re-fees does not constitute a right, but the architect's consent is also required. The Common Law is that an Architect is entitled to half the original fees for a reproduction of his plan. The plan at Law is looked upon as a product of the architect's personal ability to produce something quite different from the bricks and mortar which a person may sell and that the plans are the property of the architect until such time he assigns by law his interest, thus transferring his right. Until such time as this is done any plan prepared by an architect, though lying in the possession of a Municipality is that architect's personal property. The question now arises, has any Municipality a right to demand fees from an architect to see or make use of his own plans, the fee is not the argument, but the question of the architect's rights. The lines forming a pattern are the personal property of an architect. For instance if an author is commissioned as an expert to write up an article on a certain subject for publication in a Journal, that same article cannot be reproduced in a second journal other than the same, without the author's consent and re-fee. The publishers have the right to sell the paper and printers ink (bricks and mortar) but not the arrangement of the lines and words that build up the picture. That picture or article is the property of the author. An artist may use a piece of common canvas and a few colours, they don't constitute the picture he produces, they are only the bricks and mortar. The picture is the product of his mind and the craft of his fingers.

The same argument applies to the architect who is commissioned as an expert to materialise certain intelligible ideas for the production of certain works, termed professional services. The plans and documents supplied for the purpose are simply instruments of service conveying the nature of the work to be done and on its completion the commission expires. The plans and documents produced by the architect are only supplied to convey his professional ability in the production of the commission required, they are his personal property and cannot be used for any reproduction without his consent and remuneration.

Worcester County Court.

Before Judge Roope Reeve.

A matter of importance to architects came before the Worcester County Court recently, when Judge Roope Reeve, K.C., held that he could not be bound by the scale fees of the Royal Institute of British Architects when he gave judgment in a dispute in Worcester County Court between a local firm of architects and their customer.

Messrs. Yeates and Jones, architects and surveyors, of the Foregate, Worcester, sued W. Band and Sons, marine store dealers Newport Street, Worcester, for £31 6s. 6d., being professional charges and commission in respect of the preparation of plans and specifications for a warehouse in Newport Street which was not built.

After hearing evidence from three independent architect witnesses, the Judge, giving judgment, said one set of expert witnesses, being rather better trade unionists than the one expert witness called for the defence. suggested that he should take for his guidance a scale of professional charges settled by the Royal Institute of British Architects for the guidance of their members. He added those words because, of course, they were not binding upon any court of justice. The particular provision of the scale—for taking a customer's instructions, preparing designs and doing other work where it did not proceed to completion—might be made to be two-thirds of something at least six per cent., and probably larger, of the amount of the lowest tender, which in this case was £980. Plaintiffs' claim was not put quite so highly as that, but the chief item of the claim was composed of commission at the rate of two and a half per cent., which came to £24 10s.

Plaintiffs' witnesses were all of the opinion that the scale was one which all good trade unionists in their profession ought to insist upon. That was not altogether an unreasonable attitude for professional men to take up with regard to the charges of the profession, for, as one of the witnesses suggested, no doubt an architect had to take the rough with the smooth. He got many cases in which the scale fee was a windfall and greatly exceeded what was really represented by the criterion of labour involved, and, on the other hand, he got many other cases in which the scale fee was totally inadequate remuneration for the labour involved, so that the system worked out over a number of cases happily and fairly. No doubt it was upon that sort of footing that the parent body had suggested the scale of fees for their members. But he could not be bound by that, and when a case arose between a customer and his architect, the customer was justified in contending that he was entitled to have his case determined on the footing of what he, in his particular case, was bound to pay the architect as reasonable and proper remuneration for the work done.

Judgment was entered for the plaintiffs for £19 14s. 6d.—a few shillings less than the amount the defendant had paid into court.

A Barrister's opinion on the foregoing.

In the last issue of "The Builder," a County Court case is reported in which it was stated that the Courts could not be bound to accept as quid pro quo the scale of fees of the Royal Institute of British Architects or any other like corporate body. At this trial one of the expert witnesses, called for the defence, suggested that the judge should take the scale compiled and agreed by the Institute for his guidance ; but he said he was not prepared to do so—"because, of course, they were not binding upon any court of justice."

In this he was only enunciating already well-established case law on the subject. An architect suing for his fees can only succeed (in the absence of an express or implied contract fixing their amount) in obtaining what is reasonable, based on a quantum meruit.

Let it be said that if the amount of the remuneration is not stated, the amount of remuneration which can be regarded as reasonable must be calculated on a consideration of the nature of the work done, the time occupied and the architect's standing in his profession, or his usual remuneration elsewhere.

The judge, in giving judgment in the case above referred to, is further reported to have referred to the remarks of one of the witnesses who suggested that an architect had to take the rough with the smooth. In many instances the scale fee was a windfall, and out of all proportion to the amount of work and skill involved ; and, on the other hand, there were instances in which the scale fee was totally inadequate as remuneration for the services rendered. "So that the system worked out over a number of cases satisfactorily."

