

## Appointment and Protest

IN THE END, the Treasury recognized that Karslake's decision gave it the power to break the impasse. After analyzing the new position in a minute on May 22, the Treasury explained its conclusions to the commission on May 25: "My Lords now consider themselves free to make any appointment they may think proper, and . . . they will forthwith proceed to consider what appointment should be made."<sup>266</sup> Just four days later, on the day that the Embankment debate went forward in ignorance of the Government's new initiative, George Ward Hunt, Disraeli's chancellor of the Exchequer, directed the drafting of a second minute. It was promulgated on May 30:

The First Lord of the Treasury and the Chancellor of the Exchequer state to the Board that after the decision which my Lords have come to, as expressed in their Minute of 22nd May, to the effect that they considered themselves free to appoint any architect for the new Courts of Justice Buildings, and after consultation with the First Commissioner of Works, they recommend that Mr. G. E. Street should be appointed the architect. My Lords approve.<sup>267</sup>

The explanation of this surprising triumph for Street is a difficult problem, for little is known about the architectural tastes of two of the three officials named in the minute. The first lord of the Treasury (that is Prime Minister Benjamin Disraeli) was not the intimate of architects that Gladstone was. His Young England Toryism, however, did have an architectural component in its vision of a paternalistic, well cared for society, and in his novel *Sybil*, Disraeli had written of a model factory covered with roofs of iron and glass. He had also had his own home, Hughenden, remodeled by E. B. Lamb in 1862, but neither an interest in iron and glass nor an appreciation of Lamb's old-fashioned "rogue" architecture was likely to have led the prime minister in the direction of Street. However, as chancellor of the Exchequer Disraeli had approved the appointment of a Goth, G. G. Scott, to design the government offices in 1858, and perhaps his notorious anxiety to establish his credentials as an impeccable Christian gentleman inclined his thinking toward a High Church architect for the law courts.

Of George Ward Hunt (1825–77) much less can be postulated. Under Derby he had served as the financial secretary of the Treasury, and when Disraeli became prime minister, just three months earlier, he was elevated to the chancellorship. His brief tenure ended in December when the Government fell, and nothing is known of his artistic preferences.

However, the predilections of Lord John Manners (1818–1906) are quite well understood, for he had a long record as first commissioner of works, serving several Governments of the 1850s before his last tenure of that office under Derby and Disraeli. He was known as a High Churchman and a friend of Gothic architects, having been active in the Camden Society while at Cambridge, and under his administration Scott had received the Foreign Office commission and encouragement for his Gothic design. In the choice between Street and Barry, at least Manners's preference can be counted on the side of the former.

By contrast, almost no support can be adduced for Barry. The sole voice to speak on his behalf was that of William Baxter, the financial secretary of the Treasury, who wrote a memo on May 22 on the back of a copy of Karslake's decision, proposing that the award should go to Barry, without elaboration.<sup>268</sup> Several other

memos on the same document note simply that the Treasury might choose whom it liked, and the absence of any evidence of a major internal disagreement at the Treasury—with the exchange of hostile arguments—suggests that Street's selection was rather mysteriously unanimous.

Several factors might have contributed to this consensus. First, the glaring deficiencies of Street's plan may have been overshadowed by the serious complaints made about Barry's design. The most telling of these came from the probate department, whose original report, critical of Barry, had carried little weight with the judges. After the confirmation of the joint award, the department submitted a petition against his plan to the Royal Commission on January 18, 1868, and its views seem to have been more influential on second hearing.<sup>269</sup> The probate officers again criticized Barry's intention to place their huge complex of rooms in the center of the building, a "position we cannot but consider the most detrimental to the due performance of our public duties which could easily have been selected." They complained that his placement of the record depositories several levels above the reading room would "tell severely upon the accuracy and despatch of the business throughout the Registry." Moreover, in the event of fire, they feared that their records "would probably be entirely destroyed in the position Mr. Barry assigns them."

Another major complaint was the expense of Barry's design. Gardiner's report had shown that his entry was both more expensive and less accurately estimated than that submitted by Street. This information had had little impact on the judges, but it may have helped to turn the opinion of the Treasury toward Street.

Those who were concerned by these criticisms, but who believed that Barry had at least some moral claim to part of the commission, may have had their consciences salved by the knowledge that he had only recently received another prestigious public appointment. On May 8, even before the attorney general's decision had been prepared, the commission for the rebuilding of the National Gallery had been awarded to Barry, following another controversial competition. His entry had been adjudged the best of a poor lot, but the original jury had declined to recommend that it be carried out, and the circumstances of his eventual appointment have yet to be decoded. Perhaps, as many speculated at the time, the National Gallery job (which was never executed) was given to Barry as a consolation for what the Treasury already intended to do with the law courts commission. But this interpretation implies that they had some advance report of Karlslake's ruling, which freed them to give the law courts to Street.

