

TEMPLE OF JUSTICE

The Appellate Division Courthouse

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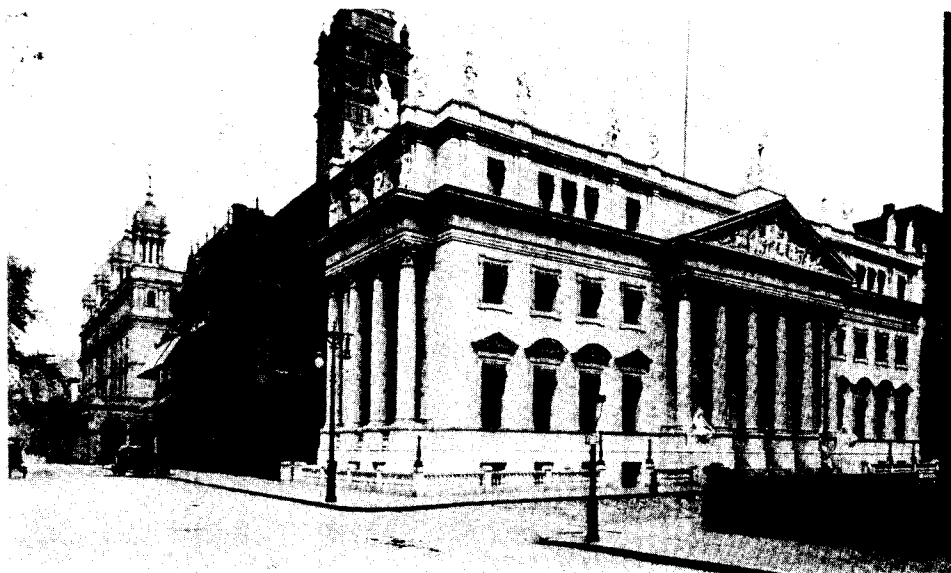


Plate 2. The Appellate Division Courthouse, photograph by Irving Underhill, 14" x 17" glass negative, 1900, Courtesy Museum of the City of New York

Plate 1. Overleaf. Seal of the Supreme Court of the State of New York, Appellate Division, First Department, 1896

TEMPLE OF JUSTICE

The Appellate Division Courthouse

An Exhibition Sponsored by
The Architectural League of New York
and
The Association of the Bar of the City of New York

June 24 — July 22, 1977

The House of the Association
42 West 44 Street, New York City

ACKNOWLEDGEMENTS

The curators would like to thank those who have assisted in the preparation of the exhibition and catalogue. We are especially indebted to those Justices of the Supreme Court, Appellate Division, First Department, who have helped with our research. We are grateful to the following individuals: Hyman W. Ganso, former Clerk of the Appellate Division, whose initial interest and encouragement made the preliminary inquiry possible; Joseph J. Lucchi, present Clerk of the Appellate Division and George Weinschenk of the Appellate Division Courthouse staff whose friendly cooperation was essential to the project; Marita O'Hare, Administrative Director of The Architectural League of New York, who first found merit in the idea for the exhibition and helped to make it a reality; Carl L. Zanger, Chairman, and the members of the Committee on Art of The Association of the Bar of the City of New York, who encouraged us to mount the exhibition; Henry Hope Reed, Jr., whose *Courthouse History and Guide* was the foundation for our work; Allyn Cox, whose knowledge of his father's work has been indispensable; Paul DeWitt, Executive Secretary of The Association of the Bar of the City of New York whose thoughtful comments helped shape the exhibition; Gerald MacDonagh and his staff at the House of the Association, who have helped with the planning and installation; and Elaine Evans Dee of the Cooper-Hewitt Museum and Paul Ivory of *Chesterwood* who were able to prepare the works for exhibition to meet a very demanding schedule.

The following scholars have been generous with their time and knowledge: Michael Richman on Daniel Chester French; Richard Murray on Kenyon Cox and his fellow muralists; Patricia Hills on turn of the century American art; Sarah Landau on the Potter family and James Brown Lord; and Barbara Millstein of the Brooklyn Museum.

Special thanks go to Sara Webster and Gary Reynolds for the use of their papers within the text of the catalogue as well to as Jonathan Barnett, Marita O'Hare, Susan Heath and Carol Clark for their editorial comments.

Others who have assisted in many ways include: Elaine Hartnett of The Architectural League of New York; Richard Pare, General Editor of *Courthouse*, The Joseph E. Seagram's Bicentennial Project; David Mason of The Lawyer's Art Shop, Baltimore, Maryland; Tom Tsue and C. Raymond Devine of the New York City Department of Public Works; Donald Gormley of the Municipal Arts Commission; Adolph Placzek and his staff of Avery Library at Columbia University; William Platt and the Trustees of the Saint Gaudens Memorial; the Photography Department of the Museum of the City of New York and the staff of the New York Public Library.

Working with Abigail Moseley on the graphic design has been a rewarding experience. Her proficiency and taste are largely responsible for the quality of the presentation. Jonathan Clymer's professional excellence and cooperation is self evident in his beautiful enlargements and catalogue illustrations. Peter Langlykke has been most helpful with the design and installation problems created by the varied mediums. Carol Aiken is responsible for the restoration of Daniel Chester French's *Justice, Power and Study*.

We thank New York State Council on the Arts, the Joe and Emily Lowe Foundation, and the Samuel Rubin Foundation, among others, for their generous financial support; and The Association of the Bar of the City of New York who underwrote the cost of this catalogue.

Jane Gregory Rubin
Nancy Stout

CONTENTS

ACKNOWLEDGEMENTS	4
FOREWARD: <i>Charles D. Breitell</i>	7
PREFACES: <i>Francis T. Murphy, Jr.</i>	9
<i>Adrian W. De Wind</i>	10
<i>Carl L. Zanger</i>	10
<i>Jonathan Barnett</i>	11
INTRODUCTION: <i>Jane Gregory Rubin</i>	13
PLATES 6-15: PORTFOLIO: The New Appellate Court House <i>The Architectural Record, 1900</i>	17
The Architecture and Sculptural Decoration of the Appellate Division Courthouse <i>Sara B. Webster</i>	23
The Mural Decoration of the Appellate Division Courthouse <i>Gary Reynolds</i>	29
PLATES 16-31: Catalogue of Preparatory Sketches for the Mural: <i>The Reign of Law</i> <i>Kenyon Cox</i>	36
Preservation <i>Nancy Stout</i>	45
The Role of the Arts in Public Buildings <i>Marita O'Hare</i>	46
BIBLIOGRAPHY	47
ILLUSTRATIONS	
PLATE 1: The Seal of the Appellate Division, First Department	1
PLATE 2: The Appellate Division Courthouse <i>Photograph by Irving Underhill</i>	2
PLATE 3: Justice, Power and Study <i>Daniel Chester French</i> <i>Photograph by A. B. Bogart</i>	6
PLATE 4: Justices of the Appellate Division 1896	8
PLATE 5: James Brown Lord	12
INSERT	
PLATE 34: Rendering of the Appellate Division Court House, 1900 <i>J. C. Halden</i>	
PLATE 35: Floor Plan of the First Floor	

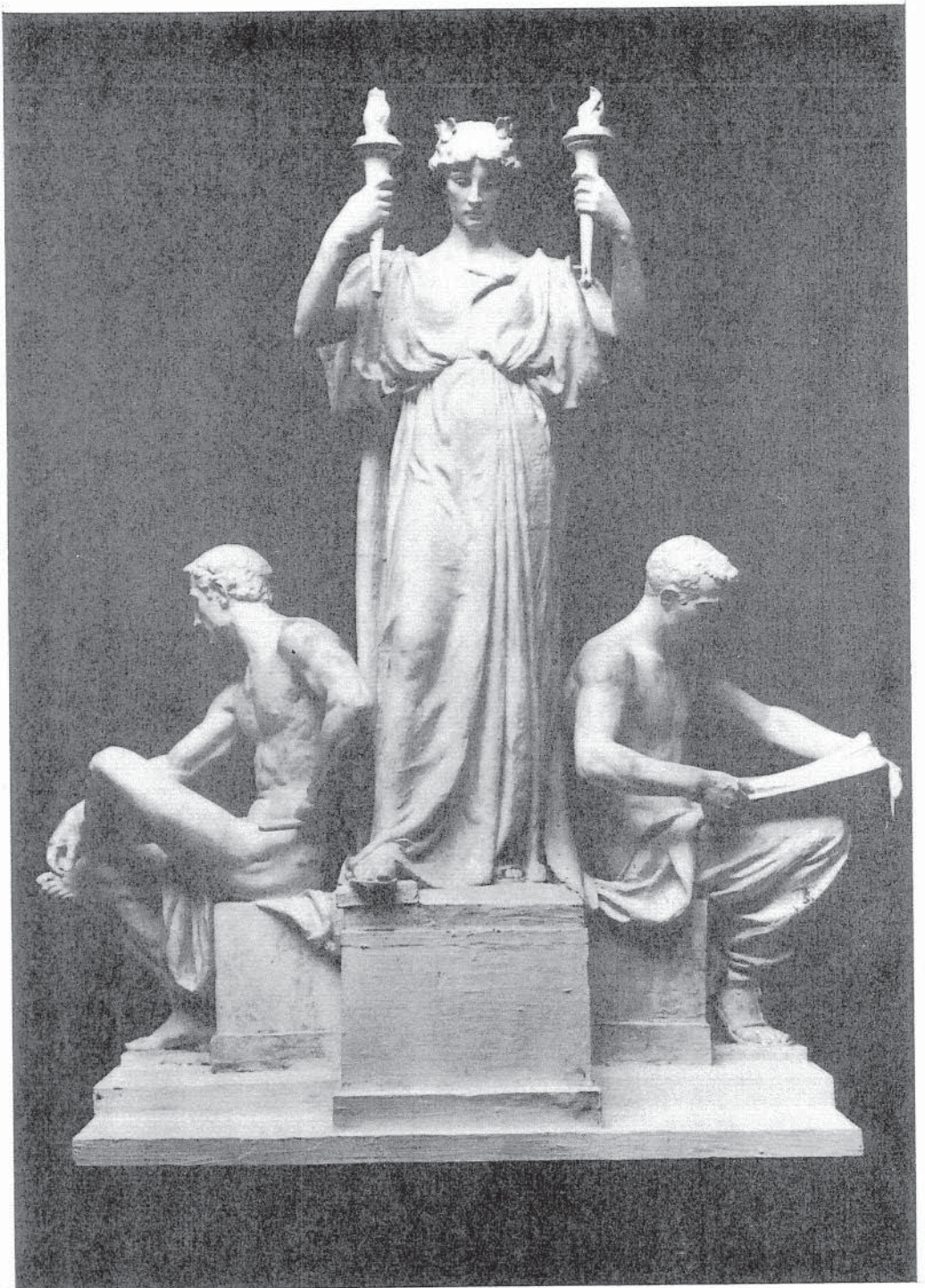


Plate 3. Daniel Chester French (1850-1931), *Justice, Power and Study*, 1899, plaster working model, *Justice*, h: 86.4 cm., d: 24.4 cm., w: 32.4 cm.; *Power*, h: 59.1 cm., d: 19.1 cm., w: 27.9 cm.; *Study*, h: 59.1 cm., d: 20.9 cm., w: 25.4 cm. Courtesy Chesterwood, National Trust for Historic Preservation

FOREWARD

It so happens that the public building in which I worked a greater portion of my life than any other was the Appellate Division Courthouse on Madison Square. I am not sure whether it was the beauty of the building—its exterior, the roof and entrance statues, the magnificent murals in the court room, the entrance way, the main hall, and stairways—or whether it was so good to work in a great and resident appellate court, but it is a period upon which I look back with the sweet pain of nostalgia and affection.

There is no doubt that man's physical surroundings are significant and often crucial to the stimulation and inspiration which a mind needs to do its work. Of course, the building and all its appurtenances also remind one of its great past. It is far from the oldest court building and the Appellate Division is also far from one of the oldest courts in the State, but unquestionably, both the building and the court which it houses have been among the greatest in architectural and jurisprudential magnificence.

Then too the building is that in which I and so many tens of thousands have been admitted to the Bar, among them former presidents of the nation, governors and other high public officials, hundreds of leaders of the Bar not only of the State but of the nation. Even that basement floor where the young people about to be admitted to the Bar assemble, and it has changed greatly since the old days, still evokes for so many images and feelings of the past, of youth, and of youthful ambition. After all, it is the chief State Courthouse in Manhattan, the legal capital of the western hemisphere.

This exhibition and catalogue about the Courthouse is worthy of the building and its history. May it also be a presage of the building's continued greatness and the greatness of the important court it houses.

Charles D. Breitel

*Chief Judge
Court of Appeals*

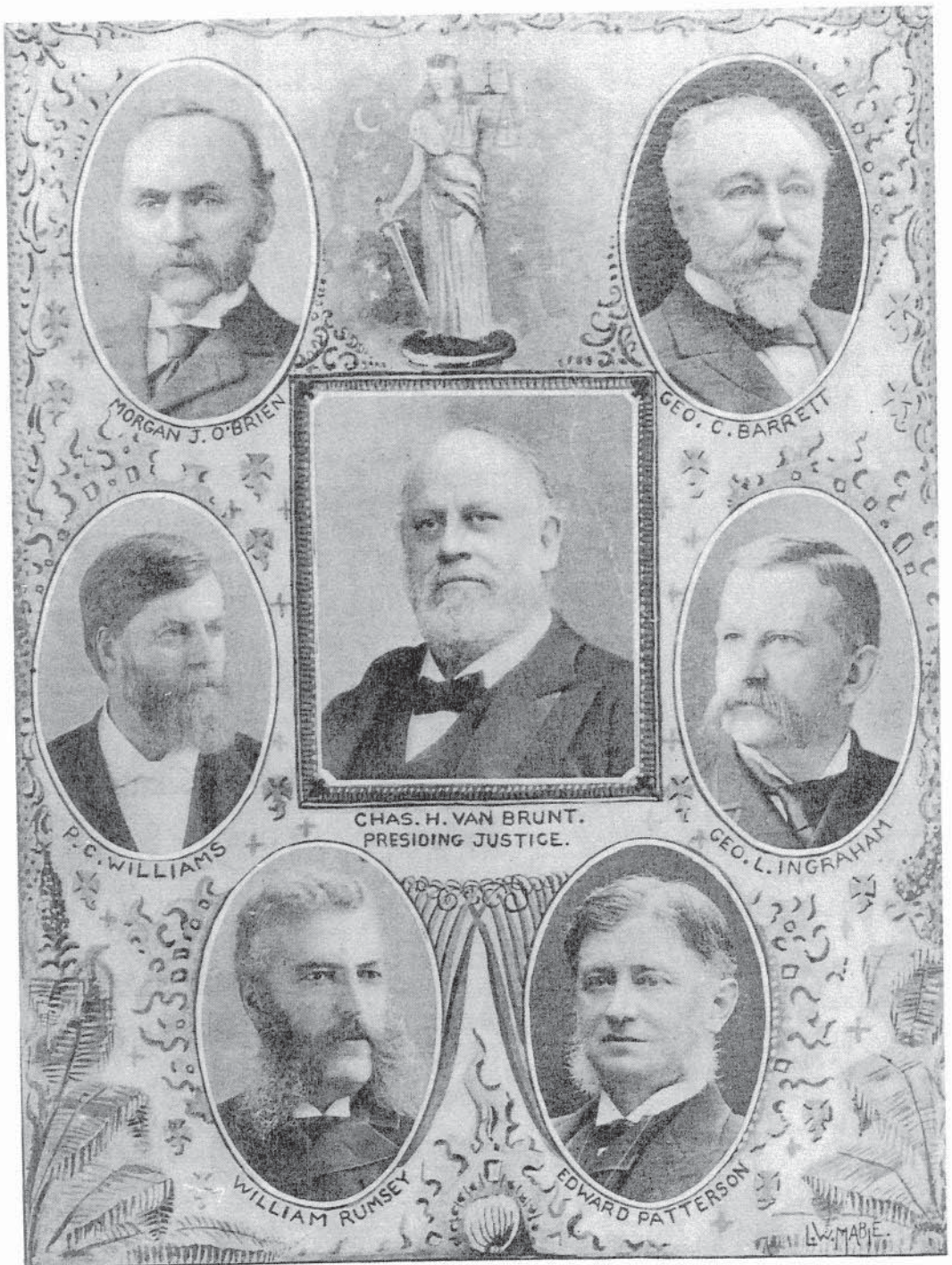


Plate 4. Justices of the Appellate Division, First Department 1896, Courtesy Supreme Court Appellate Division, First Department. (For purposes of this exhibition note the *Justice* figure with bandaged eyes.)