It should be noted that this claim was for fees for work which had been abandoned ; and our experience suggests that dispute as to remuneration arises more frequently in such cases, than when the building contract is carried to completion.

Now there is no question that an architect has a right to a reasonable remuneration— when no fee or commission has been fixed between him and the employer. In fact, in the absence of any express or implied contract to act voluntarily, the acceptance by the employer of the architect's services is an implied undertaking to pay for them.

Further, he has a general right of lien on the drawings, specifications, etc., until his claims have been satisfied or set aside by the Court. In Landless v. Wilson (1880), 8 Court of Sessions, 4th series, 289, it was held, that an architect can recover reasonable remuneration if he can prove that his plans, and other preliminary documents, or, indeed, any portion of them, have been made use of by the employer. But the Courts will not be bound by any scale of charges drawn up elsewhere.

In Faraday v. Tamworth Union (1916), 86 L.J. (Ch.) 436, in a quantum meruit claim the Court refused to assess on Ryde's scale of charges as basis for the remuneration of a surveyor.

In Farthing v. Tomkins (1893), 9 T.L.R. 566, it was determined the scale has not the force of a custom binding on the employer, and that only fair charges for the work actually done could be recovered.

And in Burr v. Ridout (1893) ("Times," February 22), the Court said an employer was in no way bound by the R.I.B.A. scale unless it has been specifically agreed as a contract of service. Lord Coleridge said, in speaking of the scale, that a commission upon expenditure incurred was open to the gravest possible objection, and that the scale was an unjustifiable attempt by the Institute to increase professional emoluments and did not bind the employer unless he agreed to be bound by it.

Nevertheless, a scale of charges may be considered by the Court as indicating more or less what the architect had reason to expect as remuneration and what the employer should have expected to pay.

In Whipham v. Everitt (1900), Roscoe's Digest of Building Cases, 171, it was established that although scales of charges were not of themselves legally binding, they were nevertheless so strong evidence of reasonableness when no argument had been entered into, as to amount, for practical purposes, to a rule of law.

In certain instances, of course, an architect may be able to claim (in the absence of a contract for his services) on quantum meruit a sum as reasonable which is nevertheless greater than that which would be calculated on any accepted scale of charges.

In Footner v. Joseph (1859), L.C.J. 226, it was held that no right exists for architects to make tariffs for themselves, and that it would be an unjust rule to establish even in favour of architects, for it might happen that the percentage given in the tariff was an utterly inadequate remuneration in certain cases.

The architect should therefore sue for his services on the basis of his special contract, if there be one. If there is no such contract, or if the building contract has been abandoned, in either of these circumstances he must sue on a quantum meruit. See Elkington v. Wandsworth Corporation (1924), 41 T.L.R. 76.

Any architect of whatever standing is well advised to settle his terms of service at the outset, and for the general practitioner there is no safer scale than that of the R.I.B.A.

correspondence

The Editor,
"The South African Architectural Record."
Sir,

re The New Form of Contract.

Since the modification and adoption of the new R.I.B.A. Form of Contract by the I.S.A.A., for use in South Africa, no general discussion thereof by practitioners appears to have taken place either at general meetings (Central and/or Provincial) or in the professional press.

As this document is an important one and a subject of general interest, I offer the following running comment thereon, in the hope that it may produce further comment and discussion, to the general advantage and guidance of the profession in the use thereof.

(1) The elimination of the "Appendix" is to be regretted because of the simplification it made for in the completion of the form generally.

(2) Page 4, Clause 2—The verification of the Bills of Quantities does not necessarily include the acceptance by the Architect or Quantity Surveyor of the prices therein contained as being consistent (see page 5, Clause 10a, etc.)—this should be provided for.

(3) Page 4, Clause 3—The insertion, after "everything necessary" on the first line of "including plant" would be advantageous.

(4) Page 5, Clause 10—Extend the scope of the Appendix to cover this blank.

(5) Page 6, last paragraph of Clause 10—Follow R.I.B.A., Appendix blank and ("if none stated is 3 months', as this period is dependant on the size of the works.

(6) Page 6, Clause 13a–This period should not be arbitrarily fixed without reference to the type of work, season of the year, etc., and should be a blank in the Appendix with the proviso that if none is stated it shall be four months.

(7) Page 6, Clause 13b—No monetary hold on the Contractor appears to be contemplated, therefor, at least, threat of legal proceedings may be necessary before attention is paid to any complaint on this point. The Clause should be deleted and 13a, modified as suggested above, relied upon.

(8) Page 7, Clause 16a—Claims that may arise under the Workmen's Compensation Act or any amendments thereof should be definitely provided for by insurance.