Finally, and probably most importantly, the award must be analyzed in its political context, for the month of May 1868 was a peculiar period of transition. The Conservative Government which appointed Street had, in fact, been defeated on April 30 over the disestablishment of the Irish Church, and it had only remained in power at the behest of the Queen, who was perhaps manipulated by Disraeli. This was obviously a temporary situation and the Liberals and Gladstone were expected to return to office following the November elections, the first held under the expanded franchise of the Second Reform Bill. In the meantime the Tories continued in a twilight of insubstantial power.

The peculiarity of this situation perhaps helped to shape the law courts decision. The bipartisan alliance which defeated the proposed move to the Embankment

on the very day when the Treasury drafted its minute of appointment has already been noted, and a similar alliance overcame subsequent opposition to the selection of Street. Perhaps in this interregnum, such bipartisanship extended to the matter of the appointment itself, particularly in the case of a project fostered and judged by members of the Opposition. A direct consultation between Disraeli and Gladstone need not be postulated, for the architectural tastes of the most powerful of the competition judges and the apparent next prime minister may well have been known in official circles. Nor need any feelings of good will between the two leaders be assumed. The Tories may have been perfectly satisfied to let the Liberals have their own way in the matter of a competition that was evidently headed toward disaster.

Whatever the explanation of the award, Street had to spend some time in suspense while waiting for formal notification, for nine days elapsed between the May 30 Treasury minute and the forwarding of a copy to the successful architect.<sup>270</sup> By then the news of his appointment had already been widely circulated by informal means, and Street later recalled, "I first heard on the 3rd of June, 1868, from a . . . friend, an architect, a rumour that I was to be appointed, and I received the first official notice of the fact on the . . . 9th of June. Between these two dates the *Builder* published the rumour."<sup>271</sup> Thus he learned that he was to receive the largest commission of his career.

After the rumors had begun to circulate, but while still awaiting the arrival of the formal confirmation, Street received two letters from E. M. Barry, dated June 5 and 6, which he characterized as "very kindly" in tone. To these he wrote two replies.<sup>272</sup> "The letters were full, friendly, and kind on both sides," according to Street's account, and he maintained that Barry "congratulated me, and wished me success in the work."<sup>273</sup> On another occasion he quoted one of Barry's letters, in which his colleague had conceded: "I can fully sympathise with your natural joy at being independent and have no doubt of the result being a worthy building."<sup>274</sup> But Barry was later unable to recall this cordiality.<sup>275</sup>

Street realized that his good fortune entailed a moral dilemma, for, in good faith, he had pledged to carry out the design in partnership with Barry. He therefore sought advice:

I at once consulted one of the most eminent of my brethren as to whether or not I should accept it without Mr. Barry. He pointed out to me, with obvious force, that the Attorney-General had decided the joint award in favour of myself and Mr. Barry to be invalid, and that if the judges could not name one of us, as being superior to the other, nothing was left but for the Treasury to do so; and he advised me that I should do no good, to either Mr. Barry or myself, by making another protest.<sup>276</sup>

Street's "eminent" adviser was most likely his old employer, G. G. Scott, and his counsel to persist, despite the claims of others to the commission, had the precedent of his own conduct in the case of the Foreign Office. Street must have been grateful that his advice was so easy to follow, and, probably without an excess of qualms, he accepted the single appointment on June 10.<sup>277</sup>

Unfortunately, E. M. Barry had already launched himself on a course that would ultimately magnify his professional setback in this competition into a career-shattering defeat. He commenced an unceasing battle against Street's selection

which irrevocably tarnished his own reputation and caused untold embarrassment and difficulty for his successful rival. Some foretaste of his hardening attitude was evident in his comments on the case submitted to the attorney general by the Treasury, yet after Street's appointment he only warned that "I may probably put on record my view that I have not been well used at the Law Courts, and then you will hear no more of me in connection with the matter."<sup>278</sup> In fact, his all-out effort to upset the commission began even before Street accepted the award.

