

Early Canadian Court Houses

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In order to make use of the unindexed volume under discussion it is best to turn to the Appendix (you will need a magnifying glass). Mark where one province ends and the next begins, develop a set of symbols so that you may arrange the buildings by date, develop your own index for architects' names and, with the help of county maps, construct your own index of counties and cities. Then it will be possible to begin to develop an account of court houses in Canada.

The title *Early Canadian Court Houses* is something of a misnomer. The abstract and conclusions note that it refers to all extant court houses (as of 1976-77) built before 1914 in the East and before 1930 in northern Ontario and the Western provinces. The earliest extant buildings, however, date back only to the beginning of the nineteenth century. The book consists of an overview and conclusions by Margaret Carter, Head, Architectural History, Canadian Inventory of Historic Building (CIHB), Parks Canada; six chapters arranged by individual provinces, or groups of provinces, progressing from east to west; and an Appendix, arranged by province, that provides a small photograph and brief catalogue entry for each building. Notes to the chapters provide source information, and the bibliography, which is organized by province, contains notes of reference to sources and locations of non-monograph material in each province.

The focus throughout the text is on the

development of legislative and administrative systems which required the construction of court buildings. Geography and the time of settlement had much to do with the system adopted. In Newfoundland, where settlement can be traced back to the eleventh century, the system of law was related to naval governance and temporary settlements. Thus, all courts in Newfoundland were temporary from 1583 until 1809, when permanent courts of judicature were formed. Margaret Carter discusses the variety of judicial and administrative structures in her "overview." Before the union of the two Canadas (affecting Québec and Ontario) in 1841, and the advent of Confederation in 1867 (affecting the rest of the country), the degree of connection between county functions and local administrative functions varied considerably from colony to colony. Where this connection was close, a centralized policy was adopted and public works were the responsibility of a central authority, the colonial and then the provincial government. The effect of centralized government in court house construction can be seen in the similarity of court buildings. For example, four of the eight court houses in Prince Edward Island built by the Department of Public Works between 1874 and 1877 were small clapboard church-like buildings with entry through the gable end, and tall roundheaded window openings.

Characteristically, the presence of the Department of Public Works as architect was concomitant with a period of concentrated building activity. In Newfoundland six of the extant ten court houses shown in the Appendix were built between 1897 and 1905. All are attributed to William Henry Churchill, Provincial Superintendent of Public Building, and indeed all except the 1905 building at Burin are *retardataire* Second Empire with mansard roof and projecting tower, translated into clapboard over a

wood frame. In Québec, Frederick Preston Rubidge (Chief Architect, United Canada, Department of Public Works) was responsible for six Palais de Justice, all erected in the four years from 1859 to 1863. These were all simple neo-Baroque stone buildings. The central tripartite pavilion, pedimented and quoined, projects slightly from flanking tripartite wings, which in turn project slightly beyond a further pair of tripartite wings when required by the building program. In Saskatchewan one finds a similar time cluster of court house construction. Some ten out of seventeen buildings, well over half of the court houses of Saskatchewan, were erected between 1919 and 1929 by Maurice W. Sharon, Provincial Architect. Judging from the poor quality of the reproductions in the book, they are a rather bland variation on the Georgian classical tradition, being symmetrical with pitched roofs and elaborated central portals, and having some emphasis placed on the corners of the building.

The reason for the concentration of court house building in Newfoundland is not accounted for in the text. It is clear, however, that the central period of development of court buildings in Québec is related to the Judicature Act of 1857, which sought to rectify the inadequate distribution of judicial institutions. From 1857 to 1866 the number of district court houses increased from seven to twelve and county court houses from two to more than twenty-five.

Court building in Saskatchewan was related to expansion of a county and the legacy of centralized administration as part of the Old Northwest Territories. Saskatchewan became a province in 1905. Court houses were designed by Montréal architects, until political patronage changed this situation. A Building Branch was established, then the office of Provincial Architect was created, and Maurice Sharon

was the first to occupy this position.