PREFACE

The daily life of the Justices of the Appellate Division, First Department, is deeply affected by the beauty of their surroundings—a remarkable building which is a monument in municipal architectural history. There are very few public buildings in the City of New York—and actually throughout the country—which so exemplify the spirit and purpose of the functions performed within them. This significant factor, plus the appropriateness of the structure as a courthouse, not only make it unique but also serve to inculcate a spirit of respect among all who have occasion to come through its doors:

Although Manhattan is a very different place today from what it was when our Courthouse was built, and although the volume of the work of the Appellate Division has grown substantially over the past three quarters of a century, necessitating expansion of the library and staff facilities, the primary structure and function of the building remain the same. The courtroom is essentially unchanged.

This exhibition and catalogue, which create a deeper appreciation of our building, are to be welcomed.

We thank the Committee on Art of The Association of the Bar of the City of New York and the Architectural League of New York for making this event possible.

Francis T. Murphy, Jr

*Presiding Justice
Appellate Division, First Department*

PREFACE

The Appellate Division Courthouse, planned and constructed during the years 1896-1900, marked an extraordinary cooperative effort between members of the New York City Bar, municipal arts organizations, The Supreme Court of the State of New York and city governmental agencies to effect a grand design for a courthouse for the newly created Appellate Division, First Department. This building was meant to be a tribute to this city and an object of pride for its citizens. The Association of the Bar of the City of New York welcomes this effort by our Committee on Art and The Architectural League of New York to honor this building.

The cultural activities of the Association reflect the broad range of interest in the arts of our members. This exhibition is of particular interest as, for many of us, it is the first opportunity we have had to examine the origin of some of the symbols that permeate our professional lives. We hope that this introduction to the rich imagery contained in the allied arts of the Appellate Division Courthouse will add to the appreciation of this magnificent building and increase public understanding of some of the concepts embodied in our legal institutions.

Adrian W. DeWind
President

The Association of the Bar of the City of New York

The Committee on Art takes great pride in presenting this appreciation of one of the truly unique buildings in the City of New York and one of the outstanding courthouses in the nation.

Everyone who has ever been inside the Appellate Division Courthouse, whether on business or as a casual visitor, has undoubtedly been affected by the beauty and serenity of the building and the objects it contains. The various elements of the building—its architecture, artwork, and ornaments—combine to remind one, however pre-occupied with the affairs of the day, of the majesty of the law and the venerable history and traditions of the legal institutions which live within the Courthouse.

The impact of the Courthouse is, of course, not accidental. It is rather the result of an extraordinary creative partnership between the legal community and the architect, artists and artisans who, collectively, conceived and brought the Courthouse into being as a kind of working monument to our judicial system. It is fitting that the fortunate collaboration between the legal and architectural professions which produced the Courthouse three-quarters of a century ago has carried forward to the present in the co-sponsorship of this exhibition by the Committee on Art of The Association of the Bar of the City of New York and The Architectural League of New York.

We hope by this exhibition to share with the general public our admiration for this remarkable building and the extraordinary effort which produced it, and our respect for the institution it houses.

Carl L. Zanger
The Committee on Art
The Association of the Bar of the City of New York

PREFACE

Until recently, art historians have often shown themselves to be more biased and more influenced by ideology than other kinds of historians. Art historians have felt free to make sweeping judgments about artistic quality, and to dismiss or omit important figures whose work was seen to be "retrograde," that is, out of keeping with the art historian's expectations. Today we are in the midst of discovering that much of the generally accepted "history of modern architecture" is more special pleading than history, and that the same criticism can be made of the treatment art historians have given much recent painting and sculpture.

An exhibition describing the art and architecture of New York City's Appellate Division Courthouse is an interesting step in the process by which art history is being revised and changed. Appropriately enough, it is an "appeal" to the public to take a fresh look at a building and the works of art it incorporates. This catalogue includes two scholarly articles by Sara B. Webster and Gary Reynolds that are representative of a new art history and are as unbiased as their authors can make them.

The Architectural League of New York is pleased to join with the Committee on Art of The Association of the Bar of the City of New York in sponsoring this exhibition. The history of the League, founded in 1881, is closely connected to the movement for integration of architecture and the other arts of which the Appellate Division building is an important example. The architect of this building, James Brown Lord, was a League member as were several of the artists whose work he included. Events like this exhibition signal a revival of interest in symbolism, historic allusion and the more poetic and fanciful aspects of architecture too long neglected in the interests of "modernism."

Jonathan Barnett

President

The Architectural League of New York



Plate 5. James Brown Lord, Architect, *The American Monthly Review of Reviews*, April 1900. Courtesy, General Research and Humanities Division, The New York Public Library, Astor, Lenox and Tilden Foundation

INTRODUCTION

The sculpture and mural painting of the Appellate Division Courthouse, Madison Avenue and Twenty-Fifth Street, New York City, form one of the most interesting and complete decorative programs on the theme of Justice to be found in an American courthouse. The building, designed by James Brown Lord (1859-1902) and completed in 1900, is an important example of the movement to integrate architecture, sculpture and painting that received a strong impetus from the World's Columbian Exposition of 1893 in Chicago.

The Courthouse and its associated works of art were carefully planned to play an instructional and inspirational role in the community. As the program of the decorative arts centers around the allegorical female figure of Justice, this exhibition, *Temple of Justice: The Appellate Division Courthouse*, focuses on the origin of the image and its interpretation in some of the individual artists works.

Within this program, various attributes of Justice, with her permutations as Truth and Law are woven into elaborate allegorical and symbolic presentations. There is also a secondary cycle of images concerning the development and transmission of law through history. In working out the program for a courthouse that was to be a seat for the contemplations of appeals, the artists looked to past representations in Western art of the image of Justice.

The female personification of Justice has a long tradition in Western art. She was the Greek goddess Themis, the second wife of Zeus, or, alternatively, Dike, their daughter. To the Greeks, and later to the Romans, Dike (the Roman Astrea) was a political symbol, as kings and provincial governors were spoken of as "sharing their thrones with Dike." There is some evidence that statues of rulers were sometimes flanked by representations of Justice.

From Roman times there is a parallel development of the female image, not as a goddess, but as a virtue, important as a civic ideal and as a personal goal. She is *Justitia*, a Cardinal Virtue. It is this role as a virtue that appealed to Christian moralists. She is often seen, with her familiar sword and scales, in the company of the other Virtues: *Faith, Hope, Charity, Temperance, Prudence* and *Fortitude*, as part of Medieval ecclesiastical and secular decorative programs. She is also depicted on many personal items such as mirrors and furniture. The sword is a sword of judgment and sometimes of punishment. The scales recall the representations of the Last Judgment, where the good and evil in men's souls are carefully balanced.

This representation of Justice as Virtue is carried over into the Renaissance. A significant and familiar example is the painting by Raphael (1483-1520) in the Vatican. Here she is shown with her familiar attributes merely as a means of identification; they are no longer an admonition. Renaissance scholars and artists also looked to Justice as a political ideal. This aspiration is reflected in the experimentation with different objects held by the figure of Justice. The fasces, symbol of the power of the Roman state, in the arms of *La Giustizia* by Dosso Dossi (1479-1540) proclaims a more temporal justice than her traditional scales would have previously indicated. At her feet are coins which may indicate a Justice that is predisposed to reward, rather than to punish.

Justice, with her blindfold denoting impartiality, is also from this period of experimentation. The first examples are found around 1530. Thus, the usual American version, such as that found on the composite portrait of the Justices of the Appellate Division c. 1896 (Plate 4.) was a comparatively recent development in Western art.

Why the American representations of Justice from the colonial period on are most often blindfolded is probably more of a comment on the resources available to the colonial artists and craftsmen, than an indication of any deep philosophical intent. Early American artists had to rely on a limited group of examples, most of them literary, as well as pattern and emblem books. The characteristic American version resembles the description of Justice contained in a 1790 edition of *Bell's New Pantheon: Or Historical Dictionary of the Gods, Demi-Gods and Heros of Antiquity, Volume One*:

Astraea, or Astrea, goddess of justice, was daughter of Astraeus one of the Titans; or, according to Ovid, of Jupiter and Themis. She descended from heaven in the golden age, and inspired mankind with principles of justice and equity, but the world growing corrupt, she re-ascended thither, where she became the constellation in the Zodiac called Virgo. This goddess is represented with a serene countenance, her eyes bound or blinded, having a sword in one hand, and in the other a pair of balances equally poised or rods with a bundle of axes and sitting on a square stone. . . .

Justice without her blindfold survives in such early nineteenth century examples as that on the New York City Hall by John Dixey, (1818), and in political allegories such as *Justice Suppressing Tyranny and Establishing the Constitution* (Published by T. Kinnorsley, 1814). As popular imagery in this country customarily pictures Justice as "blind", the enigma is why did the idea of the blindfold appeal to the American public?

The idea that the judicial power of the state should be exercised impartially can also be rendered by an image representing the idea of Equality. This idea is usually symbolized by a triangular level. This primitive carpenter's tool is one of the attributes sometimes carried by Medieval representations of Justice. It is also an important symbol to the Freemasons of Equality. With much the same connotation, it is seen in prints made during and after the French Revolution. The image never had broad appeal in this country and was only revived later by artists such as Kenyon Cox (1856-1919) in his courthouse murals. He first uses it in the Appellate Division Courthouse in the medallion next to the figure of *Equity* (Plate 17.). This symbol is developed in his later works; a striking example is found in his work *The Judicial Virtues* in the Luzerne County Courthouse, Wilkes-Barre, Pennsylvania (1909).

The works in the Appellate Division Courthouse go far beyond traditional symbols of Justice. The artists drew upon European — and especially Renaissance — sources for their symbols and allegories, but were always conscious of the needs of the specific situation and of the individual, American character of the Appellate Court as an institution. A subtle example is found in the seal of the court, created in 1896 to embody the authority of the newly created Appellate Division. First Department, (Plate 1). It is a representation of a single feature of *Justice*. Her attributes have been subtly arranged to evoke the idea of "Appeal". Instead of carrying the sword in her right hand, a stance indicating punishment, she rests her left arm on the sword. The sword represents judgment; her justice rests on the opinion of the court below. In her right hand she carries an evenly balanced scale. Her attributes also take on new meaning in the courtroom composition *The Power of the Law* by Edwin Blashfield. At lower right a young child holds a shield bearing the seal of the Appellate Division; a ribbon bearing the legend "Uphold the Right" accentuates the scales held by *Justice*

On the left, his counterpart holds the same shield; the words "Prevent the Wrong" now covering the scales and emphasizing the sword.

This kind of careful visual and intellectual construct is also reflected in Kenyon Cox's thoughtful explanation of his mural *The Reign of Law*. In a letter to his family in 1899 he wrote:

. . . The subject of the whole design is "The Reign of Law." On the right of the centre are "Peace and Commerce" and on the left "Plenty rewarding Industry." She is giving him a loaf of bread. The right hand panel tipifies "Statute Law" and the left "Common Law." The central figure of the right hand panel is "The State," robed and crowned pointing to the statute book. Her supporters hold the ballot box and the sword and beyond these are "Liberty" and "Force," the foundation and the power of the state. "Liberty" is releasing birds from a cage. "Force" is helmed and armed and bears a bough of oak.

The central figure of the Common Law side is "The Court" handing down a judgment—the comon law, as I understand it existing only in the form of decisions of courts. Her supporters bear the faces. The side figures here are "Equity" with the scales and "Tradition" with the endless chain. A series of wreaths enclosing emblems fill the corners of the panels.

This allegory took a good deal of time and consultation to work out. I remember I consulted father, among others. . . .

Cox's father was General Jacob D. Cox, Governor of Ohio and Secretary of the Interior, later the Dean of the Faculty of the Law School of Cincinnati College.

Daniel Chester French's rendition of *Justice* flanked by *Power* and *Study* also shows classical forms reworked to embody contemporary ideals. His *Justice* with both arms raised, bearing torches is an individual solution, although quite similar to his earlier work: *Law, Prosperity and Power* (1882) made for the United States Post Office and Courthouse, Philadelphia, Pennsylvania. The fact that French's father was a lawyer adds further interest to his unusual interpretation of Justice.

The primary purpose of the exhibition is to introduce the Appellate Division Courthouse and its art to a new generation of New Yorkers. As we are not as attuned to allegorical and symbolic art as people at the turn of the century, the essays in this catalogue may help in understanding allusions and connections. While many of the individual sculptures are self-explanatory figures, the sculptural compositions at the entrance and the narrative presentation of the murals in the Main Hall are probably more readily appreciated when their content has been explained.

One should also pay attention to the placement of individual works of art, which often has programmatic significance. For example, the placement of the mural, *The Reign of Law* becomes important for lawyers, as it flanks the sitting judges (Plates 10 and 11.). Judicial inspiration, in turn, is to be gathered from the large compositions facing the bench (Plate 12). As the entrance to the courtroom is from the right hand side, behind the Justices' Bench, one entering confronts the panel that is also for the benefit of the general public: *The Power of the Law* by Edwin Blashfield. The insert contained within the catalogue gives the location of each work of art in the building. (Plates 34 and 35).

The Exhibition

The site of the exhibition, the Reception Room at the House of The Association of the Bar of the City of New York is particularly suitable. The building, designed by Cyrus L. W. Eidlitz and completed in 1895, is roughly contemporary with the Appellate Division Courthouse and exhibits many of the same architectural concerns. It is

also a room used on a daily basis by the profession for whom the Appellate Division Courthouse was created.

Pieces have been selected for display which give a representative sense of the history, architecture and iconography of the Appellate Division building. Where possible, original working models and sketches have been used, and all photographs are generally of the period when the building was completed. Some of the original furnishing designed for the Courthouse is also exhibited.

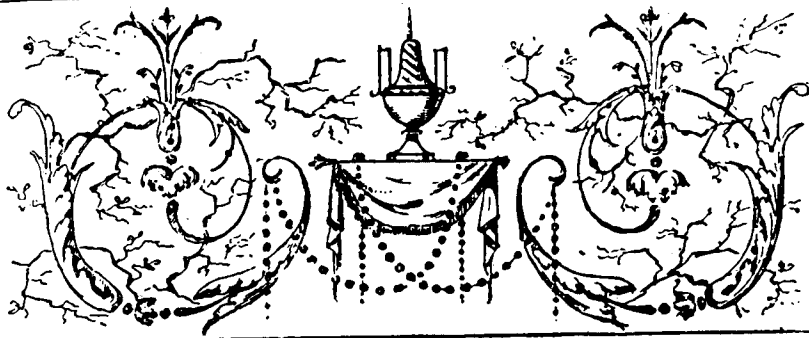
One section has been devoted to the image of Justice as it relates to the work in the Courthouse. The working models by Daniel Chester French for *Justice*, *Power* and *Study* are particularly valuable elements, since the placement of the sculptures on the actual building makes it very hard to analyze them in detail.

Other areas are devoted to the design and creation of the building by the architect and the work of some of the artists. Recognition is also given to the Appellate Justices and art societies, who with the artists, joined together to create monumental civic architecture. Renderings, plans and photographs of the period retrace this process. Kenyon Cox's elaborate preparatory drawings and oil sketches for *The Reign of Law* provide a unique insight into his concerns with both formal and allegorical content. As has been pointed out above, his work contains allusions to other sources than his classical style would indicate.

The catalogue is intended to complement the exhibition by providing a resource for those interested in further study of the building. It is hoped that the method and content of both will be a provocative essay on the consideration of courthouse architecture and the use of decorative allegorical and symbolic art.

