

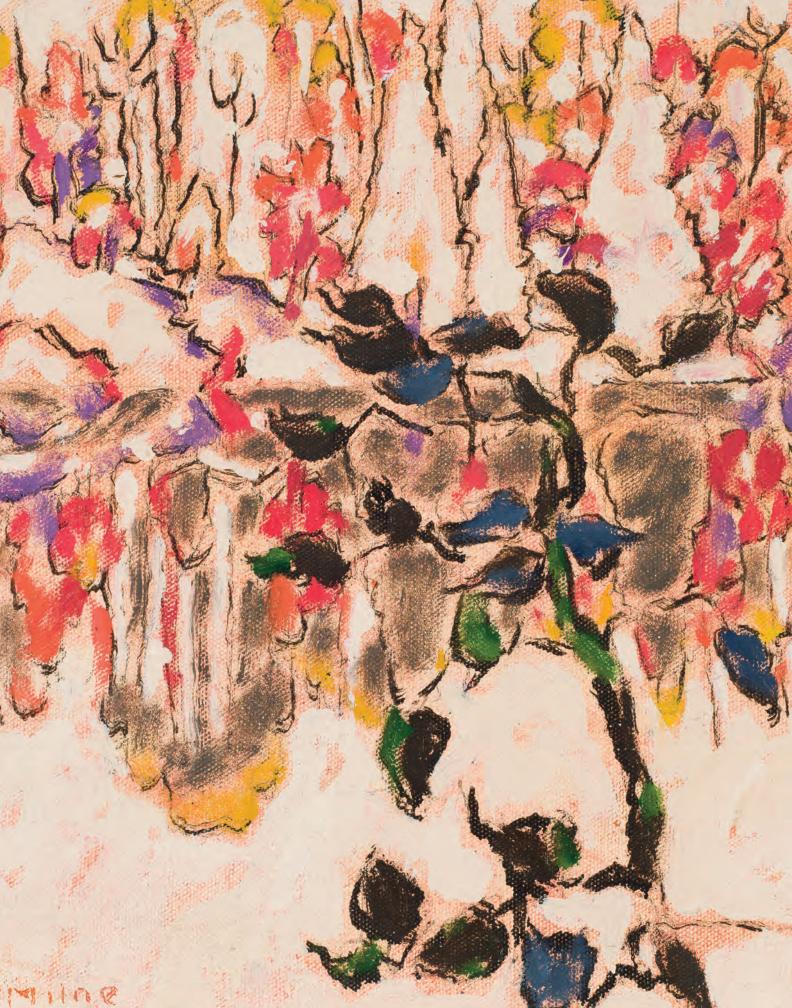
FINE ART AUCTION HOUSE



## CANADIAN, IMPRESSIONIST & MODERN ART

**SALE** WEDNESDAY, DECEMBER 1, 2021 · 4 PM PT | 7 PM ET









## CANADIAN, IMPRESSIONIST & MODERN ART

### AUCTION

Wednesday, December 1, 2021 Heffel's Digital Saleroom

Video Presentation 1:30 PM PT | 4:30 PM ET

Post-War & Contemporary Art 2 PM PT | 5 PM ET

Canadian, Impressionist & Modern Art 4 PM PT | 7 PM ET

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By appointment

Heffel Gallery, Vancouver 2247 Granville Street Saturday, October 16 through Wednesday, October 27, 11 am to 6 pm PT

Galerie Heffel, Montreal 1840 rue Sherbrooke Ouest Thursday, November 4 through Thursday, November 11, 11 am to 6 pm ET

Heffel Gallery, Toronto

13 Hazelton Avenue Together with our Yorkville exhibition galleries Thursday, November 18 through Tuesday, November 30, 11 am to 6 pm ET

#### Heffel Gallery Limited Additionally herein referred to as "Heffel" or "Auction House"

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Heffel Gallery Limited regularly publishes a variety of materials beneficial to the art collector. An Annual Subscription entitles you to receive our Auction Catalogues and Auction Result Sheets. Our *Annual Subscription Form* can be found on page 109 of this catalogue.

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## NOTICE FOR COLLECTORS



#### **Auction Notice**

The Buyer and the Consignor are hereby advised to read fully the *Terms and Conditions of Business* and *Catalogue Terms*, which set out and establish the rights and obligations of the Auction House, the Buyer and the Consignor, and the terms by which the Auction House shall conduct the sale and handle other related matters. This information appears on pages 100 through 108 of this publication.

Please visit www.heffel.com for information on which Lots will be present at each preview location, virtual auction previews and to book your in-person preview appointment. Preview appointments can also be booked by calling 1-888-818-6505.

#### Absentee, Telephone and Digital Saleroom Bidding

Heffel recommends submitting an *Absentee Bid Form* to participate. Heffel also accepts telephone bidding, prioritized by the first received *Telephone Bid Form* and limited to available Telephone Bid Operators per Lot. Alternatively, Heffel offers online bidding in real time through our Digital Saleroom, subject to advanced registration and approval. All forms of bidding participation and registration must be received by Heffel at least twenty-four (24) hours prior to the commencement of the sale. Information on absentee, telephone and online bidding appears on pages 5, 110, 111 and 112 of this publication.

