

Information and correspondence relating to the matters in dispute between the Government of the Province of Ontario and the firm of Darling & Curry, of the City of Toronto, Architects.

To the Honourable the Members of the Legislative Assembly of the Province of Ontario.

Owing to the action of the Commissioner of Public Works in refusing to bring down the correspondence relating to above matters and owing to the speeches made by the said the Commissioner of Public Works on the floor of Parliament in reference to said matters, the firm of Darling & Curry in justice to themselves crave leave to bring to your notice the following facts.

In the original competition which took place in 1880, 16 designs were submitted, both from Canadian and American firms.

The following is a cutting from the *Mail* newspaper, dated December 4th, 1881, from report of the experts appointed to pronounce upon the said designs :

“These plans, as we have said, obtained the premiums simply because the experts were compelled to adhere to the cost specified in the instructions, and these three plans, although not quite the lowest, were in the neighborhood of the figures. Accordingly the experts recommended them as worthy of the premiums but unworthy of adoption. Viewing the designs apart from this strict cost limitation, all of them, with the exception of those passing under the titles of “Raison D’Etat” and “October,” were unworthy of the site.

THE BEST SET OF PLANS.

“October” was the best set of plans submitted. They are designed in the thirteenth century style of Gothic, but modernized. The subject is treated externally in a dignified manner. A bold and massive tower of good proportions

emphasizes the entrances; the wings produce a well-balanced effect. It is somewhat hard and rather mechanical in its lines and details. Its grouping, or rather its style, is thorough; there is no flimsy superficiality of features, and it has the genuineness of a worked-out expression. With regard to the development of plan, the positions of the entrances hold proper relations to the business quarters and localities of the particular departments. The staircases are planned with skill for easy communication between the different portions of the building, connected by continuous corridors. The court-yard has been well disposed, with foresight as to height, light, and other important matters. There is a good deal of detail that recalls the Manchester Town Hall or the New Law Courts of London. In regard to the wings at each side of the tower, the first impression would lead the visitor to think they were alike, but upon study they present a dissimilar appearance, the projecting ends being dissimilar both in general feature and detail; while the other front shows a diversity of grouping and general outline and massing of windows. While it is subordinated in parts to express the internal functions, yet the general symmetry of the whole is preserved. In regard to its adaptability to site, this plan is open to the objection that it covers altogether too much ground, the corridors being of immense dimensions. If carried out, it would no doubt prove the most costly of the designs submitted."

It was owing to the terms in which our design was spoken of by the experts, Hon. A. McKenzie, Mr. Storm and Mr. Waite, in the report quoted above that we were asked by the Attorney-General to prepare sketches for an amended design, and these having met with the approval of the Government we were then ordered by the Commissioner of Public Works to go on and prepare "the necessary specifications, detail drawings, &c." according to the terms of the following letter:

DEPARTMENT OF PUBLIC WORKS, ONTARIO,

Toronto, March 25th, 1881.

GENTLEMEN,—I am instructed by the Hon. the Commissioner of Public Works to say that having reference to his conversation to-day with your Mr. Darling on the subject of your preparing the necessary specification, detail drawings, etc., on which to advertise for tenders for the construction of the proposed new Parliament Build-

ings, according to the plans submitted by your firm, it is to be distinctly understood :

(1) That it is intended to ask for tenders on plans and specifications other than yours.

(2) That it is to be in the discretion of the Commissioner not to ask for tenders based on your specification, etc.; and in this latter event your recompense therefore is to be such only as the Commissioner may fix and determine upon.

(3) If on tenders being asked for, an actual contract is *bona fide* entered into for the construction of the buildings upon your plans and specifications, your fees, etc. will be such as may be mutually agreed upon ; but failing any such contract your compensation in respect of such plans and specifications, and all work and services in connection therewith will be such only as the Commissioner shall, having due regard to the circumstances, deem to be right.

(4) The entering into any such contract is to be understood as not depending upon the nature or amount of any tender received, but to rest entirely in the discretion and judgment of the Commissioner.

An early answer to this letter is particularly requested.

I have the honor to be, gentlemen,

Your obedient servant,

(Signed)

WM. EDWARDS,

Secretary.

Messrs. Darling & Curry, Architects, Toronto.

After some nine months or a year's steady labour and attention these plans and specifications were completed and sent to the Government. Tenders were asked for, and received in February, 1882; and the matter remained in abeyance, and was not pressed on by us owing to a conversation held with the Commissioner of Public Works by our Mr. Darling in the month of June, 1882, in the course of which the Commissioner of Public Works requested us to forbear from pressing matters. On the 18th March, 1885, the Commissioner of Public Works moved the House into Committee on the resolution with reference to "New Legislative and Departmental Buildings." The following are extracts from his speech delivered in support of said motion, as reported in the *Globe* of the 19th inst. :—

"After the Act of 1880 *competitive designs* were asked for. These were remodelled and modified, and tenders

were asked for the erection of the buildings according to two of these sets of designs, the first set being the works of architects Messrs. Gordon and Helliwell, and the second set being the work of Messrs. Darling and Curry. Honourable gentlemen who have been in the reception room, or what may be called such by courtesy, for it is only by courtesy that the room at present used for this purpose can be called such, will remember to have seen hung on the walls two designs of the new buildings. *One of these two designs will be selected.* There may be some slight modifications of the interior arrangements with regard to the offices necessary for the different departments, rooms for the convenience of members, etc. *The Government's proposition is to select one of these two designs.* We are now in a position to say with sufficient accuracy what the new buildings built according to either of these designs will cost. When the House asked the Government in 1880 to give an estimate of the cost of the proposed buildings, the Government were not in a position to give

A CORRECT ESTIMATE.