Jane Gregory Rubin

Rubin is a graduate of Vassar College and Columbia University School of Law. She is a member of the New York Bar with a background in art history and photography. She is presently working on a study of the origins of the symbols used in the American courthouse from colonial times to the present day and is planning an exhibition and publication entitled The Image of Justice: An Iconography of American Law.

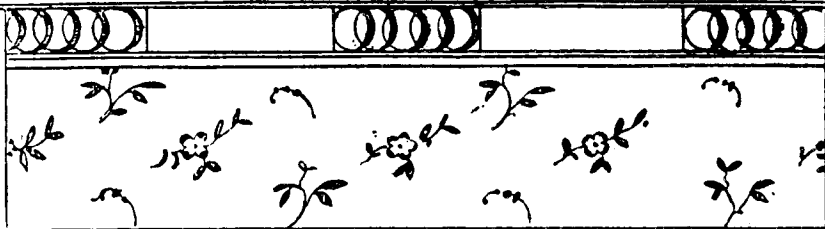
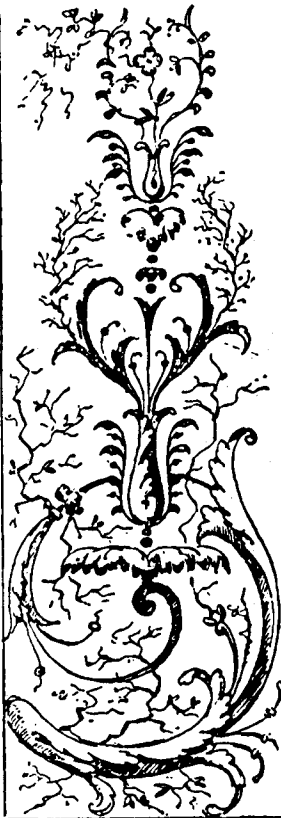


The
New
Appellate
Court
House

New York City



JAMES BROWN LORD
Architect



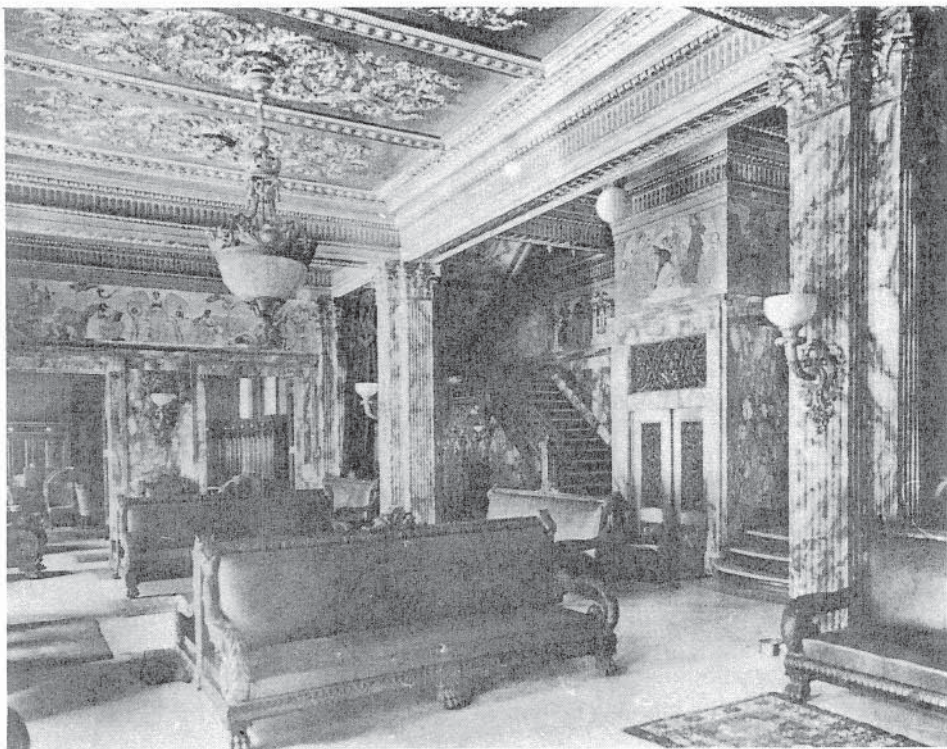


Plate 6. Main Hall—Looking North and West



Plate 7. Main Hall—Looking toward elevator



Plate 8. Main Hall — Looking North and East



Plate 9. Coat Room

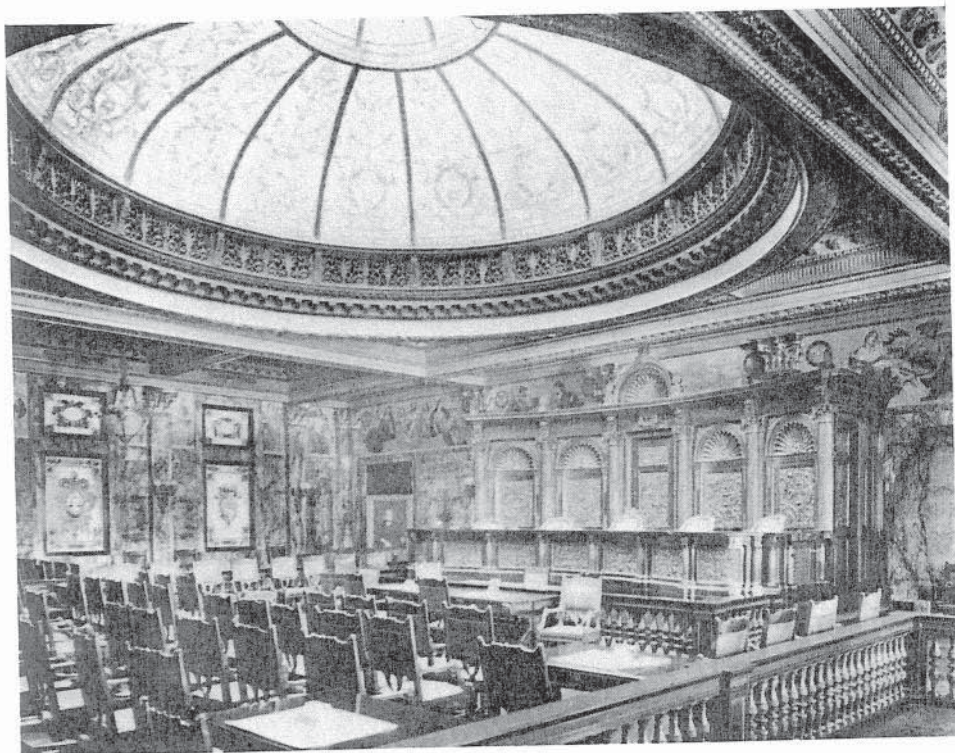


Plate 10. Court room — Looking toward Justices' Bench

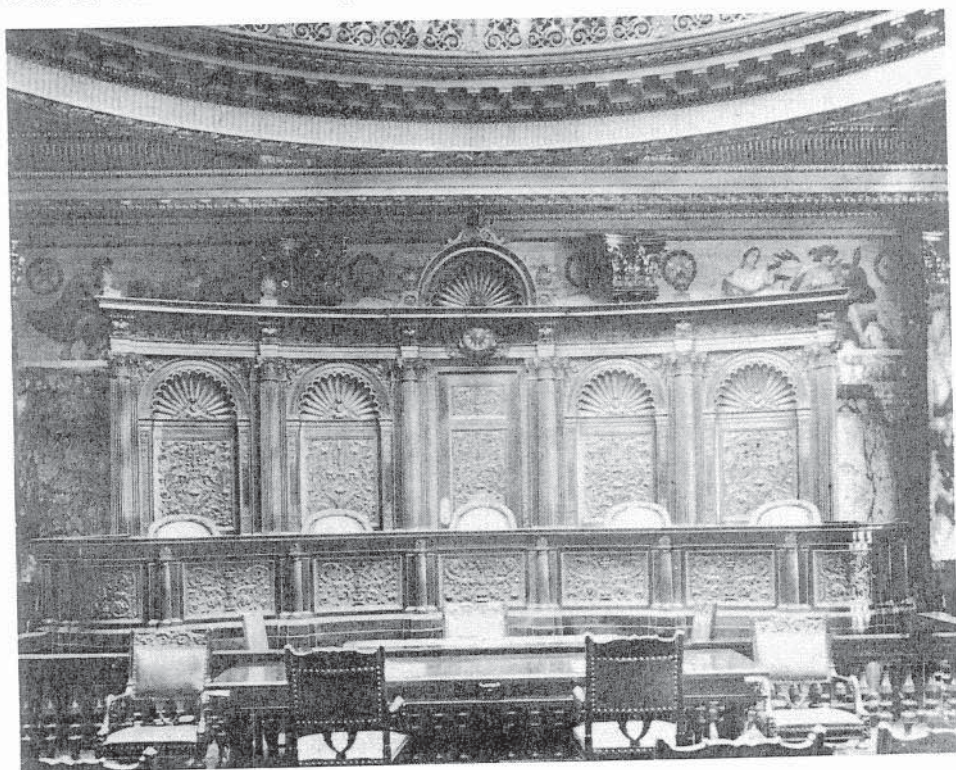


Plate 11. Court room — Justices' Bench

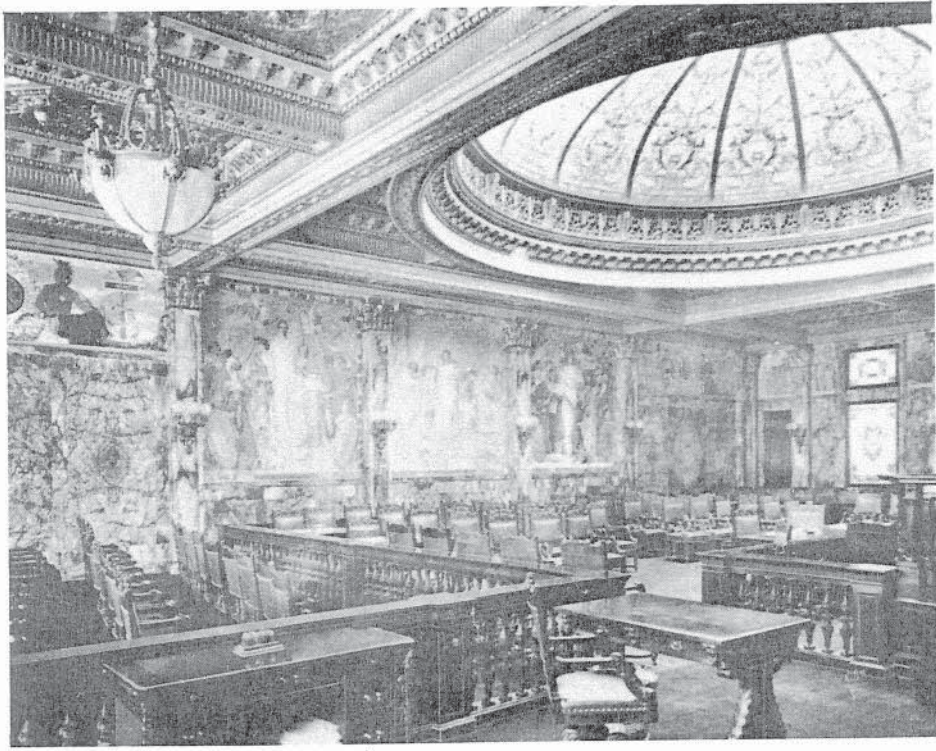


Plate 12. Court Room—Looking East



Plate 13. Court Room—Looking toward entrance from Main Hall

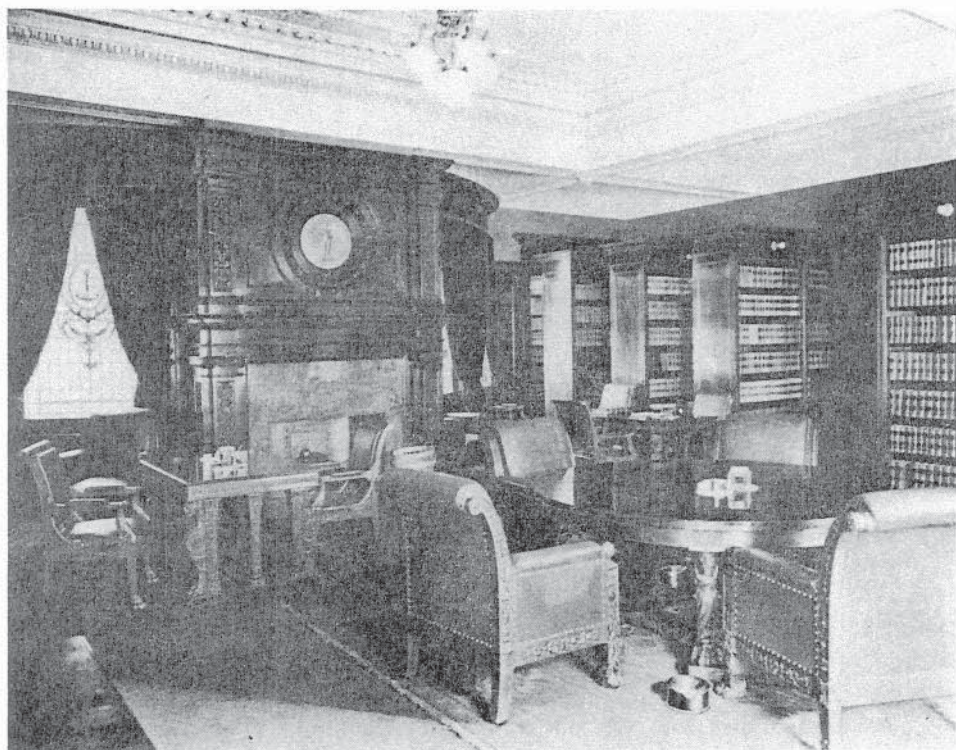


Plate 14. Consultation Room and Library



Plate 15. Clerk's Office

The Architectural and Sculptural Decoration of the Appellate Division Courthouse

The Appellate Division Courthouse, which officially opened the second day of the 20th century, stands as an elegant monument to that moment in time when many cultured Americans viewed themselves “of all modern people (as) most completely the children of the Renaissance.”¹ The architect, James Brown Lord (1859-1902), who worked from 1896-1899 on its design and construction, presented the Justices of the Appellate Division of the New York State Supreme Court, First Judicial Department with a “court house unequaled in our own country and unsurpassed on any other.”² The significance of this white marble, classically inspired, three-story building richly ornamented with sculptural decoration and mural painting, has been overshadowed by better known buildings of the era such as the United States Custom House (Cass Gilbert, 1901-07); Pennsylvania Station (McKim, Mead & White, 1906-10); New York Public Library (Carrère & Hastings, 1902-10); and the Metropolitan Museum of Art (Richard M. Hunt, 1894-95; Richard H. Hunt, 1895-1902).

Plans for the building were jointly approved by the Commissioners of the Sinking Fund, a city agency which approved the funding of the project through the sale of New York City bonds, and the Justices of the Appellate Division in June, 1896.³ These plans, no copy of which has come to light,⁴ were described as follows: “The perspective and the elevations show an imposing structure. It will have a front of 150 feet on Twenty-fifth Street and 49 feet 4½ inches on Madison Avenue. The entrance will be on Twenty-fifth Street. The faces of the street and avenue are to be of white marble. The statuary ornamentations of the same material.”⁵ Even before the building opened, Charles Caffin, art critic of *Harper's Weekly*, wrote enthusiastically of Lord's plans to integrate sculpture and painted decoration into the building's design. “A very notable feature of the design is the provision which has been made for sculpture, treated not as mere embellishment but as an integral part of the architectural scheme—the only correct method of using sculpture upon a building.”⁶ Eventually, Lord, who had sole control⁷ of the building's design and decoration, invited sixteen sculptors and twelve painters to assist him in this project.