#### Live Stream

Please note that we produce a live stream of our sale beginning with a video presentation at 4:30 PM ET and the auction commencing at 5 PM ET. We recommend that you test your video streaming 30 minutes prior to our sale at:

#### www.heffel.com

All Lots and additional images depicting the frame and verso are available at www.heffel.com.

#### **Estimates and Currency**

Our Estimates are in Canadian funds. Exchange values are subject to change and are provided for guidance only. Buying 1.00 Canadian dollar will cost approximately 0.77 US dollar, 0.66 euro, 0.55 British pound, 0.71 Swiss franc, 85 Japanese yen or 5.1 Chinese yuan as of our publication date.

## AUCTION DETAILS

#### **Selling at Auction**

Heffel offers individuals, collectors, corporations and public entities a full-service firm for the successful de-acquisition of their artworks. Interested parties should contact us to arrange for a private and confidential appointment to discuss their preferred method of disposition and to analyse preliminary auction estimates, pre-sale reserves and consignment procedures. This service is offered free of charge.

If you are from out of town or are unable to visit us at our premises, we would be pleased to assess the saleability of your artworks by mail, courier or e-mail. Please provide us with photographic or digital reproductions of the artworks front and verso and information pertaining to title, artist, medium, size, date, provenance, etc. Representatives of our firm travel regularly to major Canadian cities to meet with Prospective Sellers.

It is recommended that property for inclusion in our sale arrive at Heffel at least 90 days prior to our auction. This allows time to photograph, research, catalogue and promote works and complete any required work such as re-framing, cleaning or conservation. All property is stored free of charge until the auction; however, insurance is the Consignor's expense.

Consignors will receive, for completion, a *Consignment Agreement* and *Consignment Receipt*, which set forth the terms and fees for our services. The *Seller's Commission* is the amount paid by the Consignor to the Auction House on the sale of a Lot, which is calculated on the Hammer Price, at the rates specified in writing by the Consignor and the Auction House on the *Consignment Agreement*, plus applicable Sales Tax. Consignors are entitled to set a mutually agreed *Reserve* or minimum selling price on their artworks.

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All items that are offered and sold by Heffel are subject to our published *Terms and Conditions of Business*, our *Catalogue Terms* and any oral announcements made during the course of our sale. Heffel charges a *Buyer's Premium* calculated on the Hammer Price as follows: a rate of twenty-five percent (25%) of the Hammer Price of the Lot up to and including \$25,000; plus twenty percent (20%) on the part of the Hammer Price over \$25,000 and up to and including \$5,000,000; plus fifteen percent (15%) on the part of the Hammer Price over \$5,000,000, plus applicable Sales Tax.

You can bid by completing the *Absentee Bid Form* found on page 110 of this catalogue. Please note that all *Absentee Bid Forms* should be received by Heffel at least 24 hours prior to the commencement of the sale. Bidding by telephone, although limited, is available. Please make arrangements for this service well in advance of the sale. Telephone lines are assigned in order of the sequence in which requests are received. We also recommend that you leave an *Absentee Bid* amount that we will execute on your behalf in the event we are unable to reach you by telephone. Digital Saleroom online bidding is available subject to pre-registration approval by the Auction House at least 24 hours in advance of the auction.

Payment must be made by: a) Bank Wire direct to the Auction House's account, b) Certified Cheque or Bank Draft, c) a Personal or Corporate Cheque, d) Debit Card and Credit Card only by Visa, Mastercard or Union Pay or e) Interac e-Transfer. Bank Wire payments should be made to the Royal Bank of Canada as per the account transit details provided on your invoice. All Certified Cheques, Bank Drafts and Personal or Corporate Cheques must be verified and cleared by the Auction House's bank prior to all purchases being released. Credit Card payments are subject to our acceptance and approval and to a maximum of \$5,000 if the Buyer is providing their Credit Card details by fax or to a maximum of \$25,000 per Lot purchased if paying online or if the Credit Card is presented in person with valid identification. The Buyer is limited to two e-Transfers per Lot and up to a maximum of \$10,000 per e-Transfer as per the instructions provided on your invoice. In all circumstances, the Auction House prefers payment by Bank Wire.