In the estimates which I am now able to lay before the House precautions have *been taken that there should be no extras.* We asked for tenders for the erection of buildings according to the two plans which I have mentioned, and I propose to give the House the result of the actual tenders received, so that the House may see that in asking for this sum *we are asking for a sum that will be ample for the erection of these buildings upon either one of these plans.* For the erection of the buildings according to the plan of Messrs. Gordon & Helliwell we received ten different tenders from contractors, *all of whom were men of experience and all financially able to undertake this work and willing to undertake it, so that they were in every respect the tenders of first-class men.*

MR. CARNEGIE—They will be tendered for again of course?

MR. FRASER—Oh, yes; *and there is every reason to believe that the tenders will be rather less than these.* Five of these ten were under the sum of \$600,000. These five were respectively for \$542,000, \$556,000, \$578,000, \$580,000, and \$585,000. I might say here that the name of the gentleman who made this last tender is Mr. Alexander Manning. The three next highest were below \$700,000, being respectively \$617,000, \$619,000, and \$665,000. Two tenders exceeded \$700,000, but none exceeded \$750,000, so that the lowest tender was for \$542,000 and the highest for \$748,000.

MR. BRODER—Were they all offers based on the same plan?

MR. FRASER—Yes, as far as I have been able to study this out, these ten were tenders made for the erection of the buildings according to this plan. The other plan received nine tenders, most of which were by the same persons. Three out of the nine exceed \$600,000, a very little. They are respectively, \$612,000, \$626,000, \$626,000. Three others did not exceed \$750,000. They were for \$703,000, \$719,000, and \$750,000. So that six out of the nine tenders for the more expensive design did not exceed \$750,000. The lowest, \$612,000, was by a competent firm able to carry out the work, which would leave a margin from the sum asked of about \$150,000."

After this we naturally supposed that we would have some intimation from the Government as to what they intended to do. Notwithstanding, however, that we wrote several letters asking for information, and stating that we had heard rumors emanating from Buffalo to the effect that the Government had given Mr. Waite the work, and that he was even then preparing plans for the new buildings, the first information of any sort which reached us was when we read the following report of a speech delivered by the Hon. Commissioner of Public Works in the House on March 23rd, 1886:—

NEW PARLIAMENT BUILDINGS.

"HON. C. F. FRASER rose to make a statement regarding the new Parliament Buildings. The House, he said, had consented to an expenditure of \$750,000, and he had made the statement that the intention was to adopt one of two sets of plans, which had been sent into the Government. After the House adjourned it was considered, that having reference to the important nature of the undertaking, a critical and close examination of the plans submitted by the architects should be again had. The gentlemen who had examined the plans sent in under the original competition, were the Hon. Mr. Mackenzie and two architects—Mr. Storm, of Toronto, and Mr. Waite, of Buffalo. The Government had decided that Mr. Waite should be selected to make this consultive examination for the Government and to advise the Government how far the plans would be suitable. On account of illness and other causes considerable delays took place, and the result of Mr. Waite's

enquiries was not known when he (the Commissioner) left for England last year. After his return from England he and the other members of the Government had several consultations with Mr. Waite, and the result of their consultations was that they became satisfied that none of the plans they submitted were suitable; that there were such grave defects in heating, lighting and ventilation, that it would be inadvisable to proceed with building on the basis of either. The question arose what was to be done. The Government had pledged itself to proceed with the buildings, and they had come to the conclusion that their early construction was a necessity. They decided to secure the services of an architect, and to have

A NEW SET OF PLANS

prepared. A careful deliberation as to who the architect should be, resulted in the selection of Mr. Waite, of Buffalo. Mr. Waite had been twice employed as an expert in connection with the matter, and it was thought that his ability and his position as an architect warranted the Government in selecting him. A letter of instructions sent to Mr. Waite, and accepted by him, embodied the agreement on which he was to prepare the plans. The cost of the buildings was not to exceed \$750,000, and within the limits of that expenditure accommodation must be secured for the several departments, offices, and vaults, legislative chamber, committee rooms, speaker's chamber, &c., as fully in all respects as set forth in the general instructions issued by the Department of Works, in 1880, for the guidance of the architects. The architect's remuneration was to be at the usual rate of five per cent. upon the contract cost, such cost not to include sums which the contractors may be entitled to as extras. No extras to be allowed, except to the extent authorised by the Commissioner of Public Works, for the Government has the right to reject any plans, first, if deemed, unsuitable, or second, if it is considered that they cannot be constructed within the limit of expenditure above stated. In the event of the rejection of the plans, the architect's remuneration is to be fixed by the Commissioner. The plans were to be ready for inspection on March 15th, and the plans and specifications to be finished so as to admit of tenders being advertised for on May 1st. The architect of the department fully concurred in the opinions of Mr. Waite as to the two sets of plans, and his conclusions were endorsed by the department. The new plans with all details and specifications would be ready in three or four weeks, and provided these plans were approved, it was the intention of the

Government immediately to advertise for tenders, and it was expected that in two or three months the contract would be let, and the work ready to proceed."