This concept, that a building's sculptural and painted decoration should be conceived as part of its overall design, represented a new departure in American architecture, one that was inaugurated in Boston by H.H. Richardson for Trinity Church in the 1870's and later by McKim, Mead & White for the Boston Public Library in the early 1890's. These architects, who were aided in decoration of their buildings by leading sculptors and painters of the day such as Augustus Saint-Gaudens and John La Farge, believed that by uniting all the arts they were reviving a Renaissance tradition. This ideal found its fullest expression in the dignified, classically-inspired white marble buildings of the 1893 World's Columbian Exposition held in Chicago. Through the wide circulation of countless photograph albums and magazine and newspaper articles the architecture of “The White City,” as it soon came to be called, had an immediate impact on important state and federal projects of the mid-1890's such as the capitol buildings in St. Paul, Minnesota, and Providence, Rhode Island and the Library of Congress in Washington, D.C. These were impressive models, along with the White

City itself, which helped inspire the creation of the Appellate Division Courthouse. As far as is known, however, Lord did not have a direct involvement with the Columbian Exposition.

By the 1890's Lord was working actively as an architect in New York City. He was born there in 1859 and his mother Margaretta Brown Lord (Mrs. James Couper Lord), was the daughter of James Brown, a prominent New York banker and partner in Brown Brothers (now Brown Brothers, Harriman). After graduating from Princeton in 1879 Lord married Mary Townsend and returned to New York to begin an apprenticeship in architecture with William A. Potter, a noted practitioner of the then popular Victorian Gothic. Lord would have been known to the Potter firm because William's older brother, Edward Tuckerman Potter, was the architect of four brownstones commissioned by James Brown for his family on East 37th Street, and another brother, Howard Potter, was Lord's uncle by marriage.⁸ As early as 1882, Lord is noted, along with William Potter, as the architect for the published design of the old Union Theological Seminary built in 1883 at Park Avenue and 70th Street (now destroyed).⁹ At the same time Lord received his first private commission from Howard Potter to design two houses for him, on East 37th Street.¹⁰ Other commissions followed for private houses in Yonkers, Tuxedo Park, Bar Harbor, Maine, and Roslyn, Long Island, as well as New York City.

Around 1890, Lord joined forces with Stanford White of McKim, Mead & White, and the architect Bruce Price on the development of the King Model Houses or 'Striver's Row' on 138th Street between 7th and 8th Avenues in Harlem. The prospectus for this forerunner of the modern-day housing development includes drawings by Lord dated 1891.¹¹ From the evidence of his published designs between 1881-1895 it appears that Lord explored two representative contemporary idioms for buildings: the Victorian Gothic of the Potter firm in his "Design for a proposed hotel;"¹² and the Colonial or Queen Anne Revival of Bruce Price in a house for Pierre Lorillard in Tuxedo Park.¹³ In contrast, the Appellate Division Courthouse is a marked departure from any other known work (compare his 1897 design for Delmonico's on 44th Street and Fifth Avenue, now destroyed) in its obvious classic design, and ornamentation, the dramatic appeal of an all-white building and the painted decoration of the interior. However, he does continue this classical style in his last-known work, the first Carnegie Branch Library on East 79th Street which was completed posthumously in 1902.

No competition was held for the job as architect of the Appellate Division Courthouse, and evidently Lord had little difficulty gaining quick approval of his plans and the appropriation of \$700,000 for the building's construction.¹⁶ Several writers have noted that Lord was chosen by the Justices themselves: "The architect, James Brown Lord, having executed some work for the court-rooms in the Constable Building, so pleased the judges that he was immediately commissioned to undertake the erection of the new court house."¹⁷ It may also be that Bruce Price, soon to be president of The Architectural League of New York (1897-1899), and who had worked with Lord in Tuxedo Park and on the King Model Houses, was responsible for helping to promote Lord as the Courthouse architect. Evidence of this is contained in a letter which Price wrote recommending Lord's design to the Justices and Commissioners of the Sinking Fund. In his letter Price noted that Lord's design was, "a good dignified form, correctly classic in all detail, the whole problem to my eye is well proportioned and the detail unusually well designed." He further approves the placement of the "Courtroom in the wing where it should be, both for convenience of access in every way, and for the quiet and retirement needed for its uses. . . ." He also states his approval of Lord's plans to include architectural sculpture, "if built of marble as you propose, with sculpture all complete upon it, it will surely be one of the monuments of our city. . . . I cannot

impress upon you too strongly, to beg of your committee that they allow you all the sculpture you propose, and when carried out as you propose is an art benefit to the city."¹⁸

Other forces were at work too, such as civic and artists' associations like the Municipal Art Society of New York, The Architectural League of New York, the Society of Mural Painters, and the National Sculpture Society which encouraged the beautification of cities through the advancement of architecture in which all the arts could be incorporated. An 1893 notice in the *Boston Evening Transcript* cited this New York development: "Thus early New York has felt the quickening influence of the erection and adornment of buildings for the World's Fair at Chicago upon painting, sculpture and architecture in America, and upon a wider and more understanding appreciation of the arts, in the organization of a Municipal Art Society . . . and for a similar society for the promotion of sculpture."¹⁹ Lord was a member of several of these organizations²⁰ and in the design of the Appellate Division Courthouse he reveals his desire to advance their ideals.

What first impressed the public and commentators of the period, and what continues to impress us today, is the sculptural decoration on the building's exterior. Some critics condemned it "for its lack of severity and its ornaments likened to the icing on a cake. . . ." ²¹ A critic, Charles de Kay, art editor of the *New York Times*, who was more favorably disposed found that the building "shines like an ivory casket among boxes of ordinary maple. . . . The white marble of which it is built and the quantity of statuary and carving on it prove more startling to those who are unused to highly decorated buildings. . . . Owing to the fact that it has been common in New York for architects to leave niches for statuary, but for these niches the statuary has never been supplied, the citizen is unaccustomed to this kind of decoration and jumps to the conclusion that the building is over-decorated."²²

The Appellate Division Courthouse (photograph Plates 2, 32 and 33) is a three-story building with basement, whose centrally placed entrance faces 25th Street, and not, as one would expect, Madison Square Park. The entrance's location, however, may have been determined by the site and a desire to place the courtroom, as mentioned by Price, on the quietest side of the building furthest from the Park. Nevertheless, Lord concentrates his use of elaborate architectural decoration at its entrance. At street level, stairs, flanked by two pedestals holding monumental seated figures of *Wisdom* and *Strength* by Frederick Ruckstull (originally Ruckstuhl) lead up to a shallow portico. This shallow porch is defined by six two-story fluted composite columns behind which are flat pilasters identical in height and decoration. These support a deep pediment containing a five-figure sculptural group by Charles Niehaus symbolically representing the *Triumph of Law*. The apex of this pediment, which reaches the roof, is topped by a large three-figure group of *Justice with Power and Study* by Daniel Chester French. Also above the two windows inside the portico are two sets of sculpture—*Morning and Night, Noon and Evening* by Maximilian Schwartzott—reminiscent of Michelangelo's figures for the Medici tombs.

The narrower Madison Avenue side is similar to the portico with four two-story columns and repeated pilasters. In the attic story above the entablature are four columns in the form of caryatids representing the four seasons by Thomas Shield Clarke. A large three-figure group by Karl Bitter entitled *Peace*, is centrally located on the roof and echos the French composition on the 25th Street side. The building as a whole is girded by an entablature which separates the second story from the attic. The entablature's silhouette is repeated in a low balustrade on the roof upon which nine (original-

ly ten) heroic-size statues, each created by a different sculptor, are symmetrically placed.

Although Lord could have selected from any number of classically-inspired models, which were profusely illustrated in contemporary architectural journals, he seems to have followed the work of the 16th century Italian architect, Andrea Palladio, and the later 18th-century Palladian inspired, English Georgian manor houses. He may have also looked to examples closer to home such as the "Tweed Courthouse" or Criminal Courthouse of the City of New York on Chambers Street built in 1872, which also exhibits Palladian influence. The elements which Lord borrowed from these models and what differentiates the Appellate Division Courthouse from the Roman-inspired Pennsylvania Station or the Beaux-Arts style of the U.S. Custom House, are the limited use of columns, the central focus and emphasis on the entrance, smaller scale and the suppression of ornament. In fact, Ernest Knaufft, editor of the *Art Student*, in his review of the Appellate Division Courthouse believed that Lord, "promised to become the American Palladio."²³

However, it should also be noted that Lord, who was not a Parisian-trained architect, went to Europe while "the Courthouse was under consideration."²⁴ This trip to France may have helped strengthen his ideas on architectural decoration, for the Paris Opéra and the newly reconstructed Hotel de Ville were celebrated contemporary examples of buildings with extensive sculpture and mural programs. Following this trip, one assumes that Lord turned to the problem of finding sculptors and painters to assist him in the building's decoration. Fortunately, there were sculptors available who had worked on other architectural projects such as the World's Columbian Exposition and the Library of Congress whom Lord hired in consultation with the newly formed National Sculpture Society.²⁵ All sixteen who worked on the Appellate Division Courthouse were members of the Society, and although many of the names are not familiar to us today, with the exception of Daniel Chester French, many, including Herbert Adams, Karl Bitter, Philip Martiny and Henry K. Bush-Brown, were among the leading turn-of-the-century sculptors.

Once the sculptors were chosen a committee of four was appointed, including Lord as chairman, French, Charles Niehaus and Frederick Ruckstull, to "supervise the harmonizing of the different statues."²⁶ An explanation of the sculptural program was given later: "Wisdom and Force alone produced the triumph of law—the prevalence of Justice—the prevalence of peace—and finally (with reference to a vase of fruit and globe contained in Bitter's group) the fruits of peace. Hence *Wisdom* and *Force* are at the foundation of the courthouse. From these two columns the mind is lead up to a tympanum containing an allegory of the *Triumph of Law*. This is crowned by a group of *Justice*. On the east a similar group of *Peace* is placed!"²⁷

The single standing figures on the roof represent historical or religious figures associated with the formulation or defense of the law. Presently, the first statue, beginning on the Madison Avenue side is *Confucius* by Philip Martiny. Bitter's *Peace* stands between it and the other heroic statue, *Moses*, by William Couper. This first statue facing south on the 25th Street side is *Zoroaster* by Edward C. Potter (this was moved down one bay, as were all the 25th Street statues when *Mohammed* by Charles Lopez was removed in 1955).²⁸ This is followed by *Alfred the Great* by J.S. Hartley, *Lycurgus* by George Bissell, and *Solon* by Herbert Adams. Placed between *Solon* and the last three statues is French's "Justice" group to the left of which is *Saint Louis* by John Donoghue, *Manu* by Henry Lukeman and *Justinian* by Henry K. Bush-Brown.

All of the statues are of the same height and proportion and were inspired by antique and Renaissance models such as Donatello's *Saint Mark* and Michelangelo's *David*. They are robed and carry attributes such as a book, scroll, tablet, sword,

charter or scepter which reinforces their roles as makers or defenders of the law. Why these specific figures were chosen is not clear but may relate to ideas around the historical antecedents of our legal system which are not well-known to us today.

There was criticism, however, that the roof's decoration was too top-heavy yet others, like de Kay, found that these sculptures were well integrated into the architectural scheme. "The lines of single standing figures has a very pleasing diversity in outline, while they form each the finial and the crown of an architectural pier in the attic under foot."²⁹ Niehaus's pediment sculpture was also singled out as "violating scale" and that the "stiff, archaic style" of his figures was "too far removed from the other statuary."³⁰ The problem of style and harmony was one that concerned a number of writers for Lukeman's *Manu* was said to be "a trifle out of key."³¹ Thus Lord's ambition to design a courthouse in which all aspects of the decoration would be fully coordinated was understood by his contemporaries, and the building's success was judged by this criterion.

The Appellate Division of the New York State Supreme Court, First Department, established in 1894, "hears most of the appeals in civil and criminal cases arising in New York and Bronx counties" and has "the responsibility of admitting attorneys to the Bar and of disciplining attorneys for unprofessional conduct."³² Thus it is, in itself, an important City and State symbol dedicated to the just interpretation of the law. Lord, and the artists who worked with him, consciously endeavored to create a Temple of Justice which in its design would serve to inspire and dignify the law and its proud tradition.

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NOTES

- 1 Carroll L. V. Meeks, "Creative Eclecticism in the United States Around 1900," *20th International Congress on Art History*, New York, 1964, p. 69.
- 2 "Opening of the Appellate Division Court House," *The New York Law Journal*, January 3, 1900, p. 1.
- 3 *Proceedings of the Commissioners of the Sinking Fund*, June 30, 1896, p. 623.
- 4 Although the specifications were recently found in the basement of the Appellate Courthouse, neither copies of the two sets of plans mentioned in the *Proceedings of the Commissioners of the Sinking Fund* (August 9, 1897, p. 1084) have been located. Nor have any of the contracts with the twenty-eight painters and sculptors or their drawings, said to be "in the possession of Charles Volz, successor to James Brown Lord," been found. Volz was last listed in the directory of The Architectural League of New York in 1921-22. In 1903-04 his home address was given as Port Chester, New York; his last known address in 1919 was 2 West 45th Street.
- 5 *Ibid.*, p. 621-622.
- 6 "Art: The Appellate Court," *Harper's Weekly*, April 2, 1898, p. 329.
- 7 This impressed many contemporary commentators and was noted as follows in his obituary notice in the *American Art Annual*, v. 4, 1901/02: "Appellate Court... is said to be the first ever constructed in America in which the architect had the entire control of the sculpture and mural decorations as well as the construction of the building." p. 142.
- 8 John Kouwenhoven. *Partners in Banking, A Historical Portrait of a Great Bank, Brown Brothers, Harriman, Co.: 1818-1968*, New York, 1968, p. 50.

- 9 *The American Architect and Building News*, v. 12, April 15, 1882, p. 174.
- 10 *Ibid.*, v. 12, August 19, 1882, p. 86. Howard Potter was also James Brown's banking partner.
- 11 *The King Model House*, New York, 1891 (?), copy in Avery Library, Columbia University, N. Y.
- 12 *The American Architect and Building News*, v. 49, September 28, 1895, p. 138.
- 13 *Ibid.*, v. 22, September 10, 1887, p., 123.
- 14 Nathan Silver. *Lost New York*, New York, 1967, p. 58.
- 15 Theodore Wesley Koch, *A Book of Carnegie Libraries*, New York, 1917, p. 41.
- 16 Ernest Knaufft, "The New Appellate Court house in New York City. A successful Experiment in Municipal Architecture," *The American Monthly Review of Reviews*, v. 22, August, 1900, p. 191. See also *Proceedings of the Sinking Fund*, June 30, 1896, p. 623.
- 17 "American Studio Talk," *The International Studio* (supplement) v. 11, July-October, 1900, p. i.
- 18 *Sinking Fund*, pp. 622-623.
- 19 News clipping in the files of the Archives of American Art (National Sculpture Society, roll #491) from the *Boston Evening Transcript*, May 29, 1893.
- 20 Lord belonged to the following organizations: Architectural League, New York Chapter; American Institute of Architects; lay member, National Sculpture Society and the National Arts Club.
- 21 *International Studio*, p. vii.
- 22 "The Appellate Division Court in New York City," *The Independent*, v. 53, August 1, 1901, p. 1795.
- 23 Knaufft, p. 195.
- 24 *Ibid.*
- 25 *The American Art Annual*, v. 1, 1897-1898, p. 277. The National Sculpture Society was founded in 1893 and incorporated in 1896.
- 26 F. W. Ruckstull, *Great Works of Art and What Makes them Great*, New York, 1925, p. 531.
- 27 *International Studio*, p. viii.
- 28 "... the statue of Mohammed by Charles Lopez was removed at the request of the representatives of several Mohammedan nations as offensive to their religion." Henry Hope Reed, Jr. *Supreme Court Appellate Division First Department, Courthouse History and Guide*, New York, 1976, n. p.
- 29 de Kay, p. 1798.
- 30 *Ibid.*, p. 1797.
- 31 Richard Ladegast, "A Beautiful Public Building," *Outlook*, v. 67, February, 1901, p. 290. The image of *Manu* has also been likened to John Singer Sargent's figure of *Hosea* done for the Boston Public Library (*International Studio*, p. i.)
- 32 Reed, n.p.