On June 8 Barry wrote a long protest to the Treasury in which he again cited arguments from his February letter to the attorney general. If a single award was to be made, he reasoned, it ought to be his, for his plans had been judged best in solving the practical problems which the instructions had said should be the principal concern of the competitors. The plan submitted by Street would have to be revised in order to meet the requirements of the commission, and, hence, Street had been selected "for *what he may yet do*" while Barry deserved proper consideration "for *what I have done*."<sup>279</sup> A copy of this letter was also sent to the Office of Works, and it was submitted to a number of journals and was widely printed, appearing in the *Times* on June 15.<sup>280</sup>

Barry dispatched a short addendum to the Treasury on June 13, but he also turned his attention to rallying support for his cause in Parliament.<sup>281</sup> In this he achieved a swift and notable success when the House of Lords discussed his situation sympathetically on June 19. The marquess of Salisbury outlined Barry's argument in detail and tabled a question to the Government. It asked, "If it is true that the Government has rejected the Design which was recommended by the professional Judges and the Judges of Designs as the best for Plan and internal Arrangements, and has adopted the Design which was recommended for Elevation only; and, further, if the Competitors were instructed that Utility and convenient Arrangement were to be preferred to architectural Effect?"<sup>282</sup> Supportive statements were made by several Peers. Lord Cranworth, who had signed the architectural instructions as lord chancellor in 1866, admitted that the architects had been asked to "attend, not perhaps exclusively, but mainly, to matters of internal accommodation, convenience, and arrangement."<sup>283</sup> However, because of the decision of the attorney general, Cranworth concluded that the Government was free to appoint Street if it desired. Replying to this broad assault on behalf of the administration, Chelmsford, Disraeli's lord chancellor, could make only the rather weak argument that Street's plan, with its admitted deficiencies, would be revised to take into account the lessons learned from all the other competition entries.<sup>284</sup>

After this success, Barry prepared his case for a debate in the Commons. To introduce his petition he secured the services of Robert Lowe, the great orator of the Cave of Adullam and the man whom Gladstone would choose as chancellor of the Exchequer when he formed the new Government in December. Barry also obtained the support of Sir Francis Goldsmid, active before in the law courts debate, who was to introduce a motion for a select committee to investigate the appointment.

Street, realizing that Barry's amiability had evaporated, was now driven to make an enormous defensive exertion, and he prepared his own long memorandum which was forwarded to the Treasury on June 22.<sup>285</sup> He argued that the decision of the judges had been shaped by a number of advisory reports in addition to that of Shaw and Pownall, which Barry had emphasized because it was favorable to his claims.

Street noted that the bar and solicitors' committee and the officials of the legal departments had all been highly critical of Barry's plan and that Gardiner had reported that Street's design was £87,000 cheaper.

Street sent a copy of this memorandum to Austen H. Layard, M.P., on June 24.<sup>286</sup> Layard was an Assyrian archeologist and an art critic, and he would soon be appointed Gladstone's first commissioner of works, a position that would bring him into steady and cordial contact with the architect of the law courts. But this future relationship could scarcely have been foreseen, and the surviving letter from Street is probably one of many which he sent to art-conscious M.P.'s in preparing his defense against Barry. Apparently suspecting that Layard, who had lived for a long time in Italy, was classical in his architectural tastes, Street reassured him in a covering note that "Barry's design is more violently Gothic than mine—covered in all directions with traceries crockets and pinnacles. Whereas mine was a comparatively simple straightforward work as is proved by the Government Surveyor's estimate of costs." His memorandum appeared as well in the correspondence column of the *Solicitors' Journal* under a supportive letter from his brother Thomas.<sup>287</sup>

Most importantly, on June 29 Street openly solicited the assistance of Gladstone.<sup>288</sup> This nearly confirms the theory that Gladstone supported him in the competition, although Street emphasized that he had asked no favors until now, feeling, as he said, "a certain delicacy about claiming any acquaintance with [one] who had so much to do with the decision." It was only after one of Gladstone's "followers" had urged Street to overcome his scruples that, faced with the serious challenge from Barry, he felt free to act. In a letter to Gladstone he relied on the same argument he had presented in his memorandum, but concluded by stressing the importance to him of Liberal support, and Gladstone's in particular. Noting his own wonder that he had been so well treated by the Conservatives, he asked,

I venture to hope therefore that you will lend the just weight of your authority to support my appointment. I venture to say that there never was one made which was more entirely free from personal bias. I have absolutely no speaking acquaintance even with any member of the present Government (except a very slight one with the Duke of Buckingham), whereas it is notorious to those who know much of me or my writings in how much respect I hold your person and proceedings as a public man. It is not open to any one to say, therefore, that any political bias has the least degree affected my appointment.

If Street did have political differences with the future prime minister, he recognized that this was not an opportune time to air them.