Believing that the report of Mr. Waite, as stated by the Commissioner of Public Works, was not justifiable, we requested Mr. Storm, one of the experts previously appointed by the Government in the competition of 1880, to pronounce and report upon our design, and in compliance therewith we received the following letter :

(Copy.)

Toronto, 15th May, 1886.

Messrs. Darling & Curry, Architects, etc.

DEAR SIRs,—In complying with your request that I should state my views in reference to the competitive design sent in by you for the Government Buildings proposed to be erected in this city, I beg to say—

That the design for new Parliament and Departmental Buildings for the Province of Ontario, offered in competition in the autumn of the year 1880, over the motto "October" was unquestionably the best design at that time submitted, in point of artistic merit and general arrangement of plan, but was thrown out by the experts solely on account of excessive cost.

Having seen the revised sketches of this design upon which the working drawings have been prepared, I am decidedly of the opinion that, whilst there may be some minor defects, which could easily, without adding to the cost, be remedied during construction, the plan is really excellently conceived and evidences the genuineness of a worked out expression, combining in the elevations that diversity of outline, which the importance of the structure, and the complexity of the internal arrangement demands. And also having read and compared the specifications, I have no hesitation in saying that the whole taken together exhibits great skill in planning and construction as well as ability in the authors to carry out the work to a successful issue, if confided to their care.

I am, dear Sirs,

Yours truly,

WILLIAM G. STORM.

Subsequent to the said 23rd day of March, 1886, considerable correspondence of little importance and bearing no fruit passed between The Honorable The Commissioner of

Public Works, The Honorable the Attorney-General, and ourselves, of which the following are the most important :

8th March, 1887.

To the Hon. the Commissioner of Public Works for Ontario:

SIR,—The matter of your conversation with Mr. Curry, on Monday 28th February, has been most carefully considered, and we regret that we cannot see our way clear to accept the sum you then offered, four thousand dollars (\$4,000) in full of our account against the Government, and we confess to a feeling of surprise that you are able to justify to yourself a proposition so far beyond all reason and fairness.

Our account was made up on the usual basis adopted invariably by ourselves and all other men in good standing in our profession.

The very general and widespread acceptance of the custom has proved its fairness, while the universal decision of the courts in its favor in cases where it has been disputed, has practically made it law; you have yourself acknowledged its justice by agreeing to pay Mr. Waite the fees fixed by the same scale of charges; and we quite fail to see why, if the system be fair in his case it should not be equally just in ours.

In your official communication to us, dated twenty-fifth of March, 1881, in which you commissioned us to proceed with the preparation of the working drawings and specifications in accordance with the sketches previously submitted by us for the proposed new Parliament Buildings, you refer to a conversation you had with me an hour or two before.

In the course of that conversation when speaking on the question of the payment you said that it was the intention of the Government to deal fairly and liberally with us respecting the remuneration we were to receive for our labor; that they had every desire to do the fair thing in the matter, and that they fully intended to do it; that you were confident that we would ourselves be perfectly satisfied with the arrangement which would be made, and that we would be the last to complain of any unfair or ungenerous treatment.

I distinctly recollect saying in reply, that if the Government were going to do all this in the very liberal and generous fashion you mentioned, it would be more satisfactory and more gratifying to us if the terms were to be stated definitely at once, as we would naturally work with better heart if we knew exactly the position in which we stood

financially. You declined however doing this ; saying that for reasons which you could not explain to me in detail, it was thought desirable in the interests of the Government that the exact amount of money remuneration to be paid to us should not at that time be made public. I had to be content with this, though regretting the uncertainty which prevailed as to money matters, and so I left you with no suspicion that difficulties might eventually arise on that score, as you had thoroughly impressed me during the interview with the idea that the Government was only too anxious to deal with us in the most fair and liberal spirit and that we should find that the question of fees would be settled in a way that would be satisfactory to ourselves, or to any man conversant with the value and importance of architectural work. It was owing principally to the impression produced by this conversation, and to the fact that that conversation was referred to in, and connected with the letter written shortly afterwards, that we were induced to proceed with the work, although the precise terms of our engagement as set forth in your communication were somewhat ambiguous. We had however the word and assurance of a minister of the Crown that we would be treated fairly and honorably by the Government, and we naturally did not think that we need be afraid to venture.

Had we imagined for one instant that there was any danger of our being subjected to the treatment that has since been meted out to us, we would not have dreamed of undertaking the work at all.

I must ask you to recall to your memory an interview I had with you in June, 1882—this was after the tenders had been received, and I had written asking for information as to the position we occupied, and whether we could not be paid some money on account of our work ; to this you sent a messenger saying that you would see me at your office if I would call. I did so, and was told by you that you would be obliged if we would allow the matter to stand as it was for the present, that for reasons which you could not explain, it was better for everybody that it should, that it would be a convenience to the Government if we would forbear to press either for settlement or for remuneration at that particular time.

You asked me whether we had not been treated fairly, and honorably, and whether all promises made by you had not been observed ? Up to that date, we had certainly found no cause of complaint and I said so, and you then went on to say, that if I would leave the matter alone for the

present and trust myself in your hands I would have no reason to regret it, that I would be doing myself and my prospects no harm, but rather the reverse, and you gave me to understand that our position now was an excellent one in every way as regarded the proposed new buildings, and to attempt to force the Government to an explanation of it would only work to our injury; with that I left, feeling confident that our interests were in safe hands, and that we would have no cause to regret our confidence in your fairness.