The Mural Decoration of the Appellate Division Courthouse

It was not until the success of the Chicago 1893 World's Columbian Exposition that Americans began to take a serious and consistent interest in mural painting. Even by 1896, when the City of New York accepted the plans for the Appellate Division Courthouse, an American school of mural painting was still very much in its infancy. As particularly fine examples of this early burgeoning interest in mural painting, the murals in the Appellate Division Courthouse are of special significance to the history of American art. When recounting the rapidity with which mural painting was accepted after the Columbian Exposition, the critic Royal Cortissoz noted: "The whole country came and applauded, and overnight, as it were, we were equipped with a thriving young school of mural decorators. The historian will be astonished when he comes some day to reckon with what followed."¹

In an early book (1887) on the history and technique of mural painting, the artist Frederic Crowninshield sought to encourage a national interest in mural decoration. To Crowninshield, mural painting represented the logical, viable alternative to the dead art of "didactic" (history) painting. And like many early advocates of mural painting, he often couched his argument in terms of broad democratic and moralistic issues. At the heart of this argument was his belief that: "Art like religion, should be an everyday affair. Museums are oases in a Sahara of bad taste . . . but they are not enough. Of necessity they are exclusive. We ought to live with art."² Much later, Kenyon Cox was to express much the same sentiment when he wrote:

. . . there is one form of government patronage that is almost wholly beneficial, and that the only form of it which we have in this country—the awarding of commissions for the decoration of public buildings. The painter of mural decorations is in the old historical position, in sound and natural relations to the public. He is doing something which is wanted and, if he continues to receive commissions, he may fairly assume that he is doing it in a way that is satisfactory. With the decorative or monumental sculptor he is almost alone among modern artists in being relieved of the necessity of producing something in the isolation of his studio and waiting to see if anyone will care for it; of trying, against the grain, to produce something that he thinks may appeal to himself; or attempting to bamboozle the public into buying what neither he nor the public really cares for.³

Although one may not agree with Cox that the mural painter was always "in sound and natural relations to the public," it is hard not to get caught up in the enthusiasm that produced so many outstanding mural projects in such a short time. As important critic/writers—as well as muralists—Crowninshield, Cox, and Blashfield wrote and lectured constantly on the importance of mural painting. A growing number of important public and private commissions soon joined the scattered, pre-1893 examples of American mural painting such as Boston's Trinity Church decorations and William Morris Hunt's work in the New York State Capitol.

One important result of all this enthusiasm for mural painting was the founding of The Mural Painters in 1895. The Mural Painters, later The National Society of Mural Painters, was founded in New York City but operated as a national society. Its expressed aims were to:

... promote the delineation of the human figure in its relation to architecture, whether rendered in pigment, stained glass, mosaic, tapestry, or other appropriate medium, and at the same time to foster the development of its ornamental concomitants.

The members of this society should not only be qualified to depict an expressional figure composition in a given space, but they should also be competent to plan and control the entire decoration of a building.⁴

Together with The Municipal Art Society of New York (founded 1893), The Mural Painters helped champion the cause of mural decorations in the city's public buildings. Specifically to aid this cause, Blashfield wrote his "Plea for Municipal Art." He appealed to the vanity of every New Yorker when he wrote:

New York, more enterprising than any other city, rich, prosperous, generous, and proud, as she should be, of her greatness, is yet far behind not only Paris and London, but even tiny provincial towns of France, Italy, Germany, in the possession of art which should dignify and illustrate the history of her past and present... The commonwealths of Athens, Florence, Venice, and free burghs of Germany, the great trading towns of Flanders, the cities which have passed through a period of natural evolution in art, considered it a natural glory, and used it both as a means and as an end in a truly democratic spirit, "pro bono publico".⁵

It was just this kind of propaganda that helped make the Appellate Division Courthouse murals a reality.

Rather than choosing one artist to decorate the walls of the Appellate Division Courthouse, Lord commissioned the work of several painters. In order to select the best artists for the job, he accepted the "well-meant overtures" of the recently organized National Society of Mural Painters and the society cooperated with him in the plan and charge of the decorations. By the Spring of 1898,⁶ they had decided upon the services of ten artists. H. Siddons Mowbray, Robert Reid, William Leroy Metcalf and Charles Yardley Turner were to decorate the entrance hall. The larger area of the courtroom itself was divided among Edwin Howland Blashfield, Henry Oliver Walker, Edward Simmons, Kenyon Cox, Joseph Lauber and Alfred Collins.

Although a widely diverse group, these artists did have certain achievements in common. With the exception of Metcalf, all were experienced mural painters. Half of them—Blashfield, Reid, Turner, Simmons and Cox—had worked together on mural decorations for the World's Columbian Exposition. Three years after the fair, Simmons, Walker, Blashfield, Reid, and Cox received commissions for the Library of Congress decorations (1895-1897). In New York City there were murals by Turner, Simmons, and Blashfield together in the Hotel Waldorf (1892) and its later addition the Astoria (1897). And if he moved in the right circles, the New Yorker might see murals by the majority of these artists in private clubs and residences. In the absence of schools where one could learn the technique of painting, this kind of experience took on great importance for those hoping to receive commissions.

To assure that the work of ten different artists would be coherent, steps were taken to insure the unity of the interior. Together with Lord, the artists formed a committee and selected John La Farge as their arbiter. They agreed upon a uniform scale for the figures, a color scheme, and a background to which there was to be strict adherence. However, individuality was not totally negated and they worked "until a scheme sufficiently uniform had been evolved, after which the idiosyncrasy of the individual was allowed to have full play."⁷

The artists themselves had reservations about working together on the decorations. H. Siddons Mowbray particularly disliked dividing the courtroom among so many artists, and had to bow to LaFarge's decision regarding the scale of the figures.

Edward Simmons remembered in his autobiography how both he and Edwin Blashfield had the difficult job of repainting portions of their murals, after they had been installed, in order to give a more harmonious effect. Kenyon Cox later voiced his opinion that:

. . . the room is certainly "overdecorated," each painter having felt bound to plan an important figure composition in the space assigned him even though, if he had had control of the whole work, he would have placed nothing there more important than ornament. But the six artists made a serious effort to harmonize their work, each making some sacrifice of his personal ideas for the benefit of the total effect, and the effect met with a surprising degree of success. Today no American architect of standing would ask two painters to cooperate in the decoration of one room. . . .⁸

Finally, Edwin Blashfield commented: "It was funny to see how we smothered the Appellate Court Building on Madison Square because each of us wished to give Uncle Sam value due."⁹

Despite any reservations on the part of the artists, the murals were favorably received when the building was opened on January 2, 1900. And no little share of the success was attributed to the cooperation between artists, architect and decorators. The critic Charles H. Caffin saw them as reviving much of the spirit and method of the Renaissance guilds and felt they were "the completest example of intelligent co-operation which the country affords." He continued:

This distinction is due to the architect having planned his design from its inception in direct relation to the painting inside and the sculpture upon the exterior . . . also to the fact that the painters on the one hand, and the sculptors on the other, mutually cooperated. They worked not as units, but as a group; the result being a harmony of effect that must be surprising even to themselves, while at the same time there is no loss of personality to the individual. Six painters collaborated with each other and with the architect in the court-room, and four in the entrance-hall. In both cases the decoration is unified, paintings and architecture agreeably fusing.¹⁰

The three murals that dominate the east wall of the courtroom facing the Justices' Bench are the work of Edwin H. Blashfield, Henry O. Walker and Edward Simmons—all experienced mural painters with substantial achievements in the field. (see Plate 12) The three panels are of the same size and are placed side by side, separated only by narrow marble pilasters. In effect, they form the traditional format of a triptych. All are done in a rather delicate, low-keyed palette of cool colors that harmonize with the general scheme of the room, especially the yellow Sienna marble used throughout the interior. They share a common compositional feature of a central allegorical figure flanked by subsidiary figures. The two outside panels by Simmons and Blashfield are almost identical in the arrangement of these figures. These qualities help bind the panels together into a central focal point for the room.

Blashfield's *Power of the Law*, the panel to the right, was often singled out for special recognition. In the center a heroic female figure (Law) in white vestments, with golden breast and shoulder plates, is in the act of drawing a sword from its sheath. Two female figures in transparent draperies, hovering in the air, hold a crown over her head. Before her a kneeling female figure (Appeal) in modern gray garb, holds a document in her upraised left hand. The first figure on the left is a Roman magistrate, in a richly embroidered green toga, who holds a scroll. To the left is seen the head and shoulders of a man in wig and scarlet robe. Further to the left is a male figure in a black robe, holding a book inscribed "Civil Law." To the right of the central figure stands a bearded man in a richly embroidered robe. He holds a book in his right hand. Next on the right is a figure in a purple and gold stole, with a bishop's

mitre, holding a crozier in his left hand. To the extreme right is a figure in a black robe, clasping a book with the inscription, "Common Law." In the lower corners of the panel, two children support shields containing the seal of the Appellate Division.¹¹ The one to the left is inscribed, "Uphold The Right" the other, "Prevent The Wrong." The inscription reads: "The law draws her sword in behalf of appeal; on either side she is supported by magistrates and figures typifying Roman law, canon law, and common (Anglo-Saxon) law." Blashfield's use of broadly modeled figures bound by sharp outlines, a simplified decorative blackground (often resembling mosaic), and a carefully balanced composition are unmistakable qualities of the artist's style. His figural types—described as "deeply enlisted men and women intent on duty" and goddesses "fair and grave . . . , ineffably young, and with a stern innocence of feature"—reappear in the courthouses of cities as scattered as Baltimore, Cleveland, Newark, and Youngstown, Ohio.

Although the mural can certainly be described as decorative, it does more than simply fill an architectural space. Blashfield's figure of *Law*, solidly placed in the middle of the picture, commands our attention and serves as a focal point for the lines of the composition. The kneeling woman, boldly silhouetted in front of *Law*, serves not only as a dramatic emphasis but also helps to frame and reinforce the accent on the central figure. All of the figures exist in a very limited space that pushes them to the front of the picture plane, much in the manner of a sculptural frieze. In this way Blashfield solves one of the inherent problems of mural painting: how to represent a three-dimensional form without destroying the inherent flatness of the wall surface.

Edward Simmons' *Justice of the Law*, the panel to the left, shares some of the stylistic qualities of the Blashfield mural. A female figure (*Justice*), robed in white, stands before a throne. Her right hand rests on the shoulder of a youthful female figure (*Plenty*). Her left hand extends behind a similar figure (*Peace*) leaning toward her and pressing a dove against her breast. In the left foreground is a woman robed in black, holding an infant to her breast. Behind her is seen a male figure in red shirt and leather apron. At the base of the marble steps sits a rosy, fair-haired infant (*Mercy*), who caresses a guinea pig and a rabbit. In the right side of the panel, a muscular male figure leans forward in a threatening attitude, but he is restrained by the blue-robed figure (*Fear*) standing just beyond, who with her hands grasps his wrist and shoulder.

In the upper part of the painting, hovering over the central figure, are two nude children, one holding a book and a vessel, the other a book and wreath. In the foreground of the panel, to the extreme right and left, are two boys with shields and fasces.¹² The inscription reads: "Justice stands flanked by peace at her left. Plenty at her right. Peace recoils from brute force withheld by fear. Plenty assists the needy. Labor behind her hails Justice. Mercy (a child) in the foreground." As with Blashfield, these figures are sharply bound by the outline of their forms and the modeling is handled in terms of broad areas of light and shadow. Simmons achieves the somewhat novel effect of having the figures less sharply focused as they move away from the center of the composition. By the time the eye reaches the outside figures of the two children holding shields, the modeling is reduced to very broad areas of light and shadow and the brushwork becomes especially free. There is a breadth, and at the same time softness, to the brushwork that gives Simmons' mural a distinctive quality. His composition is less dramatic than Blashfield's, but still leads the eye directly to the figure of *Justice*.

In contrast to both Blashfield and Simmons work is *Wisdom of the Law*, the central panel, by Henry O. Walker. A female figure (*Wisdom*), clad in a white robe and a green mantle, and with her arms outstretched, descends the stairway of a throne. To the right, a nude and winged child descends before her. In the foreground,

to the left, sits a youthful male figure, partially draped in a purple cloak, his hands clasped and his eyes downcast. To the left, a winged male figure, partially draped in a blue cloak, gently touches him with his left hand and with his right, points upward. Between this and the central figure, are seen two female figures in profile. In the foreground, to the right, sits a female figure in a red robe and holding an open scroll across her lap. Above her is the figure of a bearded old man leaning upon a staff. Beside him is a female figure with folded hands, and to the extreme right are the head of a boy and the figure of a girl in a green cloak.¹³ The inscription reads: "Wisdom attended by learning, experience, humility and love and by faith, patience, doubt and inspiration. Doth not wisdom cry and understanding put forth her voice? By me princes rule and nobles even all the judges of the earth." Walker's panel is treated in a much softer style and was described as "a spot of charming tranquility, with a tenderness that is altogether winsome."¹⁴ This "tenderness" is due not only to the palette, but also to the diffused light which softens the edges of the forms. There are no broad, dramatic shadows or contrasts of color. Indeed the composition itself is very undramatic. The lines of the composition move around the central figure but do not really lead the eye to it. Instead of being placed in a static frontal pose, the figure of Wisdom is caught moving down the steps, her weight shifted to one side. Even the faces are idealized to a rather passive, gentle look. They certainly could not be described as "grave" or "intent on duty."

Above the Justices' Bench is Kenyon Cox's frieze, *The Reign of Law* (see Plates 10 and 11, and preparatory sketches Plates 16-31) The figures are solidly placed on their ledge in a very confined space. One immediately senses the lack of any movement and almost feels that movement would be impossible within the shallow space occupied by the figures. Cox has carefully posed his figures to achieve a heightened sense of stability and monumentality, arranging their draperies in the most precise and simplified way. These garments do not move or billow as do some of those of Simmons' or Blashfield's figures, but rather fall in heavy, deliberate folds.

In the sixteen panels that occupy the spaces between the stained-glass windows (see Plate 13), Joseph Lauber strives to give his *Judicial Virtues* the classical proportions and monumentality noticeable in Cox's work. Perhaps he is not as successful as Cox, but his murals are well suited to their architectural setting and do look well in the context of the room. This is complicated by the fact that the panels, particularly on the north wall, are extremely narrow. Considered as a whole, Lauber's figures are competently drawn and modeled, and exhibit a well-conceived variety of pose and coloring.

Late in the decoration of the courtroom, George Maynard was called in to replace Alfred Collins. Although actually a very accomplished muralist, Maynard's two friezes of the state and city seals fall well below the standard of the other works in the room. Particularly disappointing is the dry, jarring color scheme and the rather heavy-handed treatment of the figures (especially noticeable in the state seal). Through the use of broad modeling and heavy draperies, Maynard tries for a sense of monumentality, but falls short of the mark.

The courtroom decorations show particularly well the American mural painter's dependence at this time on European—especially Italian Renaissance—models. This is not surprising given the absence of a substantial mural tradition in the United States. As Edwin Blashfield wrote:

When the practice of art takes on a form new to the country in which it occurs, it is only natural to practitioners and public to refer at once to times and places in the past when and where the aforesaid form was in vogue. Thus. . . our American eyes reverted at once to Italy. In Puvis de Chavannes we saw the influence of the fourteenth century; in Pintu-

ricchio's Borgia apartments the influence of the fifteenth; there remained also to be reckoned with, as a stimulus, the decorative painting of the culminating period, as shown in the work of the sixteenth century.¹⁵

In the Appellate Division Courthouse murals one constantly senses the influence of Italian mural painting—especially Michelangelo and Raphael. One of the most obvious borrowings is the seated figure in Walker's mural, which comes directly out of Raphael's *School of Athens* (Stanza della Signatura, Vatican). In Blashfield's mural the dramatic figure of the kneeling woman—with her arms thrown up in a wild, pleading gesture—reminds one of Masaccio's figure of Mary Magdalene in the crucifixion panel of the Pisa Polyptych in Naples.

In more general terms, one can feel the influence of Raphael's *Theology and the Cardinal Virtues* (Stanza della Signatura, Vatican) in Cox's use of allegorical figures seated on a low wall/bench. Pontormo's *Visitation* (SS. Annunziata, Florence), with its figures placed on a low flight of steps, comes to mind when looking at the arrangement of the figures in the three large courtroom panels. Even in the single figures by Joseph Lauber one can see a reference to the sibyls and prophets of Michelangelo's Sistine Chapel.