(9) Page 8, Clause 19—A definite statement as to the legality of the enforcement of "liquidated and ascertained damages" without recourse to the law courts would be welcomed, together with the quotation of legal precedent, if any.

(10) Page 8, Clause 20—"force majeure" covers many, if not all, of the contingencies separately mentioned. Simplify the Clause by the substitution of the words "circumstances over which the Contractor has no control" for "force majeure" and delete the other contingencies enumerated.

(11) Page 9, Clause 23/a3—Fourteen days unnecessarily prolongs the time of trouble ; seven days is ample time.

(12) Page 9, Clause 23—The blank might well be permanently filled in as "seven days of the presentation of the certificate to the Employer"—or better, follow the R.I.B.A. Form with a blank in the Appendix.

(13) Page 10, Clause 23, last paragraph—Contractor's lien on the building should be mentioned as well as on materials, etc.

(14) Page 11, Clause 25a—The arbitrary period of "monthly" should be an Appendix blank to be filled in as agreed by the parties to the contract.

(15) Page 11, Clause 25a—"Within three days of the issue" does not allow enough time for postage, etc. Should follow the R.I.B.A. Form with blank in Appendix. See comment No. 12 on Clause No. 23.

(16) Page 11, Clause 25b—The Architect, at his discretion, should be able to allow such portion of the value of unfixed materials according to whether they consist of, specials only suitable for the building under consideration, or, general materials which might be moved to other works.

(17) Page 11, Clause 25c—The limit of the Retention Fund should be ten per cent. of the Contract Amount, but in the initial stages of the building operations the retention should exceed ten per cent. of the value of the work done (say twenty per cent.) in order to establish the Builder's stake in the undertaking at an early date. Use the Appendix as in the R.I.B.A. Form.

(18) Page 12, Clause 25e—The use of the word "moiety" is unfortunate, as it may mean a portion which is not necessarily one half. "One half" would make the Clause much clearer, especially to those whose vocabulary is somewhat limited.

(19) Page 12, Clause 25f—The period (three months) should be a blank (in the Appendix). See comment No. 6 on Clause 13a.

(20) Page 12, Clause 26—The Architect should not be tied to either contracting party ("or the Architect on his (the Employer's) behalf") but should be a free agent, which might be achieved by the wording "the Employer and/or the Architect and/or the Contractor."

(21) Page 12, Clause 26, latter portion—Nomination of Arbitrators by the President-in-chief is very cumbersome as he is bound to be in another Province as far as three of the Provinces are concerned. This should read "by the President of the Provincial Institute of the Province in which the work is being carried out." I am, Sir,

Yours faithfully,

W. A. Ritchie-Fallon.

The Editor,
"S.A. Architectural Record,"
Dear Sir,

We received yesterday a communication from the Chief Inspector of Factories in connection with lift machine rooms. The Chief Inspector is of the opinion that there should be a clearance of two feet around the contour of the main driving unit of a lift. He informs us that instructions will be given to Inspectors of Factories to insist on this with respect to all new installations in future.

These clearances will also apply to any auxiliary motors and the front of the control panel.

If the matter is not clear we would refer you to our Johannesburg Manager, Mr. W. E. Hopkins, who will no doubt be very pleased to demonstrate or assist with sketches.

Yours faithfully,

R. H. Buchanan.

Manager.

For Waygood-Otis (S.A.), Limited.

Pretoria Publicity Association.

Pretoria,
14th March, 1933.

Dear Sir/Madam,

OPEN POSTER COMPETITION

1. Entries are invited for an open poster competition by the above Association, for which a prize of £10 10s. 0d. will be awarded for the winning design.

2. Subject.—The subject which the poster is required to illustrate is the City of Pretoria, with special reference to its industrial development in the Iron and Steel and subsidiary industries (see pages 22 and 23 in attached Brochure). Further Brochures will be sent gratis on application to the Pretoria Publicity Association.

CONDITIONS.

(a) The size of the design submitted to be forty inches by twenty-five inches on white card or paper. The Poster to be a one sheet Poster in not more than four colours.

(b) Design must incorporate the word "Pretoria" and may include a brief slogan relating to the Iron and Steel Industrial development of the City, while reference may be made to its cheap and ample water supply and its excellent industrial sites which are available on very special terms.

(c) Each Design submitted must bear a number or mark only, and the Competitors name and address must be sent in a sealed envelope bearing the same number or mark as shown on the Design.

(d) The Design and sealed envelope must be addressed to the Honorary Secretary, Pretoria Publicity Association and be received not later than the 30th April, 1933, at the Association's Office (Room No. 29), City Hall, Pretoria.

(e) The decision of the Executive Committee of the Pretoria Publicity Association will be final in the selection of the winning design.

(f) The winning design will become the property of the Pretoria Publicity Association—others will be returned on request made within fourteen days after entries have been judged.

Yours faithfully,

M. Thompson,

Hon. Secretary.

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