#### **General Bidding Increments**

Bidding typically begins below the low estimate and generally advances in the following bid increments:

8	0
\$50-\$300	\$25 increments
\$300-500	\$50
\$500-2,000	\$100
\$2,000-5,000	\$250
\$5,000-10,000	\$500
\$10,000-20,000	\$1,000
\$20,000-50,000	\$2,500
\$50,000-100,000	\$5,000
\$100,000-300,000	\$10,000
\$300,000-1,000,000	\$25,000
\$1,000,000-2,000,000	\$50,000
\$2,000,000-3,000,000	\$100,000
\$3,000,000-5,000,000	\$250,000
\$5,000,000-10,000,000	\$500,000
\$10,000,000+	\$1,000,000

#### Framing, Conservation and Shipping

As a Consignor, it may be advantageous for you to have your artwork re-framed and/or cleaned and conserved to enhance its saleability. As a Buyer, your recently acquired artwork may demand a frame complementary to your collection. As a full-service organization, we offer guidance and in-house expertise to facilitate these needs. Buyers who acquire items that require local delivery or out-of-town shipping should refer to our *Shipping Authorization Form for Property* on page 113 and our *Terms and Conditions for Shipping* on page 114 of this publication. Please feel free to contact us to assist you in all of your requirements or to answer any of your related questions. Full completion of our shipping form is required prior to purchases being released by Heffel.

#### Written Valuations and Appraisals

Written valuations and appraisals for probate, insurance, family division and other purposes can be carried out in our offices or at your premises. Appraisal fees vary according to circumstances. If, within five years of the appraisal, valued or appraised artwork is consigned and sold through Heffel, the client will be refunded the appraisal fee, less incurred "out of pocket" expenses.

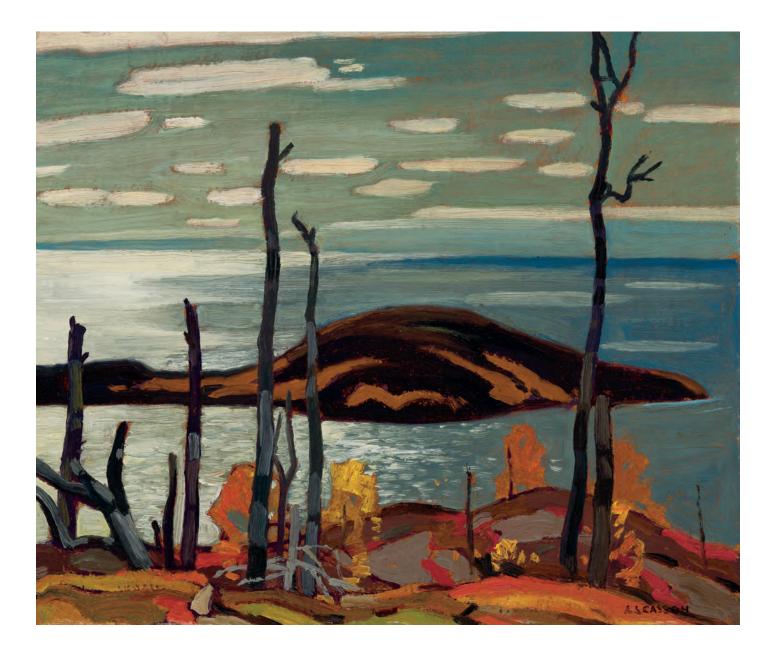


SALE WEDNESDAY, DECEMBER 1, 2021 · 4 PM PT | 7 PM ET

# CANADIAN, IMPRESSIONIST & MODERN ART CATALOGUE

FEATURING WORKS FROM

The Family of Lawren S. Harris The Estate of Ken Stephenson The Collection of Mr. and Mrs. William Barrie Waite The Collection of Mr. and Mrs. William P. Wilder An Important Private Collection, California & other Important Private and Corporate Collections



CGP CSPWC G7 OC POSA PRCA 1898 - 1992

#### Pic Island, Lake Superior

oil on board, signed and on verso titled, dated October 1928 and inscribed *Coldwell* 9 <sup>3</sup>/<sub>8</sub> × 11 <sup>1</sup>/<sub>8</sub> in, 23.8 × 28.3 cm

#### PROVENANCE

Acquired directly from the Artist by a Private Collection, Toronto By descent in the family to the present

Private Collection, Toronto

#### LITERATURE

- A.Y. Jackson, A Painter's Country: The Autobiography of A.Y. Jackson, 1958, page 46
- A.J. Casson, *My Favourite Watercolours*, 1919 to 1957, 1982, foreword by Paul Duval, pages 46 and 50

The north shore of Lake Superior was a revelation to me and my sketches of the area were a major departure from anything I had done before.

-A.J. CASSON

THE SKETCHING TRIP A.J. Casson took to the north shore of Lake Superior in late October 1928 was one of foundational importance for him. Only two years prior, Casson had been formally inducted as a full member of the renowned yet still controversial Group of Seven, and this trip was one of his first with other members. An important element of context is that at this time, though Casson was already in full command of his mature voice, he was still a young artist of 30, more than a decade younger than Lawren Harris and A.Y. Jackson, and already an artist of note. He was slightly nearer in age to Franklin Carmichael, Casson's close friend and mentor, for whom Casson apprenticed at the commercial art firm Rous & Mann Ltd.