Street's defense succeeded. With the support of both Liberals and Tories the challenges brought by Lowe and Goldsmid were beaten back in the House of Commons on the evening of June 29, the very day that Street had appealed to Gladstone. In the debate, which centered on the motion for a select committee "to inquire into the recent appointment of Architects for the New Public Buildings in the Metropolis," Gladstone was the first to speak in opposition.<sup>289</sup> Although he felt that his role as a competition judge disqualified him from voting on the motion, he believed that

Upon the whole, the Government had come to a recommendation which the House would do no good in endeavouring to disturb. The House in this matter was, if he might so speak, a rude instrument for a delicate process. To

appoint a Committee upon this subject would be to re-open from the beginning an operation which had been found to be extremely laborious and complicated, and to re-commence the labour with even less chance of arriving at a satisfactory conclusion than they had when the matter was first started.<sup>290</sup>

Roundell Palmer, another Liberal competition judge, also spoke in support of the decision made by the Conservative Government. He argued against Barry's claims, observing that "it was never considered that the competition was to be decided by reference to internal matters only." Moreover, Palmer reported, "It was not the opinion of the judges that Mr. Barry had by his internal arrangement placed himself upon such a pinnacle, that they, without taking into consideration other things, could recommend him."<sup>291</sup> Further arguments were added by Beresford-Hope, a Tory, and the Tory commissioner of works, Lord John Manners, concluded the case against Goldsmid's motion. Manners reviewed the award from the point of view of the Government, citing, as Street had done in his memorandum, the reports critical of Barry's planning:

After considering all the circumstances they had appointed Mr. Street to build the new Law Courts, and in so doing they believed they had taken the wisest course open to them. . . . If the Government had appointed Mr. Barry to be architect of the interior and Mr. Street to be architect of the exterior this result would have followed—Mr. Street would have been able to carry out his part of the design, while Mr. Barry would have had the mortification of finding that his plan for the interior would have to be materially altered before it would give satisfaction to one important branch of those using the new Courts [the probate department].<sup>292</sup>

Support for the select committee motion came from several members, including William Tite, the president of the R.I.B.A., who called for the joint award to be upheld. But in the vote, the Liberal leadership allied themselves with the Government and the Government made the issue a ministerial question. This insured the defeat of the motion, which was accomplished by a margin of 90–45.<sup>293</sup> Thereafter, the law courts commission belonged securely to Street.

The substantial margin of the division, however, did not dissuade Barry from pursuing his increasingly pathetic campaign. On the day of the debate he replied briefly to Street's memorandum in a letter to the Treasury, asking that the letters written on January 20 by the two architects, in which both accepted the joint appointment, be included in the materials that were being published by order of Parliament.<sup>294</sup> This request was sent to the newspapers and was widely printed.<sup>295</sup> Three days after the vote he wrote to the *Times* that his purpose was not to prolong the debate, but he was unable to restrain himself for long.<sup>296</sup>

Complaining that he had received no reply to his earlier letters, Barry again addressed the Treasury on July 21.<sup>297</sup> He cited Lord Cranworth's description in the Lords of the requirements stated in the instructions, and he repeated once more his usual argument against the single appointment of Street. Barry concluded, "I had hoped the Government would have hesitated to pursue a course which has turned my success in the competition into a serious misfortune, or at least would have furnished me with some satisfactory explanation of the reasons which have induced them to inflict upon me so great an injury." The *Law Times* published this painful

document, which was thoroughly summarized in a further letter from Barry to the *Times*, but the *Solicitors' Journal* declined to print a repetition of his previous statements, noting that the text was “extremely long.”<sup>298</sup> At the Treasury, Barry's letter was read by Sir William H. Clerke, a principal clerk, who observed in a memo, “this hardly requires an answer.”<sup>299</sup>

Consciously or unconsciously emulating his successful rival, late that year Barry also appealed to Gladstone. The new prime minister took several weeks to reply and then carefully avoided making any promises. While expressing his hope that the effects on Barry's career would not be as unfavorable as the architect had predicted, Gladstone firmly explained that “as one of the ‘Judges’ I think my duties have terminated and could not be revived.”<sup>300</sup>

With no political support for his cause, on December 21 Barry again repeated his complaint to the Treasury.<sup>301</sup> Clerke was nearly incredulous, and he wrote, “it is so long since we have heard from Mr. Barry that I thought that he had accepted the decision of the Treasury in favor of Mr. Street's appointment.”<sup>302</sup> He recommended that the letter only be acknowledged. Poor Barry simply lacked the resiliency necessary to do business in the Victorian political world. Although an architect of middling talent, he had the touchy disposition of a prima donna.

