

## THE LATE PETER THOMSON.

WE give in this issue a capital likeness of the late Peter Thomson, who, at the time of his death, occupied the position of superintendent of Algonquin Park, the reservation set apart in the northern part of the province, by the Ontario Act of 1893, as a preserve, to be kept in its natural state for the use of the people. Previous to entering the employ of the government, Mr. Thomson was in business as a building contractor. He learned the trade of a carpenter in his youth, and after living in the United States and Hamilton for a time, settled at Brussels, in the county of Huron, where he lived for some 35 years. While there he erected many buildings in the neighborhood. Removing to Toronto some years ago, he continued in the same line, the construction of the Arlington Hotel being one of his largest contracts. Since 1893 he was employed by the government on colonization road work, superintending the building of some of their bridges, and was always considered a careful and competent man for the work. In July 1893, he was appointed chief ranger of the Algonquin Park, and in the following year became its first superintendent. He died at headquarters in the Park, on 5th September, of paralysis, at the age of 61.

## A LEGAL VIEW OF AN ARCHITECTS' RESPONSIBILITY.

A CASE of more than ordinary interest to architects was recently argued before a judge in the town of ——— Ontario.

An architect, a member of the Ontario Association of Architects, received instructions to prepare plans and specifications and obtain tenders for the erection of an hotel building in a country village. The owner, after the plans and specifications had been explained to him carefully, accepted tenders and instructed the architect to proceed with the work, and supervise it.

The architect being unable to collect his commission and having waited until the last day, caused a lien to be registered against the building for the balance of the commission and later, failing, still to get his money, entered suit under power of the lien for the balance due him.

The defense set up that as there was a defect in the building they were entitled to damages from the architect therefor.

There had been a building on the site which had been destroyed by fire and it was decided to re-use the old foundation walls as far as possible, the owner under-

taking to clear away all debris and leave the walls clear for examination and work. This was all clearly set forth and shown in the plans and specifications, the latter stating that it was to be assumed that the foundation walls were in good condition and would only require to be pointed up. The owner urged upon the architect the necessity of getting the building ready for occupation with the utmost dispatch.

The defect referred to was a slight sinking of the floor in the centre of the building and showing in one of the principal rooms and the main hall, a condition which might have been brought about by the frost (the building was put up in winter) leaving the foundation wall, or by the wall plate under the partition never having been set level, or by the joists themselves never having been levelled properly. The amount that the floor was out of level was one thirteenth of an inch to the foot one way and about one sixth of an inch across. No plaster was cracked, no doors bound and no inconvenience of any sort was occasioned except that the apparent deficiency in the maple floor offended the refined eye of the defence. They also claimed that one riser of the steps from the street to the building was out of plumb, another serious defect.

The defence secured the services of an architect who swore to the levels which he had taken at the building and also to the riser being out of plumb, but could not say just how much.

A member of the Ontario Association of Architects was called by the plaintiff. He swore that he had visited the building and

inspected it. He considered that the plans and specifications had been unusually well carried out for that class of work and that the deflection of the floor was scarcely sufficient to be called a defect in a country job.

The owner admitted in cross examination that he had got a first class job, but claimed that it would cost him so much to rectify the error and that the architect should allow him for it.

Two practical builders swore they had been in the building and never noticed the deflection. The mason and carpenter each swore that they had carefully levelled that part of the walls and floor and admitted that if there was anything wrong they were to blame, and finally the architect swore that he had levelled the ground floor joist himself when they were laid on and left them true and level. As for the riser—well there were many ways in which it might have got out of plumb after six months use.

The judge in summing up the evidence said that undoubtedly there was a defect in the building and he would give judgment for the plaintiff with costs, less a sum which it had been shown would be sufficient to raise the floor and make it level (?). He did not refer to the riser.

Virtually he held that the architect was responsible and should pay for a defect which was admitted by the contractors to be their fault.

Those who are not properly informed as to the duties of an architect assume that he should be held responsible for any and every defect in a building, notwithstanding that he may have little or no say in the choice of the contractor. It is utterly impossible for an architect to obtain perfect work in these days of keen competition, more especially when the proprietors refuse to pay for perfect or even passable work. In this instance the class of work was an inferior grade and the defect was a matter of no moment. An architect should be held responsible for defective work when it is self evident that he could not prevent same except at such an undue loss of time on his part as would make it advisable for him to pay the proprietor to take his work elsewhere. A commission of 5% on the total cost of the work will not permit of an architect remaining on a building and acting the part of foreman for all the trades thereon employed.

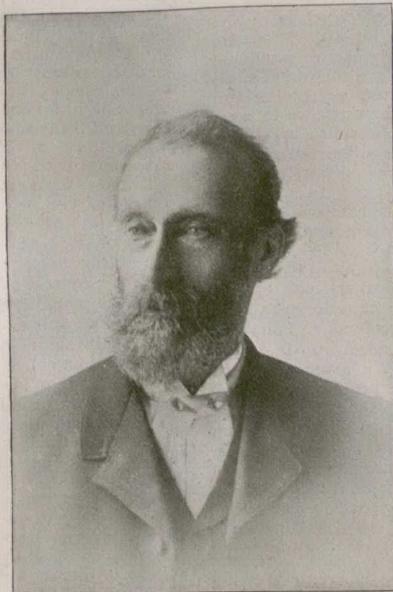
The question now arises as to whether this architect should not claim and be awarded damages against his lawyer be-

cause he had not brought out sufficient evidence at the trial to secure for his client a complete victory.

The cases are analagous and if such a case were tried before the same judge, in the same court under similar circumstances, surely he would have to give similar judgment.

It would be interesting to know if an architect had ever before been held responsible or made to pay for a defect in a building after the contractors had been paid in full and the building taken off his hands by the owner.

The Egyptian decorator was a priest, or a priest's servant, and his business became hereditary. The Indian decorator was a servant of the family, and his situation also frequently descended to his son. In China and Japan the decorators were in the earlier times priests working from a religious motive. With the Greeks, too, religion fostered the arts: so in the mediæval ages. It was not till the Renaissance, when the invention of printing led to the spread of knowledge, that individual excellences brought the individual out from obscurity, and we have styles of decoration as diversified as the people who produced them. In Japan the decorator originally worked with the utmost patience and loving care to illustrate his religion; thus decoration came to be practiced by princes and persons belonging to great families. At last it came down to the art workman, who, in Japan, with no competition, no machinery and but few wants, made everything he produced instinct with beauty.—Work.



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