Casson recalled the trip to their chosen campsite near Port Coldwell, then no more than a tiny fishing village, as difficult. It even required some light bribery of rail workers by Harris to secure the slowing of their train so the artists could jump off at the correct location, their luggage and supplies being thrown out after them. A railway handcart then met them to take the artists the rest of their way before the final hike to their campsite. The weather was brutal, snowing nightly, and although some of Casson's best watercolours were produced in relation to this trip, such as *Lake in the Hills, Lake Superior*, sold by Heffel in May of 2019, these were strictly studio ventures, as the often cold, wet and blustery weather precluded the use of any medium other than oil on board. These conditions, however, did not keep Casson and his companions from producing some of the most important compositions of the era. "It was the first time I had ever seen such rugged and majestic scenery," Casson wrote, "and I was overwhelmed by it."

Jackson famously noted in his 1958 autobiography A Painter's Country with regards to Lake Superior's northern shore, "I know of no more impressive scenery in Canada for the landscape painter. There is a sublime order to it ...," and this small oil sketch by Casson proves the truth of that statement. Executed in the artist's early board size of 9 1/4 by 11 1/2 inches and produced en plein air, Pic Island, Lake Superior feels like evidence of inspiration at work. His expression of sunlight dazzles as it strikes the lake's steely waters, breaking into dappled play on the near side of the island. The bare, elemental forms of the tree trunks in the foreground, stripped down to their essence by a forest fire that had moved through the area, are expressed tersely yet elegantly, while subtle autumnal flourishes note the return of some of the local vegetation. This richly coloured foreground is masterfully balanced by the use of a single band of ultramarine in the far distance on the right, implying the lake's famous size and depth. This sketch is an exceptional example that could easily be ranked among the artist's best.

ESTIMATE: \$40,000 - 60,000



#### 102 Alexander Young (A.Y.) Jackson

ALC CGP G7 OSA RCA RSA 1882 - 1974

#### A Quebec Village

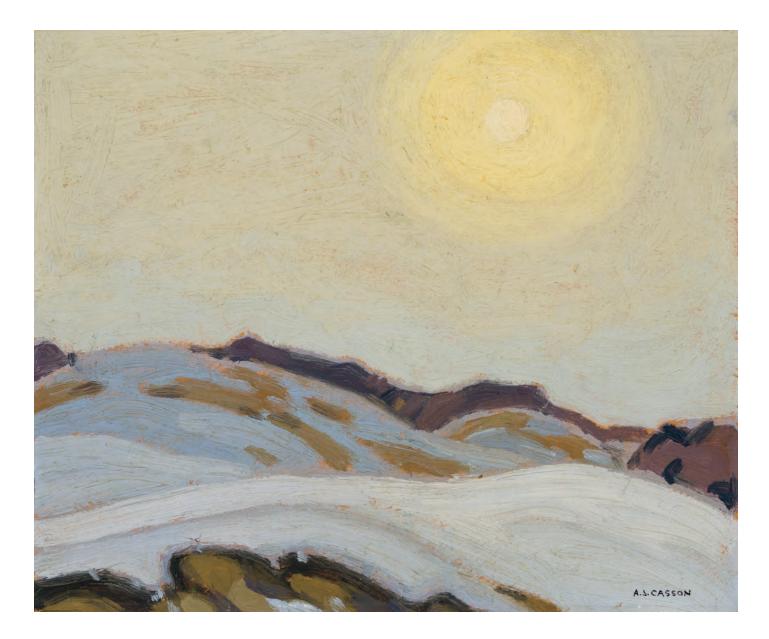
oil on panel, signed and on verso signed, titled and inscribed *Studio Bldg. Severn St., Toronto* and *44942*, circa 1923  $8\frac{1}{4} \times 10\frac{1}{2}$  in, 21 × 26.7 cm

#### PROVENANCE

Private Collection, Vancouver

IN A.Y. JACKSON'S peripatetic pattern in the 1920s, the late winter to early spring was the season reserved for sketching trips to the north and south shores of the St. Lawrence River. Small villages dotted these shores—picturesque gems on the "artist trail," as it was dubbed, since many painters visited to sketch there. In 1923, Jackson was documented as sketching at Baie-Saint-Paul, on the North Shore, with fellow artist Edwin Holgate. Jackson's title of *A Quebec Village* indicates that this work is an archetype. The compositional elements of the slushy road leading to the village with snake fences either side, the horse and sleigh, and the colourful houses spread over the hillside are typical of Jackson's paintings of these rural settlements. The brushwork is particularly fluid and strong in the snow and road, where Jackson applied his paint with long strokes of his loaded brush. It is a brilliant sunny day, and Jackson's use of colour is particularly bright in the houses, the blue shadows in the snow, the purple hills and the deep blue sky. *A Quebec Village* is a superb Group of Seven period sketch, executed on the spot and sparkling with fresh, effervescent atmosphere.