Understandably, the press and public opinion, both critical of the proposed tandem commission, were pleased that the Government had extricated itself from a difficult position. Some, however, remained on Barry's side in his quixotic endeavor. The writers of the *Builder*, who had been so entirely repelled by Street's design, were Barry's best allies, and they predicted that the decision would have “a fatal effect on future competitions.” They explained,

If Mr. Street be appointed sole architect of the Law Courts, and Mr. Barry be refused connexion with the work, it will be an act of injustice that, like other acts of injustice, will bring disaster in its train. Mr. Street's plan is altogether out of the question; no competent judge, so far as we know, ventures for a moment to assert that it might be adopted; and as to his design for the exterior, we consider it to be, with the exception of a few portions, altogether unworthy of Mr. Street's reputation.<sup>303</sup>

Even after the Commons rejected the motion for a select committee, the *Builder* queried, “Is it yet too late to obtain justice?”<sup>304</sup> And on November 2, in his presidential address at the first meeting of the R.I.B.A. winter session, William Tite endorsed the *Builder's* editorial position and, as he had in the Parliamentary debate, called for the division of the award between the two architects. Perhaps separate buildings for the common law and equity courts could be built, he suggested.<sup>305</sup>

Some of the law journals, conceivably impressed by the niceties of Barry's argument, also briefly tendered him their support. The *Law Times* was surprised at the award to Street and could not see “how that appointment can be justified.”<sup>306</sup> The editors concluded that the motion for a select committee placed the Government in “a very awkward dilemma,” and even after the defeat of that motion they called for a new competition for an even larger building.<sup>307</sup> The *Solicitors' Journal* merely wished to see the joint award upheld, but neither of these publications was willing to stand with Barry as he continued, even in later years, to press his case.<sup>308</sup>

The *Times* maintained a more common and more pragmatic position, although admitting that, in choosing between Barry and Street, its first sympathies had been with the former. The journal urged readers not to commit themselves to either architect and to remember that fairness to the competitors was not more important than fairness to the nation. The serious criticisms of Barry's plan were carefully reported.<sup>309</sup>

Other journals were less fainthearted in welcoming Street's appointment. The *Building News* observed that "Mr. Street and Mr. E. M. Barry were scarcely the two men to be yoked together," and in the manipulation of the two commissions—for the National Gallery and the law courts—a "happy stroke of diplomacy was achieved."<sup>310</sup> Its critics doubted that Barry would gain anything even if he did secure the appointment of a select committee, and when Goldsmid's motion was defeated, the *Building News* noted with relief that it would be "useless for Mr. Barry or for anyone else to disturb the arrangement." Perceptively, it concluded that Street had been selected "not because his plan is best, but because . . . he is the best architect for the purpose."<sup>311</sup>

Architects rallied to Street as well. In a letter to the *Times*, Scott, who had, albeit unwillingly, accepted the tandem award and who was not quite ready to concede that his own plan was not the best of all, nevertheless renewed his pledge to keep his own name out of the contest. He applauded Street's victory as well, noting, "whether or not the final decision be logically correct, I cannot but rejoice that this great work has fallen into the hands of an architect of the highest class of talent."<sup>312</sup> Such was the self-indulgent praise of Street's former employer and, perhaps, his present adviser.

Satisfaction was also expressed in an altogether unexpected quarter, when E. W. Pugin joined with those who supported the award going to Street. In another letter to the *Times* he drew back from his previous criticism of both designs and registered his decided preference for that of Street.<sup>313</sup> While he suspected that Barry would have an "incapacity for mending his elevations," which he called a "giddy, puerile, and firework sort of design," he now maintained that Street's façades "evinced a power which, when coupled with a sense of the responsibility and grandeur of his position, will enable him to rise far above the comparative mediocrity of his present design." As for the argument that the selection should have been decided on the basis of convenient planning, Pugin offered perhaps the most sensible comment of his life: "A camel is a very conveniently arranged animal, and its 'internal accommodation' appears to be remarkably well adapted to the countries wherein it flourishes, but I suppose people would not generally prefer a camel if they could procure the same advantages in an animal of less ungainly exterior." In the final analysis, the successful interpretation of the decision to appoint Street need account for no more than the unwillingness of any public official to erect a great camel of a building on the Strand. For a camel was what Barry's design undoubtedly was.

And so George Edmund Street won what Barry called "the greatest architectural prize in this generation."<sup>314</sup> But his troublous initiation foretold a long and difficult task ahead, which ended with his death a year before the great building opened. Scott remarked a few years after the award, "It is well this . . . load of persecution has fallen upon a man of spirit and nerve calculated to bear it. I heartily wish him the highest success."<sup>315</sup>





## Chapter 4

# Revised Plans