Can you honestly say that if you had asked us to go on and design a building of the magnitude, elaboration, and intricacy, such as the one you wanted—to prepare the plans, working drawings, details and specifications, and have the same submitted for tender—and for all this work, skill and expense, offer to pay us only the sum of four thousand dollars, just one-fourth of the proper fees to which we would be entitled, and which we invariably get—that you think you could have induced us to do it for you?—the thing would have been simply preposterous, and you know it as well as we do.

You must remember also that we never asked favors of any sort from you at any time, every solitary bit of work which we have done for the Government has been done solely at their instance and at their own request. We entered the original competition and were beaten in it, and that closed the matter; we had no claim on the Government, and the Government had no claim on us; and the subject, as far as we were concerned, stopped.

The Government, however, sent for us, made certain changes as regards accommodation, removed the hard and fast money limits, and requested us to make rough preliminary pencil sketches of what we would propose to do in the way of a new building; this we did, the sketches were submitted, talked over, and approved of; apparently they suited admirably, certain small changes and alterations were suggested and carried out.

Then in the interview and letter of 25th March, 1881, we were commissioned to go on with the working drawings; those drawings were overlooked and examined from time to time as they progressed by yourself, and by the officials in your department; and changes and alterations of greater or less extent were made in the plans and specifications as they suggested themselves to your department or to us.

It was impressed upon us constantly during the progress of the work, that notwithstanding that the Government understood fully that the half million dollars already voted by the House for the new buildings was insufficient, and

that we were removed from the necessity of adhering to it, still we must bear that sum in mind and not depart from it any further than was necessary to insure the stability and soundness of the building, and make it complete in all its parts. The strictest economy had to be always considered, we could not do, nor were we allowed to do, the best we *could*—but only the best we could FOR THE MONEY; and we are confident that the manner in which we exercised this economy, and the way in which we expended the money in order to produce the best results, either in stability or in effect, will commend itself to the mind and judgment of any impartial competent man. During the conversation already referred to, of 25th March, 1881, you gave me the impression, if indeed you did not actually state it in so many words, that it was the firm intention of the Government in case the building was proceeded with at all, that either our design, or that submitted by Messrs. Gordon and Helliwell, would be selected; and your speech in the House in February, 1885, confirms that impression beyond a doubt.

The Government brought down at that time bona fide tenders for both sets of plans, sent in by competent and substantial firms; they obtained from the House an appropriation largely in excess of the sum required to erect and complete either set, and you stated then “that it was the intention of the Government to proceed immediately with the erection of the building on the lines of one or other of those two designs.”

If after that the Government saw proper to change their purpose and decided that our design was not large enough, important enough, or sufficiently grandiose to be commensurate with the wealth, size and dignity of the Province; that they had made a mistake, and now found that they would be justified in erecting a larger, more elaborate and costlier edifice, more substantial and more fireproof in its construction, and more ornate in character, *that* was their own affair, and certainly no *fault of ours*, and it is a cowardly thing, and a dishonest thing, for the Government to make us a scapegoat for their mistake, or because they had seen fit to alter their intentions.

Under these circumstances it would seem that the fair and manly thing for the Government to have done would have been to have taken the responsibility on their own shoulders—confessed that they were in error in keeping so closely to the side of economy; and explained the reasons why it was better in the interests of the country that a more liberal policy regarding the expenditure of money on

new buildings should be inaugurated :—settled with Messrs. Gordon & Helliwell and ourselves for the work we had already done—and, then, from us two select the one whom it should be decided was best able to carry out the wishes and intentions of the Government—take him into their confidence—explain to him their desires, and then tell him to go ahead and do the best thing he *could* and not to cramp his ability for the sake of saving money.

We admit that in order to arrive at a conclusion, as to which of the two competing firms it would be wisest to intrust the work, it was advisable, and we dare say necessary, that the Government should call in some impartial, competent man, with whom to take counsel—to that nobody could object—and perhaps we may be permitted to say here, that upon this point in our dealings with the Government we have no complaints to make.

You may possibly consider that we are taking up matters that are over and done with, and foreign to the business of the letter ; but as they keenly affect our reputation and our professional standing, and as we have never yet had any opportunity of stating our side of the question we trust you will pardon our introducing them.

It was owing to the very high terms in which the design submitted by us, in the original competition in 1880 under the motto “October,” was spoken of by the judges in their official report that we were asked to prepare the drawings which have since been tendered upon.

Mr. Waite was one of the judges, in conjunction with Mr. Storm and the Hon. Alex. Mackenzie. The report was the joint work of the three.

The general scheme of the plan, as well as the architectural character of the elevation of that design, have been retained in those more complete and elaborate drawings which were again submitted to Mr. Waite for his judgment in 1885—yet, notwithstanding that, and also the fact that they were vastly improved by the amount of care and consideration given them in the meantime—he this time reports that they are so deficient in every way as to be quite unworthy of being erected, and also apparently must have expressed an opinion that we were unable to do any better, and that it would not be safe to trust the work to us in any event.