Decentralized administration, found where a strong county system existed, encouraged much greater individual identity of court houses. In addition, one can state that the quality of building design was considerably higher in places with effective local administration. County systems were strongest in those areas of the country initially settled by United Empire Loyalists (Nova Scotia, New Brunswick, and Ontario). This influence of the southern colonies can clearly be seen in the Canadian court buildings. For example, the Annapolis County Court House (Annapolis Royal, Nova Scotia, 1837), designed by the Grand Jury and contractor Francis LeCain, bears a close resemblance to the Charleston County Court House in Charleston, South Carolina, 1789-92, which had also been designed by a jurist, Judge William Drayton. Both buildings seek monumentality through neoclassical semi-detached porticos raised on a well-defined base with a central tripartite arcaded opening through which one enters the building. Articulation of the Charleston building is much more sophisticated and its influences have been traced to the White House in Washington, which in turn was probably inspired by a plate in James Gibbs' *Book of Architecture*.¹ A similar approach is seen in the Saint John County Court House (Saint John, New Brunswick, 1826-29; John Cunningham, architect), and in John Ewart's wing of Osgoode Hall (Toronto, 1829-32).

A variety of architectural solutions to court house building continued in those provinces with a decentralized court administration. There are particularly distinguished Palladian buildings of the mid-nineteenth century in the Maritimes and Ontario in addition to those just mentioned. In the Maritimes: the sandstone former Halifax County Court House, now the Pro-

vincial Library (1858-60; William Thomas & Sons), and Isaac Smith's cut stone Province House (Charlottetown, 1843-48). In Ontario all stone or stone and brick: the Leeds and Grenville County Court House (Brockville, 1841-45; Benjamin Challey); the Brant County Court House (Brantford, 1852-53; John Turner); and Victoria Hall (Coburg, 1856-60; Kivas Tully).

The fine Montréal neo-Palladian grey limestone Court House (1851-57; John Ostell and his nephew Maurice Perrault) should also be mentioned, although it has since suffered additions. The Frontenac County Court House (Kingston, Ontario, 1855-58; Edward Horsey) has many of the fine neoclassical elements of the Bonsecours Market in Montréal built a decade earlier by William Footner, who also built the Sherbrooke Court House (Sherbrooke, Québec, 1839-41) using the same central doric temple porch flanked by wings and pavilions.

Neo-Gothic was eschewed for court house building, and for secular buildings in general, in the United States. It was, however, seen as a fitting symbol for temples of justice in Ontario, where three castellated court houses, erected in the first half of the nineteenth century, still stand. These are: the Middlesex County Court House (London, 1827-31; John Ewart); the Wellington District Court House (Guelph, 1841-43; Thomas Young); and the Halton County Court House (Milton, 1854-55; Clark and Murray).

The architectural expression of court houses at the end of the nineteenth century was profoundly affected by Henry Hobson Richardson's masterful Allegheny Court House and Jail (Pittsburgh, 1884-88). The old Toronto City Hall and York County Court House (1889-1900; James Edward Lennox) is one of the finest Richardsonian buildings in North America. The other ma-

jor Richardsonian court house in Canada was built in St. John's, Newfoundland (1901-04) and was designed by William H. Greene. A Richardsonian variant was established in British Columbia by Francis Mawson Rattenbury in his Provincial Court House, Nanaimo, 1895-96. This building, with two towers symmetrically flanking a church-like gable with gallery and Romanesque entry arch, was followed by J.J. Honeyman's Rossland Court House (1898-1901). Within ten years (1900-10) a stretched variant of this form was built at the other extreme of the country at Digby, Nova Scotia by Leslie R. Fairn. In 1912-13 Fairn repeated almost the same court house at Newcastle, Northumberland County, New Brunswick.