estimate: \$60,000 - 80,000



CGP CSPWC G7 OC POSA PRCA 1898 - 1992

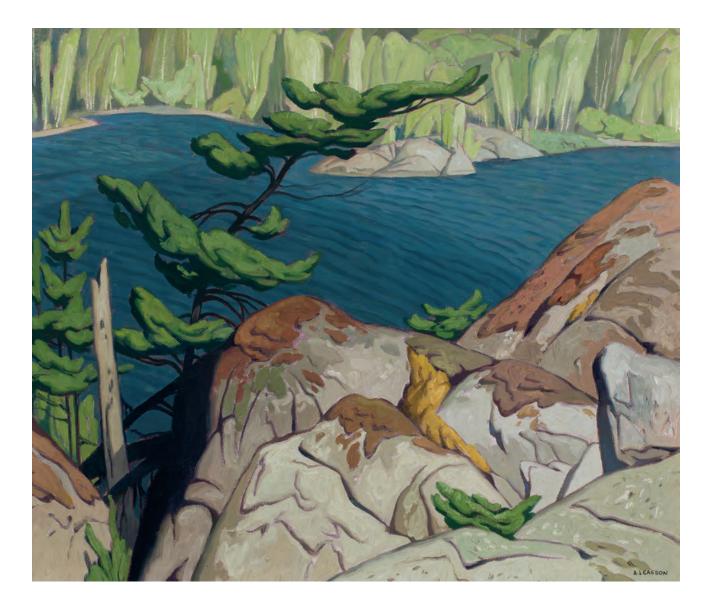
#### Winter Sun

oil on board, signed and on verso signed, titled, dated 1927 on the artist's label and inscribed with the Roberts Gallery inventory #8679-B and For—The Fun New c/o Cover Dept.  $9\frac{14}{1} \times 11\frac{3}{10}$  in, 23.5 × 28.9 cm

#### PROVENANCE

Roberts Gallery, Toronto Private Collection, Toronto

IN 1926, THE year before this work was painted, A.J. Casson was asked to join the Group of Seven. He was already familiar with Group artists, having met them at the Arts and Letters Club in Toronto. Casson was so in tune with their approach to landscape that after a meeting at Lawren Harris's home, Franklin Carmichael simply informed Casson that they had made him a member. His membership was announced before he exhibited with the Group in their 1926 show at the Art Gallery of Toronto. This unique sketch from 1927 shows that affinity—in Casson's brushwork and in his minimalist approach to his subject, reminiscent of Harris's work. The snow-covered hills are dominated by the sun, with its large and layered halo. Halos are caused by the refraction of light through ice crystals suspended high in the atmosphere. The sky is extraordinary in this painting: a layer of subtle yellow accented by pink extends out from the halo, which transitions to a pale bluish tone above the land. Casson takes a modernist approach to the brushwork in the sky, which appears scumbled and scratched. *Winter Sun* encapsulates the wonder of natural phenomena, expressed with modern techniques.



CGP CSPWC G7 OC POSA PRCA 1898 - 1992

#### Inlet—Cloche Channel

oil on canvas, signed and on verso signed, titled on the artist's label and inscribed with the Roberts Gallery stock #4652 on the gallery label, circa 1955  $22 \times 26$  in, 55.9  $\times$  66 cm

PROVENANCE

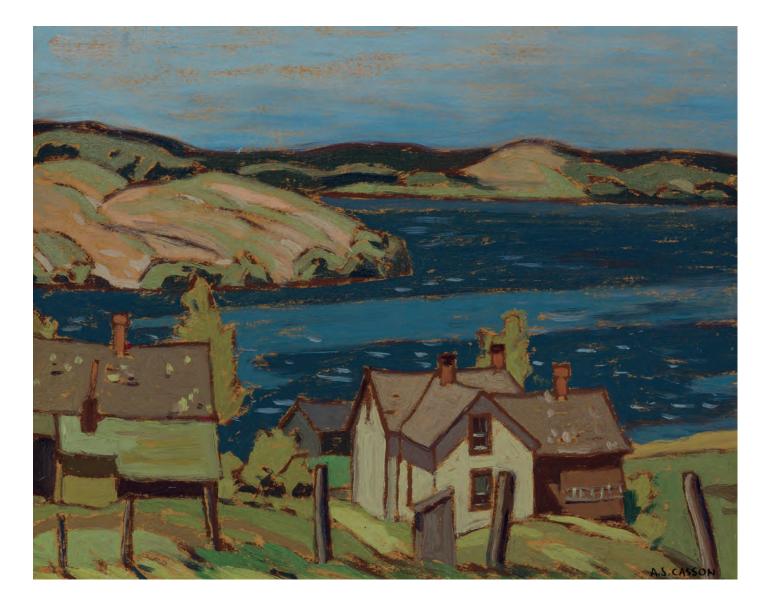
Roberts Gallery, Toronto Private Collection, Vancouver

#### LITERATURE

A.J. Casson, *My Favourite Watercolours*, 1919 to 1957, 1982, foreword by Paul Duval, page 122