In contrast to the carefully structured unity of the courtroom murals, the decorations of the Main Hall display a greater variety of styles and compositions. The more frankly decorative of these works is the *Transmission of Law* by H. Siddons Mowbray, which covers the elevator pier and the walls of the staircases on either side (see Plate 7). We know that Mowbray was particularly influenced at this time by Pinturicchio's Borgia apartment decorations, and his flat, decorative style is indebted to the later's influence.

More than any of the other painters, Mowbray has respected the flatness of the wall surface. The rich blue background of the frieze forces the figures to the front of the picture plane and maintains the decorative, linear qualities of their forms. He has adopted the traditional format of a sculptural bas-relief, with the figures having little suggestion of three-dimensionality. This effect is most noticeable in the winged female figures, with their swirling draperies forming a beautiful curvilinear pattern. Mowbray himself was to write that by the late 1880's he was tired of the "photographic realism" of the school in which he had been educated and "... its blighting dependence on the model for everything."¹⁶

The murals by Metcalf and Reid on the west and east walls respectively (see Plates 6 and 8), come as more of a surprise, for neither artist is usually associated with mural painting. Both are better known for their contributions to American Impressionism. Because of this, their Appellate Division Courthouse paintings make use of a vigorous broken brushstroke. These murals were Metcalf's first attempt at mural painting and he applied his Impressionist ideas. However, he was not as critically successful as Reid. Reid's Impressionist palette was described as "delicate tones of blue, relieved by white and animated by opalescent tints," but Metcalf's colors were felt to be somewhat "crude," especially in the landscape that fills the background.¹⁷

The works by Reid and Metcalf are perhaps the most unexpected of the Appellate Division Courthouse murals. This is a result not only of the newer style in which they are painted, but also because their compositions rely less on established models. Although symmetrically and formally arranged, the figures have none of the classical stylistic influences so noticeable in the courtroom murals. They are actually given a deeper space—a landscape—in which to move. Neither are they posed as dramatically nor given the air of gravity of the other murals.

The two spandrels on the south wall are by the little-known artist Charles Y. Turner. They represent *Law* and *Equity* and, like Lauber's figures, are competent

but rather undistinguished works. Each figure holds her proper attribute and is attended by a child. These works probably appear darker and less inviting than they really are because of their placement in the room, where they receive very little light.

The decorations in the Appellate Division Courthouse were painted during what may truly be considered the Golden Age of American mural painting. After the success of the World's Columbian Exposition, architects, painters, sculptors, and decorators began to work in close harmony, creating countless lavishly decorated public and private buildings. Whether working singly or in groups, the American muralist strove to make his work not only a strong individual statement but, more importantly, a cohesive element of the architectural ensemble. After World War I, much of the enthusiasm for mural painting in this country began to lag. Only briefly, in the 1930s under the patronage of the Works Progress Administration, did America again experience a revival of interest in mural decoration that came close to the spirit of its 19th-century predecessor.

The Appellate Division Courthouse decorations still retain the beauty that made them such outstanding examples of mural painting at the turn of the century. They have survived in remarkably good condition. When one considers the fate of many such early mural projects, it is particularly fortunate that they have survived at all. Royal Cortissoz was right when he predicted that we would be "astonished" by what followed the World's Columbian Exposition. Today, the Appellate Division Courthouse still astonishes — and delights — the viewer.

Gary A. Reynolds

Reynolds works at The Brooklyn Museum as curatorial assistant in the Paintings and Sculpture Department. He received his master's degree in art history from Brooklyn College of the City University of New York and specializes in 19th-century American art.

NOTES

- 1 Cortissoz, Royal. "The Art of Mural Decoration—Its Development in the United States," *Scribner's Magazine*, May 1925, LXXVII, 5, p. 557.
- 2 Crowninshield, Frederic. *Mural Painting* (Boston, 1887), p.2.
- 3 Cox, Kenyon. *Artist and Public and other Essays on Art Subjects*, (New York, 1914), p.2.
- 4 The Mural Painters. *Constitution, By-Laws, Code Governing Competitions, Officers and Members* (New York, 1915), p.4.
- 5 Quoted in King, Pauline. *American Mural Painting* (Boston, 1901), p. 153.
- 6 The exact date of the awarding of the commissions is not known. However, the list of artists was published in the *American Architect and Building News*, March 5, 1898, LIX, 1158, p. 73.
- 7 Caffin, Charles H. "Decorations for the Appellate Court," *Harpers Weekly*, January 20, 1900, 44, p. 59.
- 8 Cox, Kenyon. "Mural Painting in France and America," *The Art World*, April 1917, II, 1, p. 15.
- 9 Cortissoz, Royal, ed. *The Works of Edwin Howland Blashfield* (New York, 1937).
- 10 Caffin, *op. cit.*, p. 59.
- 11 *Works of Art Belonging to the City of New York*, prepared and issued by the Art Commission of the City of New York, 1909.
- 12 *Ibid.*
- 13 *Ibid.*
- 14 Caffin, *op. cit.*, p. 59.
- 15 Blashfield, Edwin H. *Mural painting in America* (New York, 1913), pp. 277-278.
- 16 Sherwood, Herbert F. H. *Siddons Mowbray, Mural Painter 1858-1928* (private printing, 1928), p. 56.
- 17 Caffin, *op. cit.*, p. 59.

Catalogue of Preparatory Sketches for the Mural: *The Reign of Law*

All works are by Kenyon Cox (1858-1919) and are courtesy of The Cooper-Hewitt Museum, The Smithsonian Institution's National Museum of Design.

Below

Plate 16. Study for central frieze in the New York Appellate Division Courtroom, *Law Reigns*, 1898. Oil on canvas, h: 36.8 cm., w: 1m.78.4 cm. Identification below in black ink. Artist's name and date in black ink, lower left and lower right.

Facing page

Plate 17. Study for frieze, *The Common Law* 1898. Oil on canvas. h: 32.0 cm., w: 81.5 cm. Identification below, artist's name and date, lower left in black ink.

Plate 18. Study for Frieze, *The Statute Law*, 1898. Oil on canvas, h: 31.7 cm., w: 81.6 cm. Identification below center; artist's name and date, lower left in black ink.



Plate 16



Plate 17



Plate 18





Plate 19. Nude study for frieze, *The Common Law*, 1898. Black and red pencil, pen and brown ink on canvas, h: 31.2 cm., w: 1m. 10.3 cm.

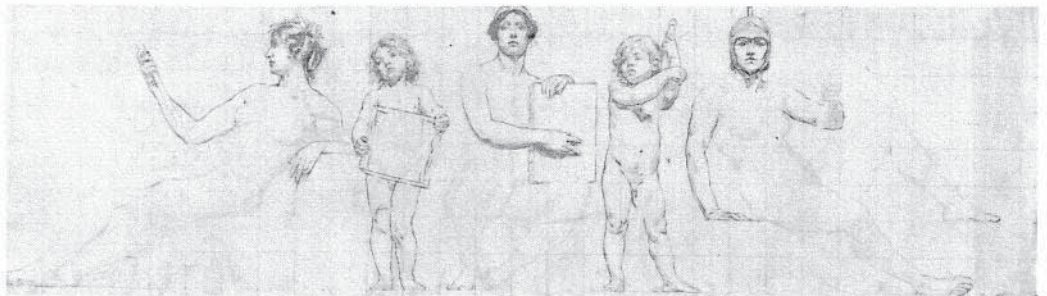


Plate 20. Nude study for frieze, *The Statute Law*, 1898. Black and red pencil, pen and brown ink on canvas, h: 31.8 cm., w: 1m. 10.4 cm.

Facing page

Plate 21. Drapery study of genius with fasces, *The Common Law*, 1898-99. Pencil on paper, h: 40.8 cm. w: 36.8 cm. Inscribed at bottom, in handwriting of artist, with title.

Plate 22. Drapery study for figure of *The Court* from *The Common Law*. 1898. Pencil on paper, h: 23.0 cm., w: 37.5 cm. Inscribed at bottom, in handwriting of the artist with title. Signed, upper right.

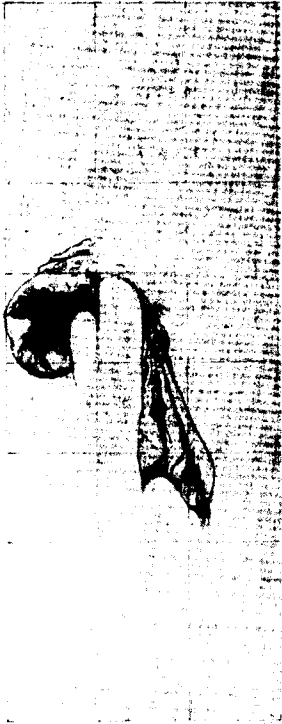


Plate 21



Plate 22



Plate 23. Drapery study for figure of *Commerce*, 1898-99. Pencil on paper, h: 39.6 cm., w: 49.2 cm. Inscribed at bottom, in handwriting of artist, with title and signature.

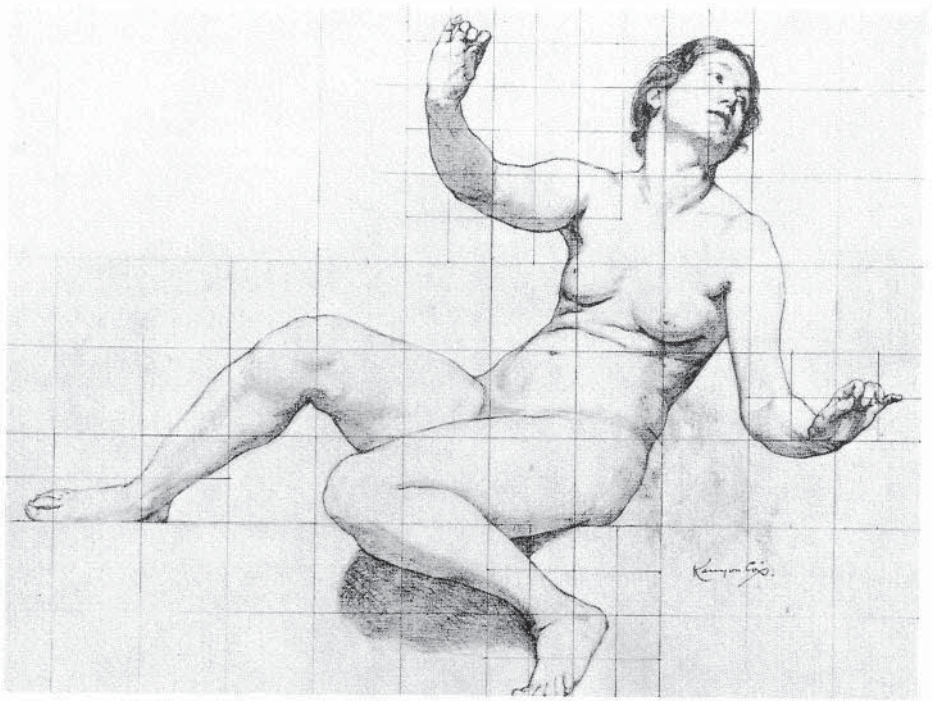


Plate 24. Nude study for figure of *Tradition* from *The Common Law*, 1898-99. Pencil on paper, h: 38.3 cm., w: 48.5 cm. Inscribed at bottom, in handwriting of artist, with title. Signed, lower right.

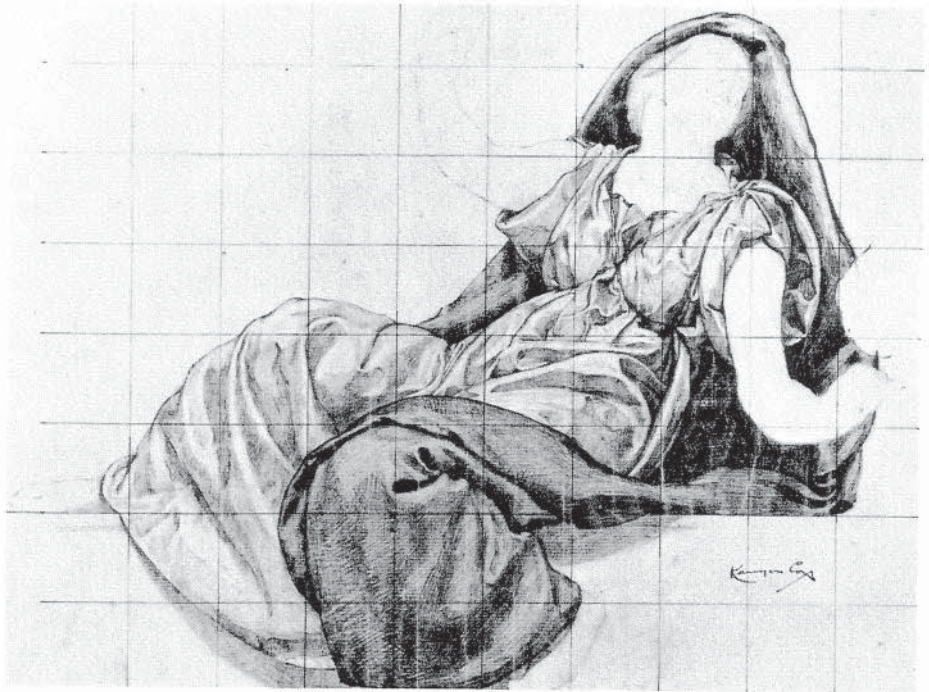


Plate 25. Drapery study for figure of *Tradition* from *The Common Law*, 1898-99. Pencil on paper, h: 38.0 cm., w: 49.4 cm. Inscribed at bottom, in handwriting of artist, with title. Signed, lower right.



Plate 26. Nude study of *Equity* for *The Common Law*, 1898-99. Pencil on paper, h: 35.9 cm, w: 47.8 cm.

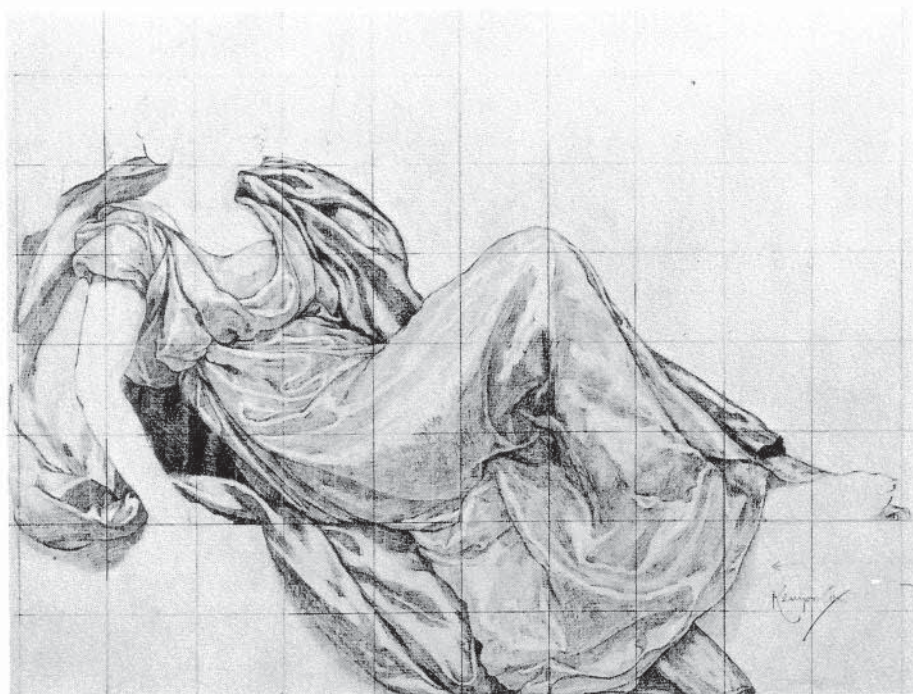


Plate 27. Drapery study for figure of *Equity* from *The Common Law*, 1898-99. Pencil on paper, h: 37.6 cm., w: 49.4 cm. Inscribed at bottom, in handwriting of the artist, with title. Signed, lower right.