In British Columbia the supervising architects of the provincial Department of Public Works were responsible for some quite dreary buildings from time to time: two at the outset of World War I and two from the late 1920's are catalogued in the Appendix. However, some of the most interesting court house buildings are in British Columbia, which also had a strong decentralized county system. One of the most noteworthy architects was H.O. Tiedman, an employee of the colonial Department of Land and Works. His Supreme Court at Victoria, built in 1860, has a distinctly Oriental character due to the roof shape and its relationship to half-timbered construction. Unfortunately, it was demolished in 1957. Tiedman was also the architect of the old Victoria Supreme Court House of 1887-88, which is an energetic, banded, distant variant of the Richardsonian tradition. A distinguished British Columbia architect was Francis Mawson Rattenbury, who built the aforementioned Nanaimo Court House, the more eccentric and eclectic "Queen Anne" Nelson Court House (1907-09) and the neo-classical Provincial Court House (Vancou-

ver, 1907-11). J.J. Honeyman also was responsible for buildings of merit, although he seems to have followed Rattenbury's stylistic changes in his Rossland Court House mentioned above, and, with G.D. Curtis, the Kamloops Court House of 1908-09.

This brief account of the architects and buildings extracted by this reviewer from *Early Canadian Court Houses* gives some sense of the great interest of this building type which permits an understanding of our political and legislative history and provides insight into our view of ourselves and of our aspirations. Any student of the subject is much better served by referring to the individual volumes of the *Manuscript Report Series* of the CIHB, published by Parks Canada in 1977-78. These reports on the early court houses of different provinces were printed in a limited number of copies and intended for internal use by Environment Canada. The *aviso* notes that copies of each issue are distributed to various public repositories in Canada. Curiously, these reports are not included in the bibliography of the 1983 publication.

The *Manuscript Report Series* was developed from research carried out in 1976-77, as follows: *The Early Court Houses of Newfoundland* by R.R. Rostecki; ... *of Nova Scotia* by C.A. Hale; ... *of Prince Edward Island* by C.J. Taylor; ... *of New Brunswick* by C.A. Hale; ... *of Québec* by André Giroux; ... *of Ontario* by Kelly Crossman; ... *of Manitoba* and ... *of Saskatchewan* by R.R. Rostecki; ... *of Alberta* and ... *of British Columbia* by Edward Mills; and ... *of the Yukon* by Margaret Carter and Margaret Archibald. These researchers were also involved in the chapters of the book under review, but responsibilities shifted as the Atlantic provinces, and the Northwest Territories and Prairie provinces, were grouped together. The regional groupings are very difficult to follow be-

cause chronological and geographical orders are intermixed. In addition to being more complete and more clearly organized by province and territory, the *Manuscript Report Series* also provides information on buildings which are no longer extant, and is much richer in iconographical sources, for additional photographs are included as well as design drawings, maps and other documents. The 1983 publication is not a synthetic analysis of the *Manuscript Reports*, but rather an abridgment of their texts. A reductionist approach results in loss of clarifying detail and narrative substance.

Access to buildings in the *Manuscript Report Series* and in the volume under review is difficult and uncoordinated. Court houses are arranged by geo-code according to county name in the *Manuscript Reports*, and alphabetically by city within each province in the recent publication.

There are many other problems with the 1983 volume beyond the confusing text and the lack of indices and of consistency in giving data. Lack of care in editing has also produced disturbing errors. The building shown with the caption "First Court House in Montréal, 1800-1813" (fig. 1, p. 79) is actually a lithograph depicting the court house designed by John Ostell and H.M. Perrault, 1851-57, shortly after it was completed. A recent photograph (fig. 3, p. 81) shows the same building today with the additions of another storey-and-a-half. This error is unsettling visually, for it leaves Québec without a judicial history before the middle of the nineteenth century, and thus out of balance with the rest of the country as represented in the 1983 publication. This imbalance is further aggravated in the text, which makes no reference to the very interesting seigneurial system of the French colonial regime. The chapter on Québec begins baldly: "The first court houses of Québec were not built until the beginning of the

nineteenth century, after the Judicature Act of 1793 was passed."

Other errors occur throughout. For example, in the Appendix the photograph of the Kamloops Court House, British Columbia, is used again to represent the New Westminster Court House. The court house in Moose Jaw, Saskatchewan, is recorded as the work of Darling and Pearson in 1908-09 on page 153 in the text, whereas on page 226 in the Appendix it is dated 1928 and credited to Maurice W. Sharon. The architect of the court house at Iberville, Québec, now the École Notre-Dame de Lourdes, is Frederick Lawford, not "Lawson," and it is very annoying not to have the architect's name given in full in the Appendix. Architects' birth and death dates are never given, but this is undoubtedly due to the state of the art in 1976-77. Was this still a problem when the 1983 book was submitted for publication in 1980?