FROM 1947 TO 1950, La Cloche was one of A.J. Casson's principal painting places. In 1947, he stayed for two weeks in a lodge on La Cloche Channel. He commented, "I found the Cloche Hills an excellent place to sketch ... I was attracted by the Jackpines and the white rocks covered in lichen." This view from the hills down into La Cloche Channel is a stunning perspective, very reminiscent of Group of Seven period compositions of lakes viewed from high perches on hillsides. This fine painting would have been produced from a sketch done on the spot, with Casson selecting which aspects of the landscape to emphasize. Casson contrasts the deep blue of the channel and the rich green of the iconic windswept pine with the striking pale quartzite rock formations. Their jagged forms stand solid and immovable against the softly rippling water below. Known for his fine eye for composition, Casson leads the viewer's eye upward and downward simultaneously: upward from the golden lichen on the rocks in the foreground to the pine, which bends forward, joining to the far shore, then downward to the water. Inlet-Cloche Channel is an extraordinary work, replete with the scintillating atmosphere of this Ontario wilderness scene.

estimate: \$60,000 - 80,000



CGP CSPWC G7 OC POSA PRCA 1898 - 1992

#### Muskoka Bay

oil on board, signed and on verso signed, titled, dated 1930 and inscribed with the Roberts Gallery inventory #4630 on the gallery label  $9 \times 11$  in, 22.9  $\times$  27.9 cm

#### PROVENANCE

Roberts Gallery, Toronto Zwicker's Gallery, Halifax Private Collection, Ontario

IN 1958, A.J. CASSON retired from the graphic art firm Sampson-Matthews Ltd., and with the burgeoning Canadian art market showing signs of strength, he needed an art dealer to represent his work. That dealer would be Roberts Gallery's Jack Wildridge, and their relationship would continue for the rest of the artists's career. Casson's first solo exhibition, in 1959, was composed primarily of new and recent work, and subsequent exhibitions would reach into his back catalogue with oil sketches such as this one. Produced during his time with the Group of Seven, many such works remained in the artist's studio for decades, as few Canadians in the 1930s had the means of, or even interest in, purchasing works by local artists. A highly sought after example today, *Muskoka Bay* contains the essence of the young Casson's lively vigour; it also shows his dexterous use of green and his thoughtful engagement with rural architecture. The Muskoka region was a favourite of Casson's during this era, as it offered painterly vistas while still being accessible by car for the young family man's weekend sketching trips.

#### **PROPERTY OF THE COLLECTION OF MR. AND MRS. WILLIAM BARRIE WAITE**



#### 106 Alexander Young (A.Y.) Jackson

ALC CGP G7 OSA RCA RSA 1882 - 1974

#### Near Port Coldwell, Lake Superior

oil on panel, signed and on verso signed, titled, dated 1923, inscribed \$35.00 / 38 / 332 illust / ST#F194 / ST#B382 / 1072 and certified by the Naomi Jackson Groves Inventory #8052 8  $\frac{1}{2} \times 10 \frac{1}{2}$  in, 21.6 × 26.7 cm

#### PROVENANCE

#### Estate of A.Y. Jackson

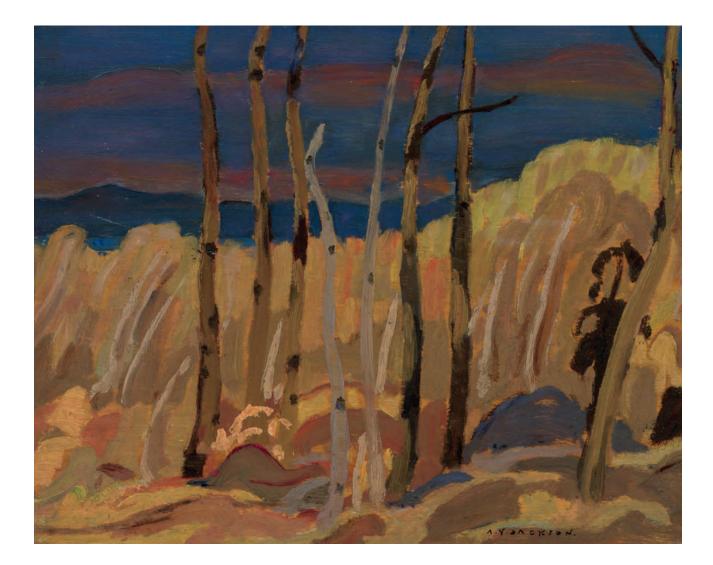
Sold sale of Important Canadian Paintings, Drawings, Watercolours, Books and Prints: Works from the Estate of A.Y. Jackson, Sotheby's & Co. (Canada) Ltd., October 21, 1974, lot 38 Collection of Mr. and Mrs. William Barrie Waite, Vancouver

THIS WORK AND the following three lots are property from the collection of Mr. and Mrs. William Barrie Waite. As the CEO of Siemens Canada (known for engineering and electronics), William Waite (1937 – 2007) had a positive impact on the lives

of thousands. He had a passion for Canada and its people, and he put tremendous energy into attracting trade partners and foreign investment, advising political leaders and lobbying educational policy-makers about the need to invest in our youth and trade apprenticeship programs. The Waites' love for Canada can be seen in their collection of Canadian art.