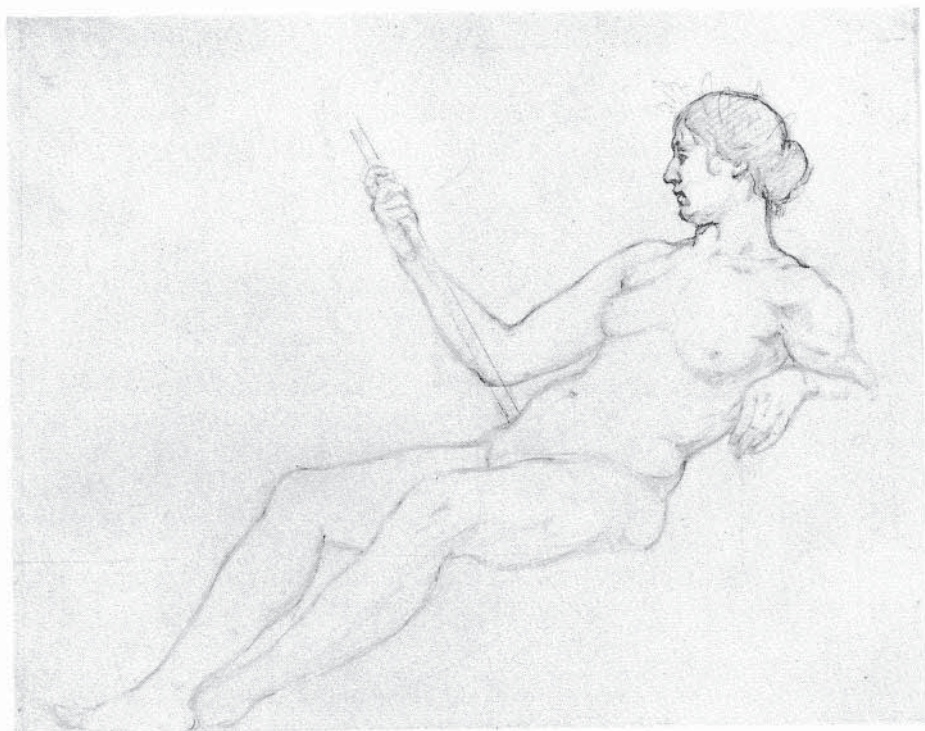


Plate 28. Unfinished study for *Liberty*, 1899. Pencil on paper, h: 38 cm., w: 42.2 cm. Inscribed at bottom, in handwriting of artist, with title.

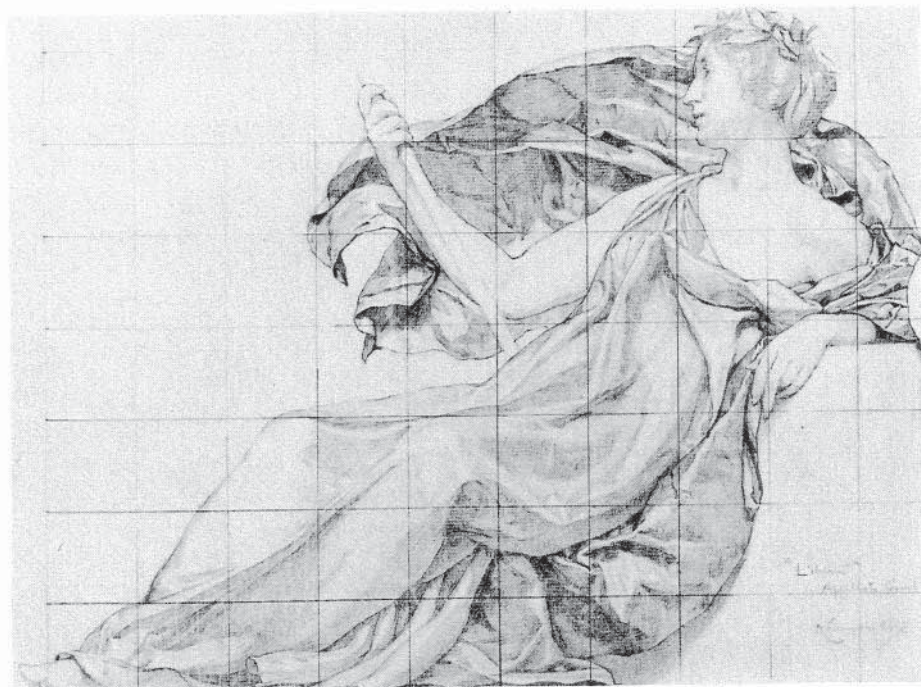


Plate 29. Study of *Liberty* for *The Statute Law*, 1898-99. Pencil on paper, h: 34.7 cm., w: 44.2 cm. Inscribed at lower right, in handwriting of the artist, with title and signature.

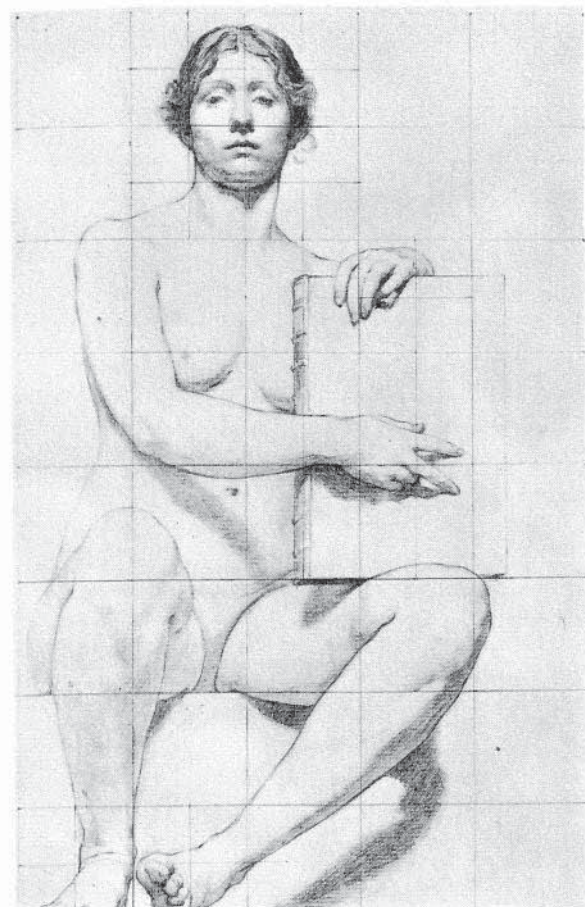


Plate 30. Nude study for figure of *The State* from *The Statute Law*. 1898. Pencil on paper, h: 37.5, w: 42.1 cm. Inscribed at bottom, in handwriting of the artist, with title. Signed, upper right.



Plate 31. Drapery study for figure of *The State* from *The Statute Law*, 1898. Pencil on paper, h: 23.2 cm., w: 40.0 cm. Inscribed at bottom, in handwriting of the artist, with title. Signed, upper right.



Top: Plate 32. The Appellate Division Courthouse, photograph by Irving Underhill, 1900, Courtesy Museum of the City of New York. *Bottom:* Plate 33. The Appellate Division Courthouse, photograph by Dennis Martin, 1977. It is informative to compare photographs of the Appellate Division Courthouse, taken in 1900 by Irving Underhill when the building was first opened, with the building as it appears today (plates 32 and 33). What is apparent immediately is the degree to which the surroundings of the courthouse have altered over the past seventy-seven years. Originally situated in an environment of relatively small scale structures, the courthouse today is overshadowed by large scale buildings, such as the New York Life Insurance Building (Cass Gilbert, 1928) and the New York Merchandise Mart (Emery Roth & Sons, 1972), to name two of the most prominent examples. Fortunately the western elevation of the building is adjacent to Madison Park, which creates a sense of the ambience of the original site.

1 *Wisdom*, Frederick Wellington Ruckstuhl (1853-1942), a figure in white marble, heroic size, with long, matted beard, is seated with a tome open on his lap. His left hand grasps its edge and his right is pointing at the page. He is clad in a tunic, and over his head is draped a mantle which falls about him in ample folds. Inscription: "Every law not based on wisdom is a menace to the state."

2 *Force*, Frederick Wellington Ruckstuhl (1853-1942), dressed in armor, with a crested helmet and a long mantle falling backward from his shoulders and lying in ample folds across the knees, is seated a male figure in white marble, heroic size, with the left hand resting on the arm of the chair, and the right grasping a short sword lying across the knees. Inscription: "We must not use force till just laws are defied."

3 *Morning and Night*, Maximilian N. Schwartzott (1855-c. 1926), these are life-size half-reclining nude figures of a man and woman. The man is bearded and leans on his left elbow, with the hand on an hour-glass, and to the left is a round cartouche of the sun. The woman, with head bowed in the attitude of sleep, leans on her right elbow and her head is partly covered by a scarf, which extends across her knees. To the right is a round cartouche of a crescent moon surrounded by stars.

4 *Noon and Evening*, Maximilian N. Schwartzott (1855-c. 1926), these are life-size half-reclining nude figures of a youth and maiden. The maiden is reclining in easy posture, resting on her right elbow, and on the wall beside her is a cartouche of the sun. The youth rests on his left elbow, and on the wall beside him is a cartouche of a bat with wings spread.

5 *Triumph of Law*, Charles Henry Niehaus, N. A. (1855-1935), in the center of the pediment above the portico the figure of a woman sits enthroned in a classic garb and mantle. Her hands hold tablets resting upon the arms of the throne. The one on her right bearing the inscription: "Lex scripta." The other, on her left: "Lex tradita." At the sides of the throne are kneeling male figures in armor, the one on her right bearing a sword and wreath, the one on her left a sword and shield. In the right and left corners of the pediment are two reclining nude figures. The left-hand figure is a bearded man of middle age, holding in his right hand a fasces, with a ram behind him. The figure in the right-hand corner is an old man, bald and with a long beard. His right elbow rests upon a vessel filled with scrolls; he peruses an unrolled scroll in his left hand. Behind him is an owl seated on a crescent.

6* *Mohammed* (570-632): Founder of Mohammedanism, Charles Albert Lopez, A. N. A. (1869-1906), the left-hand figure, Mohammed, in white

marble, heroic size, with long beard, a turban on his head, and enveloped in flowing oriental draperies, stands in easy posture, his weight resting on his left foot. His right hand grasps a scimeter, and with his arms and left hand he presses the Koran against his left breast.

7 *Zoroaster* (660 B. C.-583 B. C.): Founder Of the Perso-Iranian National Religion, Edward Clark Potter, N. A. (1857-1923), the next one, in white marble, heroic size, is a bearded figure in Persian robes, with a mantle enveloping his left arm and shoulders and wearing a helmet. His right arm is raised in gesture, and his left grasps a goblet, from which a flame issues.

8 *Alfred the Great* (849-901): King Of The West Saxons, 871-901, Jonathan Scott Hartley, N. A. (1845-1912), this is a white marble figure, heroic size, clad in a loose Saxon tunic and buskins, with long mantle falling over his shoulders to the ground. He wears the crown of England. His right hand grasps a sword, his left, a book.

9 *Lycurgus* (lived about the ninth century, B. C.): A Spartan Lawgiver, George Edwin Bissell (1839-1920), this is a white marble figure, heroic size, with a cloak thrown over his left shoulder while his right is shown clothed in armor. His right hand holds a scroll.

10 *Justice*, Daniel Chester French, N. A. (1850-1931), the central figure of a group. *Justice*, in white marble, heroic size, standing erect, is enveloped in a classic robe. Her bare arms are outstretched, and she holds in her hand two torches at the same height as her head. On either side is a seated male figure; the one to her right, typifying *Power*, is entirely nude, and sits in an easy position with his foot crossed over his knee; the other, typifying *Study*, nude to the waist, sits with both hands holding an open book, on his knees.

11 *Solon* (638 B. C.-559 B. C.): An Athenian Lawgiver, Herbert Adams, N. A. (1858-1945), to the right of *Justice* is *Solon*, a standing figure, in white marble, heroic size, with cloak thrown over his left shoulder. His right hand grasps a scroll, his left is extended in gesture in the manner of a Greek orator.

12 *Louis IX* (1215-1270): King of France (1226-70), John Donoghue (1853-1903), the second figure to the right of *Justice* is Louis IX of France, commonly known as St. Louis, a white marble statue, heroic size. He stands erect, bearing in his left hand the scepter, in his right a charter. His robe is partially covered by the heavy royal cloak, fastened with a clasp on his right shoulder.

13 *Manu*: Mythical Author of "The Laws of Manu," Henry Augustus Lukeman (1871-1935), the third figure to the right of *Justice*, is Manu, in white

marble, heroic size. A mantle of heavy material falls from his head, covering his body except the face. His left arm is bare and upon his right rests a seated image of Brahma.

14 *Flavius Anicius Justinian* (483-565): Byzantine Emperor (527-565), Henry Kirke Bush-Brown (1857-1935), the last figure is Justinian, in white marble, heroic size. He is represented in Roman costume, with the toga thrown over his left shoulder and hanging over his right forearm. In his other hand he holds a scroll, and his left is pressed against his side.

15 *Confucius* (550 B. C.-478 B. C.): A Chinese Philosopher, Philip Martiny, A. N. A. (1858-1927), this is a figure in white marble, heroic size, clad in an embroidered Chinese robe with loose sleeves, and a crown-like cap. his left hand grasps a scroll and his right clutches his beard.

16 *Peace*, Karl Francis Theodore Bitter, N.A. (1867-1915), in the center is the figure of a woman, heroic size, standing erect in classic garb with forearms raised and holding a dove in her right hand. To the right sits a nude figure of a man of powerful physique with his right arm resting on a fasces and his left reposing on his knee. To the left is a seated female figure, nude to the waist, with her left hand holding a vase filled with fruit and her right supporting a globe upon her knee.

17 *Moses*: Hebrew Lawgiver, William Couper

(1854-1942), the figure to the right of *Peace*, with long, flowing beard, is Moses, in white marble, heroic size. He wears a belted robe of heavy fabric and his powerfully developed arms are bare. His left hand clutches his robe, his right, the tablets of the law.

18 *Winter*, Thomas Shields Clarke, A. N. A. (1860-1920), a white marble statue, heroic size, with her head and arms enveloped in a heavy cloak. To her left is a censer, from which a flame arises.

19 *Autumn*, Thomas Shields Clarke, A. N. A. (1860-1920), this figure, in white marble, heroic size, bears in her hands clusters of grapes.

20 *Summer*, Thomas Shields Clarke, A. N. A. (1860-1920), this is a figure, in white marble, heroic size, holding in her hand a sickle and ears of wheat.

21 *Spring*, Thomas Shields Clarke, A. N. A. (1860-1920), the last figure is Spring, in white marble, heroic size. She is nude to the waist, with her hands hanging at her sides, grasping a long garland.

*Figures 6 to 14 were rearranged in 1955 and the statue of "Mohammed" was removed. The figures now read: 6 "Zoroaster" 7 "Alfred the Great" 8 "Lycurgus" 9 "Solon" 10 "Justice" 11 "Louis IX" 12 "Manu" 13 "Justinian." There is no figure 14. All descriptions are taken from: *Works of Art Belonging to the City of New York*, prepared and issued by the Art Commission of the City of New York, 1909.