If the design and general arrangement were good in the first instance (and three men said it was) it is equally good in the second, and had Mr. Waite been truthful he would have said so. But no ! the position of affairs had changed, there were two other men associated with him in the first

place,—in the second he was alone,—and he was shrewd enough to see the opportunity of which he has since so successfully availed himself. The drawings were in his possession for months; he had intimate knowledge of all the designs sent in for the original competition—he had the benefit of all our own experience, labor and skill; he had the advantage of close, personal communication with the individual Members of the Government; all their views, theories and suggestions were at his disposal; and he was in a position to make any recommendations he thought proper regarding increased accommodation; more expensive methods of construction; and more elaboration and richness of design; he could criticise as he thought fit, and in any *way* he thought fit, everything connected with our scheme—general arrangement; special points of planning; methods of construction; and details, artistic, or otherwise. He could, if it so pleased him, slur over its good points; belittle its merits; and magnify and exaggerate its faults. We were not in a position to defend ourselves, or to contradict him; he had everything in his own hands: he was talking to unprofessional men, and could say and do pretty well as he liked.

It was on his report, we presume, that you rose on March 24th, 1886, and made a statement in the House to the effect that the Government had been advised that neither of the designs which had been tendered upon four years previously were worthy of adoption; that Canadian architects had been given a fair chance to show what they could do and had failed ignominiously; and that though the Government regretted it, still they felt it their duty in the interests of the Province to seek an architect elsewhere and consequently they had commissioned Mr. Waite, of Buffalo, to prepare plans and specifications, and had given him the work outright.

Such a proceeding can hardly commend itself to any honorably-minded man when he recollects that this Mr. Waite is the man who had been acting in the capacity of professional adviser to the Government, and who, owing to the delicacy of his position, should of *all* men have been restrained by every principle of honor and decency from accepting the work under any circumstances whatever.

It appears, however, that he is to be employed, his remuneration being fixed definitely at once at 5 per cent. The money limit which was imposed upon him was promptly annulled as soon as he found he could not keep within it by at least one hundred per cent., nor is it thought necessary that his design should be examined or

passed upon by any experts or unprejudiced persons competent to judge of its merits or demerits; and while in our case it was insisted that every possible item should be included (even down to the price per yard of the paper-hangings on the wall), in order that the exact total sum should be known from the beginning, and all danger from extras avoided as far as possible: he is allowed to obtain tenders for one trade only (masons and bricklayers, and incomplete at that), the lowest of which comes within but a trifle of the total appropriation, and as much as our whole building would cost complete, and finished in all its parts.

If our plan had been criticised and reported upon on the basis of what *might* be done for a million and a half of dollars, we are not surprised that much fault was found with it; it was designed, however (as we mentioned before), with the fact always before us, that it was absolutely necessary to include every possible detail, and still keep us close to half a million dollars as could be managed, and we challenge the Government to submit our work to a tribunal of competent impartial men; and beg them in the interests of justice and fair play to accept the challenge, and to publish the result.

We are confident of our ability; confident of the general excellence of our design; and confident that the result will prove that Mr. Waite's strictures on our design are neither fair nor honest; and we have made the charge most distinctly and emphatically; and will moreover prove it if the Government will give us proper legal place and opportunity, that Mr. Waite was and could not have been an unbiased and impartial judge—that he had his own purpose to serve—and that he intended from the first to use his position to that end, if he found it in any way possible.

In the meantime we are dismissed ignominiously; our appeals for justice and fair treatment unheeded; and our claims for payment of our services ignored—unless an offer which bears so small a proportion to the sum to which we are justly entitled, that the offering of it makes it almost an insult, can be called a recognition.

And, as if all this were not enough, you stand up in the House in your official capacity, and besmirch and belittle our professional standing and ability, in the most public way, and in such a manner as to make it impossible for us to reply. The official report on which you base these statements has never been made public, and you have also refused to allow us or any one else to see it, notwithstanding that we have complained that owing to your action rumors have become current reflecting seriously upon our professional reputation.

It has been said that our design was condemned, because it would not have stood up if you had attempted to erect it; as well as other remarks of a somewhat similar nature. You told Mr. Curry, however, that you knew of nothing which could be used as a foundation for such rumors—that, at any rate, as far as the Government were concerned, Mr. Waite had said or written nothing that could be construed as bearing such an interpretation. You said also that the report on which the Government acted did not contain anything of the kind—that, in fact, it was in the main verbal, and consequently could not be produced. We are curious to know, therefore, on what grounds the Government have acted as they have done.

We do not suppose for an instant that the Government is desirous of damaging our reputation wilfully and unnecessarily, and do not therefore think that we are asking too much when we request that you will, as soon as possible, undo, as far as lies in your power, the damage and annoyance caused us by your action of last year. We have no objection to your exalting Mr. Waite as high as you please, but we do most strenuously object that that exaltation should be at our expense.

In conclusion, we can only say, that, while earnestly trusting that a peaceful settlement of the question may be arrived at, we are not by any means disposed to accept your present view of the matter.

We consider that we have been most harshly, unfairly, and ungenerously dealt with, and that the action of the Government has been cruel and cowardly in the extreme. We cannot say whether their promises have been broken in the letter—(that will have to be settled elsewhere)—but they have most assuredly been broken in the spirit. We are sick and tired of the whole miserable business—disgusted and disheartened at the treatment we have received—and are only anxious to have the matter settled, if possible, without further delay, trouble or expense; and we offer (without prejudice to our rights in the matter; whatever they may be, legal or otherwise)—to accept a total sum of ten thousand dollars (\$10,000) in full of our claim against you.

Trusting that your sense of fairplay and honorable dealings will induce you to accede to the propositions contained in this letter, and grant us the favour of as prompt a reply as possible,

I remain, sir, your most obedient servant,

(Signed)	{	FRANK DARLING,
	{	For Darling & Curry.