*Near Port Coldwell, Lake Superior* was part of a group of works from the Estate of A.Y. Jackson sold at Sotheby's Canada on October 21, 1974. As well as Jackson gems such as this, the collection included works by other artists he collected, such as Lawren Harris. They were described in the auction catalogue foreword by Jackson's niece Naomi Jackson Groves as "a very limited sample of Jacksoniana never to recur again and of three-fold interest: initially for who did them, centrally for who owned them, and finally for who will add them to their collections."

In 1923, Jackson accompanied Harris to the Port Coldwell area of Lake Superior, producing this superb sketch of the hills above the lake with riotous fall colours, which awaits placement with its next fortunate collector.



#### 107 Alexander Young (A.Y.) Jackson

ALC CGP G7 OSA RCA RSA 1882 - 1974

#### Poplar Wood

oil on panel, signed and on verso titled as *Poplar Woods* on the gallery labels, dated 1922 and inscribed *st# B379 / 588A / no. 2660 / 3962 / J* 8 ½ × 10 ½ in, 21.6 × 26.7 cm

#### PROVENANCE

Roberts Gallery, Toronto Galerie Bernard Desroches, Montreal Collection of Mr. and Mrs. William Barrie Waite, Vancouver

IN FALL OF 1922, A.Y. Jackson painted with Lawren Harris at Lake Superior, and in November at Georgian Bay, on Lake Huron. Due to the geography depicted in this sketch—mountains in the distance beyond a sliver of water—it is likely from Lake Superior. Also, in a quote about his camping and sketching trip to Lake Superior, he mentions the poplar turning yellow when he was sketching there. This is a classic Group composition featuring multiple layers of landscape—foreground rock formations, the clump of poplar trees with their interesting bark patterns, then beyond a screen of trees, a distant view of a slice of water and mountains. Jackson creates an interesting contrast between the poplars, which are still, and the background trees, which seem to bend back as if pushed by the wind. Not only are the poplars positioned centrally, their very stillness makes the viewer's eye go straight to them. Jackson's palette lights the panel with a blaze of autumn colours—radiant orange, vivid yellow and bright greenish gold. The moody sky of dark blue and orange provides a contrast that pushes the bright foreground forward. A celebration of the Canadian wilderness in its stunning fall colours, this Group of Seven period Jackson is a gem.



#### 108 Marc-Aurèle de Foy Suzor-Coté

CAC RCA 1869 - 1937

#### Coucher de soleil

oil on canvas, signed and dated 1904 and on verso titled *Coucher de soleil* à *Arthabaska* on the Bernard Desroches gallery label  $34 \frac{1}{2} \times 45$  in, 87.6 × 114.3 cm

#### PROVENANCE

Watson Art Galleries, Montreal Galerie Bernard Desroches, Montreal Collection of Mr. and Mrs. William Barrie Waite, Vancouver

#### LITERATURE

Hughes de Jouvancourt, Suzor-Coté, 1967, pages 41 and 44

FROM 1897 TO 1907, with the exception of two trips back to Arthabaska in Quebec between 1901 and 1904, Marc-Aurèle de Foy Suzor-Coté was living in France. He experienced considerable success in the Paris *Salons* and at the Paris World Fair of 1900, where he received a bronze medal and much critical praise. There, as Hughes de Jouvancourt wrote, "Paris society idolized the dedicated artist" and "he was becoming famous." But he could not forget about his beloved Arthabaska, and he exhibited two landscapes inspired by Arthabaska at the Paris *Salon* of 1906.

At the time this work was painted, in 1904, Suzor-Coté was influenced by the Barbizon School, but we can also sense the influence of the Impressionists in his exquisite sky, with its mauve and gold-tinted clouds, and in the golden glow that backlights the scene. Its delicate illumination creates a path through the centre of the landscape, striking the tops of vegetation in the field, in contrast to the dark trees. A light haze hovers over the background hills and at the back of the field at the end of day. *Coucher de soleil* is a *tour de force* of atmospheric effects by Suzor-Coté.