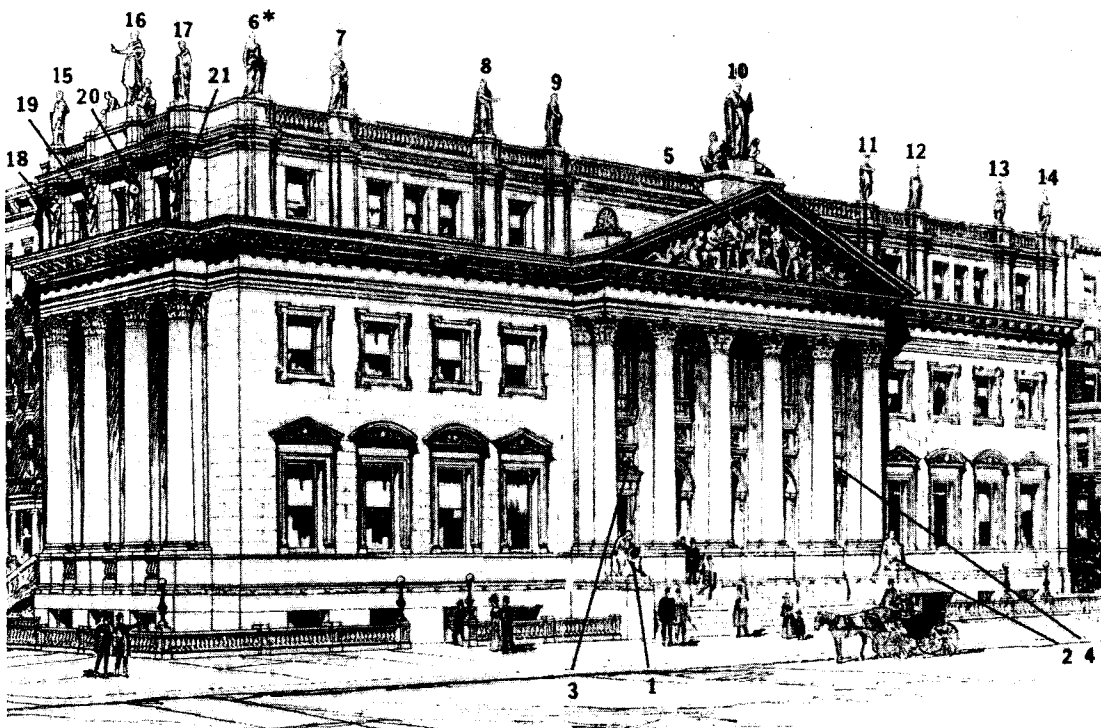


Plate 35. First Floor Plan, Courthouse of The Appellate Division, New York, N.Y. James Brown Lord, Architect, *American Architect and Building News*, May 5, 1900. All descriptions are taken from: *Works of Art Belonging to the City of New York*, prepared and issued by the Art Commission of the City of New York, 1909.

1 *The Transmission of the Law*, Henry Siddons Mowbray, N. A. (1858-1928), the subject is illustrated by eight groups in the following order: Mosaic, Egyptian, Greek, Roman, Byzantine, Norman, Common Law and Modern Law representing distinct periods that have had their influence on our own. The groups are united in each case by an allegorical winged figure to represent their transmission from one age to another.

2 *Justice*, Robert Reid, N. A. (1862-1929). The figure of *Justice* is supported by two male figures, representing the Guardians of the Law (the one on her left with the sword, on her right with the fasces), gives *Peace* and *Prosperity* to the *Arts* and *Sciences*. She holds the symbols of the Law, sword, book and scales. *Peace* to her right, followed by *Education* teaching the youth, the book being lighted by a lamp held by *Religion*. To her left is *Prosperity* followed by a figure of *Drama* (Tragedy holding the mask of Comedy). Next, *Music* with harp. Winged messengers at each end complete the panel.

The panel on the south wall is the same subject continued. From the left, in order, are *Poetry*, *Painting*, *Sculpture*, *Architecture* and a seated figure of *Fame* supporting male figure with banner.

3 *Justice*, Willard Metcalf (1858-1928). In the centre, flanked to her left by attendant boy holding aloft the scales. Next, the seated figure representing *Equity* holding crystal ball. At her feet is *Sorrow* mourning the dead. Next is *Mercy* kneeling in front of the accused, who awaits judgment, guarded by figure with spear.

To the right of *Justice*, first attendant boy holding panel inscribed *Justitia*, flanked by seated figure of *Law* at the feet of whom is *Transgression*. Next a standing figure in armor, representing *Protection*, beneath which is *The Oppressed*, next to whom are two figures representing *Flight from Justice*.

The panel on the South wall represents *The Banishment of Discord*. *Honesty* protecting *Peace*. The kneeling figure represents *Vengeance*, the dogs symbolizing swiftness. The figure with bow and arrow is *Retribution*. *Discord* with torch and knife, symbolizing *Destruction*. Behind her is *Punishment* holding aloft the lash.

4 *Law and Equity*, Charles Yardley Turner, N. A. (1850-1919).

5 *Wisdom*, Henry Oliver Walker, N. A. (1843-1929). Attended by *Learning*, *Experience*, *Humility* and *Love*, and by *Faith*, *Patience*, *Doubt* and *Inspiration*.

The figure of *Wisdom* is intended to personify Biblical or spiritual wisdom. The figure *Love* is

meant to carry out the sentiment of the figure of *Wisdom*.

6 *The Powers of the Law*, Edwin Howland Blashfield, N. A. (1848-1936). *The Law* draws her sword in behalf of *Appeal*. On either side stand magistrates in black gowns and also figures of a Roman magistrate typifying *Roman Law*. An early Anglo-Saxon typifying *Common Law*, a Bishop typifying *Canon Law*. Two female figures flying above are about to place upon the head of *The Law* the crown, as symbol of power. In the lower corners of the picture two children support shields bearing the seal of the Appellate Division.

7 *Justice of the Law*, Edward Emerson Simmons (1852-1931). In the centre, *Justice*, *Peace* to her left, *Plenty* to her right. *Peace* recoiling from *Brute Force*, who is withheld by *Fear*. *Plenty* assisting the needy, with a figure of *Labor* behind, who hails *Justice* as deliverer. In the foreground a child, typifying *Mercy*.

8 The seals of the City and State. George W. Maynard, N. A. (1843-1923)

9 *Reign of Law*, Kenyon Cox, N. A. (1856-1919). The panels to left and right of centre represent the results of the reign of law, namely, *Peace* and *Commerce* to the right and *Plenty Rewarding Industry* to the left. The panel to the extreme right represents *Statute Law*. In the centre is the *State* delivering statutes. She is supported by boys bearing the ballot box and the sword and beyond them are *Liberty* releasing birds from the cage and *Force*, armed and bearing the oak bough, these figures typifying the origin of the modern State. The extreme left hand panel represents *Common Law*. The centre figure is *The Court*, supported by fasces-bearing attendants, delivering judgment and thus determining the common law. To the left and right are *Tradition*, with the endless chain, and *Equity* with the scales.

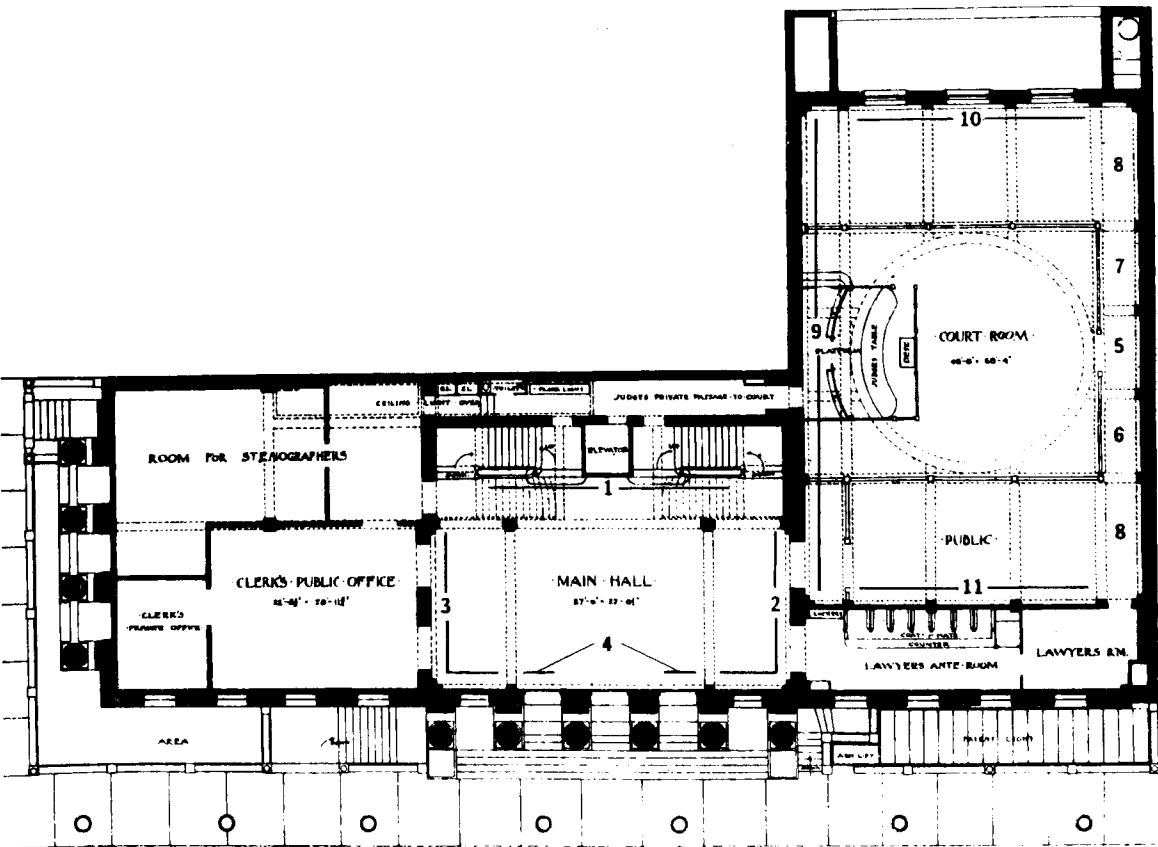
10 *The Judicial and Other Virtues*, Joseph Lauber (1855-1948). *Moderation*; then in regular order to the right, follow *Veneration*, *Perspicuity*, *Eloquence*, *Reticence*, *Research*, *Unity* and *Fortitude*, the last adjoining the work of Mr. George W. Maynard.

11 *Justice, Truth, Philosophy, Courage, Patriotism, Logic, Knowledge and Prudence*.

The four end panels represent the four cardinal virtues; *Moderation* or *Temperance*, holding up the restraining bridle and curb bit as a symbol; *Fortitude*, a determined young manly figure, with extended arm resting upon two volumes, the uppermost being inscribed "*Lex Suprema*," the lower,

"*Lex Civitatis*," signifying readiness to defend the Supreme Laws of the Country as well as the laws of the Locality; likewise that the former are above and superseding the latter. The figure of *Justice* on the south wall is represented by a female figure upholding, instead of the traditional scales, a tablet with the inscription "*Diligite Justitiam Qui Judicatis Terram*," (Pay diligent love to Justice, ye who adjudicate the affairs of this earth.) The figure of *Prudence*, on the other hand, is represented in an attitude of admonition, holding in one hand a compass as a symbol of exactness and measure. *Truth* is represented in the traditional way, holding up the mirror to nature. *Philosophy*, represented by the figure of a virile man of advanced years, a scroll across his knee, contemplating a skull held in one hand, while in the other he holds a sprig of apple blossom, the flower which precedes the fruit, the idea being to represent *Philosophy* as concerned with the entire question of existence. *Logic*, although considered a sub-division of *Philosophy* in general, is of such importance that it was considered worthy of

a place along with *Philosophy*, which was meant to embrace all its sub-divisions as framed by Aristotle. *Courage* and *Patriotism* are represented by boyish figures flanking each side of the central window on the south wall; *Courage*, the young David with stone and sling; *Patriotism*, a boy holding the shield and sword of his protector. *Knowledge*, a female figure bearing the lighted torch and a tablet with the inscription: "*Fax Mentis Incendium gloriae*," (The torch of the mind is the flame of glory.) *Veneration of the Law* is represented by a young Roman bearing the tablet "*Lex*" and firmly grasping a sword in its defence. *Perspicuity*; a female figure upholding and gazing through a transparent sphere. *Eloquence* and *Reticence*, boyish figures on either side of central window on North wall; *Eloquence* in the act of pleading, document in hand; *Reticence* in a firm posture, drawing a veil across his mouth. *Research*, a female studying several Tomes. *Unity*, a youth holding two swords together by the blades, the blades *not* crossed; also supporting a bundle of staves.



Preservation

Today, the Appellate Division Courthouse building is in excellent condition; this is a tribute to the care it has received. Nonetheless, it is worthwhile to examine the building's history in order to determine the degree to which its original character has been maintained, and to take note of the physical changes to the structure which now appear regrettable but were acceptable in the 1950's when the courthouse was first renovated and its addition was constructed.

In the light of present historic preservation policy, reflected in the recently issued (March 25, 1977) Secretary of the Interior's Standards for Rehabilitation, the changes made in the 1950's such as replacing the veneer on the exterior of the building are very instructive. At that time, the original translucent marble quarried in North Adams, Massachusetts, and selected by James Brown Lord, the architect of the courthouse, was replaced by opaque Alabama Madre marble. Routine preservation procedure today mandates that a comprehensive renovation include a chemical analysis of the surface of the building; this was not undertaken in this early restoration effort. Close-up photographs which would document the original surface have not been located during the research on the courthouse. In addition, the original balustrade on the parapet and at the street level was replaced by a solid band of marble in 1954. For reasons which are unknown today, the original iron grillwork in the three segmental arches of the 25th Street portico was removed, but it has been carefully stored and could be easily replaced. The only disruption in the programmatic statement made by the artists who fashioned the sculpture of the courthouse, also occurred in the 1954 renovation—a statue of Mohammed was removed from the corner of the parapet.

In the interior, the public areas—including the courtroom—were left unchanged, (Plates 6 to 13). In the offices of the courthouse the high ceilings were lowered, the fireplaces were removed, and the wooden wainscoting, window and door surrounds were replaced with marble; in addition, ornate plasterwork was either covered or removed. Current preservation practice discourages the replacement of original materials.

These practices introduce a series of questions: What areas of a landmark building merit preservation and restoration? Is it reasonable to select only public and ceremonial areas for preservation and restoration? Is it reasonable to select only visitors and tourists to participate in the unchanged environment? What effect does a preserved building have upon those who use it daily in making policies, typing reports, and making decisions before entering the designated preserved areas?

If, as current practices describe, historic preservation is to be centered upon the retrieval and recycling of the built environment, the areas which undergo historic preservation must expand beyond those delegated to pomp and public waiting rooms, and extend into the working spaces as well.

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The Role of the Arts in Public Buildings

Edwin Howland Blashfield (1848-1936), the muralist responsible for "The Power of the Law" in the Appellate Division Courthouse, wrote in *Mural Painting In America* published in 1913, "the public is as essential to the creation of art as is handle to blade; it drives and enforces the purpose of the art." The energy and fervor which inform this statement could well characterize the period following the Columbian Exposition when art and architecture were joined to create public buildings for a rapidly expanding metropolitan America. As Blashfield saw it "A public decoration is sure to be in part, at any rate, a commemoration; in the public building the community celebrates itself and is preached to; meaning it wants and meaning of the highest." Similar statements which occur repeatedly in documents of the period, reveal a staunch commitment to create public buildings that are related to the life of the community. The inspirational and, at times, didactic purpose of these tracts seem at odds with attitudes today. Nevertheless the issue of collaboration between architects and artists in the public domain and, in particular, in the creation of public buildings is not outdated. On the contrary, the desire to integrate art into the mainstream of American life is reflected in efforts on many levels to formulate public policy on this issue.

The cooperation between architect and artist which existed during the Beaux-Arts period in the United States up through the years of the Federal Art Project of the New Deal was sundered by the ascendancy of the Bauhaus inspired architecture of the modern movement after World War II. It is only recently, through interest on the part of architectural historians, preservationists and the public, that turn of the century art and architecture are being reevaluated and their lessons relearned. The fact that collaborative efforts on the part of architects and artists in the past produced public buildings and public spaces rich in association as well as aesthetic delight suggests the possible benefits to be gained through analogous endeavors today.

When the Appellate Division Courthouse was built, nearly one-third of the construction budget was allocated for the incorporation of works of art. Such munificent patronage on the part of a public client, in this case the Justices of the Appellate Division, points up a strong commitment to the role of the arts in public building which has not been matched in recent times. Yet now a number of governmental agencies, civic organizations and individuals are addressing the broader question of how to encourage and support a more prominent role for the arts in American life. In the present context, the question is not so much whether collaboration should exist but rather how to develop mechanisms for it to take place.

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Detail of Main Portico
Courthouse of the Appellate Division, New York, N. Y.
James Brown Lord, Architect
American Architect and Building News
May 5, 1900

Design: Abigail Moseley