Darling & Curry.
23rd March, 1887.

(Copy)

MAIL BUILDING, *Toronto, 23rd March, 1887.**To the Honourable the Attorney-General for Ontario.*

SIR,—We beg to enclose you a copy of a communication forwarded to the Honourable the Commissioner of Public Works on Tuesday, the 8th inst., in reply to an offer of settlement made by him to Mr. Curry during an interview held by appointment on Monday, 28th February last,—to that letter we have had as yet neither answer or acknowledgement—to the subject matter of it we can add but little; it covers the ground pretty fully and states, we think, fairly and explicitly what our position in the matter is.

The position of affairs at the time of our being asked to go on with the working drawings was so peculiar that we were compelled to a greater or less extent to trust to the honour and verbal promises of the Government that our remuneration would be what was just and right—and surely any sane person would interpret such promises as meaning what was a fair value for the amount of professional labor and skill expended on the work, and such as would commend itself to the judgment of a person familiar with architectural practice and charges. Certainly that was our impression of the matter; and I was distinctly led into forming that impression by my conversation with the Commissioner on 25th March, 1881, and again in June, 1882.

Whether it was purposely intended that I should take that view or not I cannot say, but most assuredly if I had formed any other impression we would have declined proceeding with the work at all.

But while this miserable squabbling about money matters is bad enough—that which annoys and irritates us most are the lying and malicious reports which have been, and are being circulated, and which are constantly being brought to our notice in the most galling way, respecting the general unsuitability and manifold shortcomings and deficiencies of the design prepared by us for the new buildings; these reports are, with the exception of the perpetually repeated remark, “that they would not stand up if built,” so vague and indefinite that they cannot well be contradicted, even if we were in a position to do so publicly; and it is this very vagueness as you can well understand that makes them so damaging.

In my interview with you on the 1st April of last year, when I complained of this very matter, you assured me that the official report contained nothing which could justify such rumour or remarks, or indeed anything that

could be considered as being derogatory to our professional reputation and ability, and you told me also that while the Government considered that that report was confidential, and should not be made public, still you thought that there would be no difficulty about my reading it over if I would agree to look upon it in that light. I declined doing so, however, as on those terms I could see no sense in my reading it if we could not make use of it afterwards in defending our reputation and contradicting the rumors which had gone abroad. Mr. Fraser now says that the report on which the Government acted was a verbal one. I confess that I find myself rather at a loss to understand all this. You said nothing to me about a verbal report of any sort; but told me most distinctly that there *was* a written one; gave me the gist of it; and offered on certain conditions to *show* it to me; you certainly could not have shown me a verbal report. Mr. Frazer on 28th February gave Mr. Curry to understand that there *was* an official written report and advised him not to press for its publication. Yet on March 10th he stated in the House that the report being verbal it necessarily could not be brought down, but that if the House desired it he would instruct Mr. Waite to write one *now* and submit it. Will you pardon me for saying that matters seem to be getting just a little mixed.

A professional man's reputation is his only capital, and no one—the Government least of all—has a right to impair and injure it without giving reasons therefor.

Our plans and drawings were in Mr. Waite's office in Buffalo for some months in order to allow him to make a careful and thorough examination of them. The result of that examination was a report that they were so defective and unsuitable that the Government felt compelled to reject them, and the result of the rejection was that Mr. Waite was given the work.

Would any sensible man suppose for a moment that such an exhaustive and thorough examination could or should have been made and acted upon, with nothing to show for it in the way of a written report; but that all the Government had to go on with were the remarks which Mr. Waite had seen fit to make in the course of conversation. The thing is preposterous.

Quite independent of your own statement we *know for a fact* that Mr. Waite *did* prepare a written official report, on both Messrs. Gordon and Helliwell's design and our own, and it is *this* report which we demand to see—not such a one as Mr. Fraser now proposes to get Mr. Waite to write—

as we hardly imagine that even the Government would be prepared to say that a report prepared by Mr. Waite at this stage of the proceedings would be fair, impartial, and without bias.

We are not disputing the fact that the Government are able to give the work to anyone it seems best to them to employ. We are not asking them to break with Mr. Waite and employ us in his stead—nor are we speaking now about the question of remuneration—(that is a matter by itself—the Government owes us a good deal of money, and we have hopes that some time or other they will pay it.)

Our complaint is that the Government has, and is, by its action—cruelly—harshly—and undeservedly—injuring our reputation and standing as professional men by publicly making statements seriously reflecting on our ability and knowledge, and at the same time refusing to allow the official report on which those statements are based to be made public. Refusing to let us know the grounds on which our plans were rejected as being defective and unsuitable, and refusing to permit us to be heard in our own defence. That rumors consequent upon their action have gone abroad tending to injure and impair our business and our position, and that though both yourself and Mr. Fraser have most definitely and distinctly assured us personally that your expert has said or written nothing officially that could have given rise to such rumors; still the Government declines to set those rumors at rest, and continues by their action and by their statements to give color to them.

The Government, and the Government only, can put a stop to these indefinite and unfair charges and insinuations—and they owe it to us, as well as to themselves, to prove without delay their falsity or their truth, and to prove it also in such a way as to put it once and for all beyond the reach of cavil.

We ask them therefore in the interests of justice and fair play, and as a simple common bit of honesty, to submit all our plans, working drawings, details, and specifications, to a committee of three or more impartial competent professional men, supplying them at the same time with such memoranda about the matter, in the way of requirements, accommodation, original pencil sketches, the amount of the lowest tender, and the amount of the total expenditure we were asked to bear in mind, as may be necessary.