Photographs present another problem. They do not provide information on the articulation of volume and materials and they rarely show how the buildings relate to site or the larger urban context. In addition they are poorly reproduced. All this reduces the ability visually to read and to analyze the buildings. Certainly the photographs elicit neither curiosity nor interest in court houses in Canada, nor a desire for their preservation. These purposes were elegantly achieved in a fine book by Stephen Britton Osler, *Court Houses in Ontario*,² based on data gathered by the CIHB. The great skill and care taken in the execution and reproduction of Osler's drawings and watercolours lead one to sense the care and respect of the builders and users of each court house as fact and symbol of their society. All the renderings were made by Osler in 1977. They give general information on volume and site and detailed infor-

mation on materials and their use. The page opposite each image contains a brief citation from the Research Division of the CIHB. Both interior and exterior views reproduced in the recently-published *Cornerstones of Order: Court Houses and Town Halls of Ontario, 1794-1914*³ further whet one's appetite to visit these buildings and to ensure their preservation.

For whom is the 1983 publication intended? Because of the poor quality of image, the thin and muddled information, and the textbook-looking presentation, it will not develop sympathy for the subject in the general public. It is certainly not for the scholar. It is difficult to imagine that this volume would have been a successful candidate for a Canada Council or SSHRCC grant. As a companion to the *Manuscript Report Series* it could and should have been of use as a basic research tool. The *Manuscript Reports* require a finding aid with the appropriate indices to architect, builder, date, client, city and county. A rigorous, consistent catalogue entry system needs to be established. For proper visual reading of the buildings, the small illustrations should be ordered by date within each province. Architectural nomenclature must be established and controlled. These requirements are basic to much-needed reference tools that the CIHB should have produced and must do in the future. To be of use, access to records of buildings and their history should be consonant with international standards and coordinated with record-keeping of public archives and other Canadian institutions contributing to the establishment of nationally and internationally shared standards.

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Notes

¹ Henry-Russell HITCHCOCK and William SEALE, "Notes on the Architecture," *Court House, a Photographic Document*, ed. Richard Pare (New York: 1978).

² *Court Houses in Ontario*, Drawings and water-colours by Stephen Britton OSLER, Preface by Joan MURRAY, Foreword by Kenneth JARVIS, Q.C. (Toronto: The Carswell Company, 1979).

³ Marion MACRAE and Anthony ADAMSON, *Cornerstones of Order: Court Houses and Town Halls of Ontario, 1794-1914* (Toronto: Clarke Irwin, 1983).

David Milne and the Modern Tradition of Painting

John O'BRIAN

Coach House Press, Toronto, 1983

144 pp. 62 illus., \$12.00

John O'Brian's book is the first in-depth study of the formal and theoretical sources for David Milne's work. Although the text is not long and the illustrations, called "reference photographs" by the publisher, are never larger than two by three inches, the book is rich in ideas, and constitutes a superior piece of scholarship that will have continued importance. It was edited by Dennis Reid and is part of the recent extension of the activities of Coach House Press into serious studies of Canadian art and architectural history. For O'Brian this culminates an involvement with Milne's work that began when he was an M.A. student in Toronto and continued with an exhibition and the catalogue *David Milne: The New York Years, 1903-1916* for the Edmonton Art Gallery in 1981. The text of the Edmonton catalogue evolved slightly to become part of the Coach House book.

Since O'Brian is a writer as well as a Ph.D. candidate in art history at Harvard University, it is not surprising that his own style is assured, disciplined and precise. It also seems natural that when he chooses to quote from Milne's critics, positive and negative, he finds comments that are sharp enough to illuminate a whole period of opinion; there is a 1912 *New York Times* review cited on p. 21, for instance, which calls Milne's paintings "violently alive" enough to "send the pictures around them back into a shadowy and invalid region." Elsewhere in the book O'Brian quotes one of the most beautiful pieces ever written about a Canadian artist, D.G. Jones' "A Garland of Milne": "No one in France / could make such galaxies / of glass and water / intricate