

case, give the inspectors little heart in their work when it is a matter of holding back building.

American Plans.

Two new important buildings for Toronto have been put into the hands of United States architects; and the duty on plans is still collected on a valuation of the blue prints that come in, which is based upon the time supposed to be taken by the draughtsman in producing them. If there is to be a duty, it is not creditable that its collection should be made a farce like this. The government—not the present government but its predecessor—did acknowledge, at one time, that the thing imported is not drawings (and not blue prints) but services, and that the duty should be collected on the cost of the services to the importer.

The irritating point in the situation, to architects, is that the best architect in Canada would not be allowed to erect a hen-house in the United States. And another point, equally irritating, is that, where a United States architect is employed in Canada, he gets a much better chance in the way of expenditure than is given to a Canadian. His clients are, in fact, a good deal at his disposal. As they have sent to New York for an expert, it would be silly not to take his advice. The effect, no doubt, is to raise the high water mark of cost all round; but, in so far as that is a good thing, we ought to be able to find it out ourselves.

There is a bill before the New York Legislature to prohibit the use of advertising posters and paintings in all future subways. The bill has the entire approval of the public, we are told. Which proves one thing—that posters are not needed. A practical public, which objects to having posters where they can see them every day conveniently, is evidently quite satisfied that it can become acquainted with every article it needs without the help of posters, artistic or inartistic.

But this is only one step in the argument. Matter in the wrong place is dirt; and posters, in a place where they are not wanted by the people for whose benefit they are put up, can have no reason for being there but the advantage of the person who puts them up, and it becomes a very live question how far he has a right to make use of public places for pushing his own advantage—only his own—in this way.

Nor can he have any right to employ little boys, as he does, to throw papers on our lawns. If the little boys were to do this on their own account they would run away afterwards. Now they merely walk to next door and do the same. And the householder, who is equally injured in both cases, sees the law, which would be with him in the one case, is, in the other, with the boy, who is pursuing his lawful avocation. Why should there not be a law against dodgers as well as against posters? If they do any good to the advertiser it is only because they are so cheap that he can afford to have a thousand fluttering about the streets for one that is read. That is all very well; but can the rest of us afford to suffer from their unsightliness and to pay for their picking up?

Gibbon v. Pease.

The appeal in this case has been dismissed with such a decided opinion about the unreasonableness of any custom which allows an architect to retain possession of his plans that it is evident the Court of Appeal has done more than merely confirm the application of the precedent case of *Ebby v. McGowan*, in which, (a case of a building that did not go on), the architect was compelled to hand over his drawings, in order that the client might have, (as every commentator, if not the judgement, says), "something to show for his money." The case will, without doubt, go on to the House of Lords. If the judicial committee, who will take the broadest view possible to the legal mind in England, fail to support the architect's claim, the only thing left, to secure an architect's rights, is copyright. This would be so extremely difficult to carry out that the simpler course would be to start afresh and get legislation that will establish the architect as owner of his plans.

It is said that the American Institute of Architects, knowing the importance to the profession in the United States of the decision in this case, will offer to contribute to the cost of carrying the case to the House of Lords. The Quebec and Ontario Associations have even more reason to support the appeal, and, in spite of a tendency to deficit in their Treasurers' reports, would do well to support it with money.

In another column we reprint an article from the *Architectural Review* of Boston on this subject, in which the view is taken that an architect's drawings are like a legal document which, as the *Engineering Record* of New York said, in making the same comparison a little while ago, "unquestionably belongs to the client, although it represents the results of the lawyer's study and experience."

It is an extraordinary thing how impossible it is, for writers discussing this question, to keep things in their proper categories. Unless the writer in the *Architectural Review* is arguing that the matter for which the client employs an architect is the production of drawings, how can architectural drawings be compared to the draft of a legal document? The draft and the typed form are of one kind—documents. It is a document the client wants for himself, and it is for that he pays. But drawings and a house are of different kinds, and it is a house the client wants and pays for. If drawings were compared to a brief and the house to the argument in court, the comparison would be better. We may arrange the terms thus:—

INSTRUMENT OF SERVICE	SERVICE	END
Brief	Argument	A favourable judgement
Drawings	All the business involved in the process of erecting the house	The house

It only remains in order to complete the comparison, that we should give the architect's client possession of the architect's drawings at the same stage or condition of the proceedings at which the lawyer's client gets possession of the lawyer's brief.