We also ask the Government to submit Mr. Waite's plans and specifications, instructions, money limit, and lowest tender, to the same committee, and at the same time.

That this committee be asked to go into the question carefully and exhaustively, and to embody the result of their examination in a written report, the contents of which are afterwards to be made public.

This we think is a fair and reasonable request, and we cannot well see how you can object to granting it.

Mr. Waite has by his action practically put himself into competition with us, with himself as judge; and we certainly think that in the best interests of the country some opinion other than his own should be passed upon his work.

How the Government can blind themselves to the injustice of the matter as it now stands is more than we can imagine. We were asked to make regular working contract drawings on the lines of a sketch previously submitted and approved of, keeping as closely as might be (without actually damaging the stability of the building), to the sum of five hundred thousand dollars (\$500,000). Tenders were received on these plans, and it was found that we had exceeded the amount by one hundred and twelve thousand dollars (\$112,000); but every possible item that could be thought of was included, even down to such details as mantelpieces and paperhangings.

Mr. Waite, was, it is understood, asked to decide upon the respective merits of the two designs, Messrs. Gordon and Hellewell's, and our own, for which the Government at that time had bona fide tenders, and an appropriation more than sufficient to erect either. He was *not* asked to say whether he could not design with these helps, a building which in his opinion would be superior to both of them.

However the Government gave him the opportunity, fixing the cost definitely at seven hundred and fifty thousand dollars (\$750,000), for the building completely finished in every respect. It was in due time submitted to tender; with the result, that after considerable reduction and cutting down, the lowest tender amounted to a trifle over the entire appropriation—seven hundred and fifty two or three thousand dollars, and this for a portion of one trade only, masonry work; the stone and marble staircase and arcades of the same, as well as all other interior marble or polished granite work (such as dadoes, floors or columns), being omitted; as well as drainage works, concrete floors, and other matters.

The result of this will be that the building when finished will cost at the very lowest possible calculation some eight hundred thousand dollars *more* (\$800,000) than the sum which Mr. Waite was required to confine himself to—or a total at least of something over a million and a half of dollars (\$1,500,000).

Mr. Waite will probably say ; in fact he has already said so ; vide the *Globe*, that such a statement is absurd. He very naturally would, but any sensible man at all conversant with such matters will prove beyond the shadow of a doubt that he is wrong, and the figures mentioned are correct.

How best to procure a committee of perfectly unbiassed and unprejudiced professional men—(I say “professional men” because the question of cost being eliminated there exists no necessity for the employment of the so-called “practical” man—and the matter resolves itself purely into a question of Architectural merit, of which an Architect is naturally, and properly so, the best judge;) is a subject that requires some consideration, but it seems to us at first sight, that if the President or Executive Committee, of the American Institute of Architects—a body representing the very highest talents in the profession on this continent—was communicated with, the difficulty might be solved—let him appoint a committee, the names of those composing it to be kept secret. The drawings, if thought desirable, to have the names of the authors removed—a mark of some sort being substituted—furnish that committee with all the necessary information and let them report direct to the Government.

This would place the whole question beyond suspicion and the arrangement could without doubt be managed.

In any event should anything of this sort be done we must insist on our rights to have some say in experts to be selected, and as to the sort of instructions and information to be supplied to them.

We are agreeable, also, if some such scheme should be adopted with regard to the question of the fees in dispute between the Government and ourselves—provided the experts selected are men of the highest standing personally, and professionally, and not in any way connected with the Government, and that we have some voice in their selection.

We confess that we are not sanguine that the Government will fall in with our suggestion—but we defy them to say it is not a fair and reasonable one, and one which they are bound in all honor to agree to, if they are as sincerely anxious to do the honest thing in this matter as they have always professed themselves to be.

We have always done the best we could to maintain our rights in this affair from the beginning, but it is an uphill fight for a private firm to struggle against a powerful and influential Government, and we now appeal to their gen-

erosity to afford us some opportunity to remove the stigma which their action has now unjustly and undeservedly cast upon us.

You have always borne a reputation, both as a politician and as a private citizen, which is above reproach; and it is from knowing and believing this, that we feel confident that we shall not appeal to you—and through you to the Government of which you are the head—in vain, for a rehearing, and reopening of the case and a reconsideration of the utterly unfair proposal which the Commissioner has made to us, with reference to our remuneration.

I have the honor to remain, Sir,

Your most obedient Servant,

FRANK DARLING,
For DARLING & CURRY.

(Copy.)

MAIL BUILDING, MARCH, 1887.

To the Honourable the Commissioner of Public Works :

SIR—In your speech in the House on the 10th instant, when opposing the motion for papers *re* the proposed new Parliament Buildings, you made certain statements which we think call for some remark.

FIRST—"That we had no claim to further consideration after it was proved by the tenders submitted for our design, that it could not be built for the sum of five hundred thousand dollars (\$500,000.)"

We cannot see what the fact of the lowest tender being over and above that sum has to do with this matter. Neither by implication, word of mouth, or by document, or writing of any sort, kind, or description were we asked or required to keep within that amount, on the contrary, we were informed both by the Honorable the Attorney-General and by yourself, that the money limit imposed in the original competition had been dropped, the Government realizing that they could not obtain what they wished for that sum.

Mr. Mowat knew it, as I told him—when he saw me in December 1881, relative to our making the pencil sketches—that if we were to be rigidly confined to the half million appropriation we would decline undertaking the work. You knew it also, as the same understanding was arrived at in my conversation with you on March 25th, 1882,—and the official communication from the Public Works Department of same date, wherein we were ordered to proceed with the preparation of the working drawings in

accordance with the sketches, contains not one word about a money limit of any sort.

It was, however understood, and that very clearly, that we were to keep that amount of money constantly in view and not to exceed it further than we considered absolutely necessary. In March, 1885, you bring down to the House *bona fide* tenders for the plans, saying that it was the intention of the Government to proceed immediately with their erection provided that an appropriation of \$750,000 was granted for that purpose. Not a word was said about our having put ourselves out of court because the lowest tender came to more than half a million, and no matter what understanding, or misunderstanding, you may have been laboring under prior to that date, you cannot now use it as an excuse for throwing us overboard—to attempt to do so, is neither fair in principle nor in argument.

SECOND—You are reported in one paper as having said that our design could not be carried out for double the original appropriation, *i.e.*, one million dollars—in another, that it would cost more than \$750,000.

What you meant by this it is difficult to understand. You said in the House in March, 1885, that every care had been taken in the preparation of the plans and specifications to avoid all chance of extras; and that the tenders submitted were from first-class firms, able and willing to carry out the work satisfactory.

The lowest tender was for \$612,000 for the entire building, complete and finished in every respect. Why you should now say that the extras on that amount would range from one hundred and thirty-eight thousand (\$138,000) to three hundred and eighty-eight thousand (\$388,000) is more than we can imagine, and we will venture to say more than you can explain.

THIRD.—You say that our correspondence is confidential—that it is incomplete—and that consequently it would be unfair to bring it down.

Pardon us for differing with you on all these points. It is distinctly *not* confidential—the wider publicity you give it the better we shall be pleased.

If it is incomplete—whatever you may mean by the expression—that is your fault and not ours—we have no desire to prolong it, and it is in your power to close it—but so long as you pursue your policy of not answering our letters, its quality of incompleteness may be continued indefinitely.

It is unfair not to bring it down, as by doing so it closes the only avenue we possess of publicly defending our reputation and of speaking in our own defence.

FOURTH.—You say that Mr. Waite's report is mainly verbal, and consequently it is impossible to bring it down or to publish it; but that, if we desire it, you will instruct Mr. Waite to draw up a report *now*, and you will submit it to the House.

We desire nothing of the kind, though we have no objection to having our plans examined and reported on by any committee of unbiassed, impartial, and competent professional men and will willingly and cordially agree to have that report submitted to the House and published in any way you like, but we protest most strongly against Mr. Waite being now allowed to report on our drawings, as we do not believe ourselves, nor do we think that even the Government will be prepared to say that such a proceeding at this time, and under the circumstances would be a just and proper course to pursue.

We desire, however, and consider that we have every right to ask that the Government should produce the written official report sent in by Mr. Waite prior to the session of 1886. That such a document exists both Mr. Mowat and yourself have admitted (though of course we are not in a position to say as to how meagre or how exhaustive it may be), we object however to its being supplemented by Mr. Waite at this late date in any way whatever.

Allow me in conclusion to call your attention to the fact, that notwithstanding that our letter of the 8th instant asked for and required an answer, we have not as yet been favored with a reply, nor even the usual and ordinary courtesy of an acknowledgement of its receipt.

I have the honor to be,

Sir,

Your most obedient servant,

FRANK DARLING,

For Darling & Curry.

MAIL BUILDING, *Toronto, 25th March, 1887.*

To the Hon. the Attorney-General for Ontario :

SIR,—We learn by yesterday's *Globe* that the question of the new Parliament Buildings comes up for discussion on Tuesday next, and as that apparently will be the last occasion on which our views of the treatment we have received in this matter can come before the House—and through it before the country, and the public—we feel compelled, owing to the action of the Hon. the Commissioner of Public Works in refusing to bring down our correspondence, to take the thing into our own hands and make it public in whatever way may seem to us best.

We have always treated the whole affair as a private business transaction between the Government and ourselves, and as one with which the public had nothing particular to do; and we wish much that it could have remained so. We have no longing for notoriety and this making our private affairs a matter of common property is most repugnant to us.

But as the Government has evinced no desire to deal fairly with us, in justice to ourselves, our profession, and our reputation, we are forced with great regret to take a step which we would gladly have avoided.

It is not a question of politics at all—it never has been—it should not be—and we have never considered it as such. It is purely a question of equity, and fair and honorable dealing and should be settled honestly and above-board and strictly on its merits, and we appeal therefore to the generosity of the Government and the House to grant us a fair trial and hearing; and if nothing else at any rate a more liberal remuneration than the utterly inadequate and disproportionate amount offered us by the Hon. the Commissioner of Public Works for all the labor, time and skill expended upon our drawings.

When it is considered that all this work was done more than five years ago, it will be conceded we think, by anyone, that we have been pretty harshly and unfairly dealt with; and that our patience in the matter is a fault rather than a virtue.

Failing any better treatment than we have met with heretofore, we will, we suppose, be compelled to petition for leave to enter action, and have the matter ventilated and settled in the Courts.

This, however, we most certainly do not wish to do if by any means it can possibly be avoided.

We have the honour to remain, Sir,

Your most obedient servants,

DARLING & CURRY.

Toronto, March 26, 1887.