ESTIMATE: \$50,000 - 70,000



#### 109 Arthur Lismer

AAM CGP CSGA CSPWC G7 OSA RCA 1885-1969

#### Isle au Coudre

oil on board, signed and on verso titled, dated 1926 and inscribed 43 12 × 16 in, 30.5 × 40.6 cm

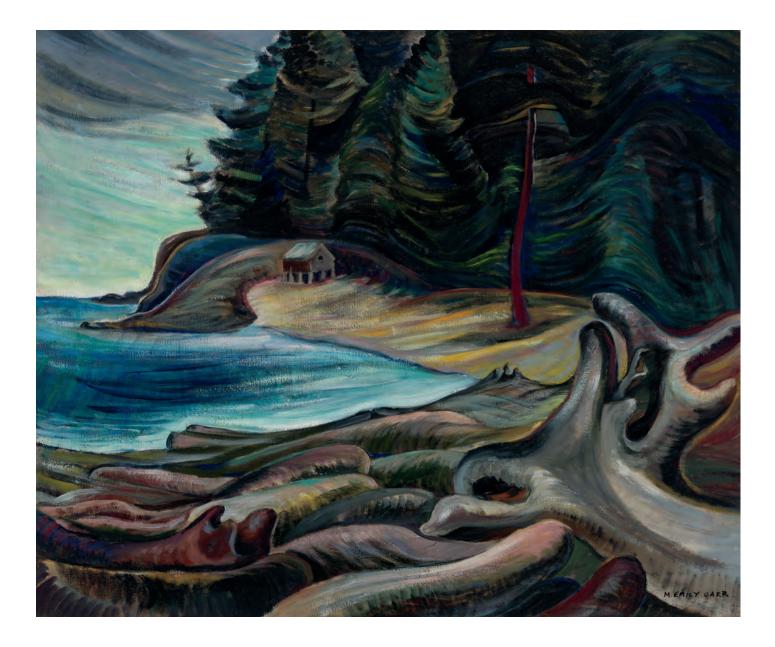
#### PROVENANCE

Collection of Mr. and Mrs. William Barrie Waite, Vancouver

THIS STRIKING PAINTING is likely based on a summer trip to Quebec that Arthur Lismer took in 1925. He was documented as visiting Île d'Orléans, Baie-Saint-Paul and Saint-Hilarion in that year, and a drawing of Isle-aux-Coudres dated 1925 is in the collection of the National Gallery of Canada. Isle-aux-Coudres is in the Charlevoix region, an area much beloved by A.Y. Jackson. In his autobiography, Jackson writes about being with Lismer in Saint-Hilarion and Île d'Orléans; Group of Seven artists often went on sketching trips together.

Isle au Coudre has the fluid brushwork, awareness of atmosphere, and fine multi-layered composition characteristic of a classic Group period painting. Lismer's palette is rich, and his handling of the sky with its floating clouds passing in and out of sunlight is expert. He captures the uniqueness of a small town on the banks of the St. Lawrence River, with its scattering of houses and the all-important centre of religious life, the rural church, whose spires echo the masts of the boats in the foreground. Lismer sets up a rhythmic energy in this vivid work, particularly in the diagonal and vertical strokes in the sky, which exude vitality.

ESTIMATE: \$30,000 - 50,000



#### 110 Emily Carr

BCSFA CGP 1871 - 1945

#### Cordova Drift

oil on canvas, signed M. Emily Carr and on verso titled on the National Gallery of Canada and the T. Eaton Fine Art gallery labels, dated 1931 on the National Gallery of Canada label and inscribed Fw/1946/Liner30 × 36 in, 76.2 × 91.4 cm

#### PROVENANCE

The Fine Art Galleries, T. Eaton Co. Ltd., Toronto Private Collection, Toronto, circa 1950 By descent to the present Private Collection, Toronto

#### LITERATURE

- Doris Shadbolt, *The Art of Emily Carr*, 1979, reproduced pages 150 and 212, the related work entitled *Cordova Bay* listed and reproduced page 212
- Doris Shadbolt, *Emily Carr*, National Gallery of Canada, 1990, reproduced page 169

#### EXHIBITED

- Vancouver Art Gallery, *Emily Carr*, October 12 23, 1938, traveling in 1938 to the University of British Columbia, Vancouver, Department of English, faculty room in the library, catalogue #27
- National Gallery of Canada, Ottawa, *Emily Carr*, June 29 September 3, 1990, catalogue #131

CORDOVA DRIFT IS unique among the predominantly tree- and forest-themed paintings Emily Carr made in 1931 to 1932, and it shows her poised on a threshold between her formal period and her late period of direct and exultant communion with nature. The painting is powerfully dramatic-forest trees toss and sway, as a grey squall blows in from the upper left corner. In the foreground lie gigantic logs with writhing roots, flung up by a violent sea. The sea itself forms a triangular dagger of bright and gleaming blue, suggesting a momentary break of sunshine. A single slender young tree stands a little way forward from the forest as though answering the sea's call. In the distance, a small shack on pilings huddles in the shelter of the headland, recalling Carr's comment on shacks she had seen the previous summer as she sailed up the west coast of Vancouver Island to Yuquot: "grey and forsaken and broken ... fragile, temporary in contrast to the solidity and enduring of the sombre forests."1

When Carr conjured the power of the elements in this painting, she was at a critical point in her career. Her image of forest and shoreline looks back with yearning to the adventurous journeys she had made in the past three years to northern First Nations villages. Those experiences had inspired a prodigious outpouring of monumental paintings such as *Indian Church* from 1929 (collection of the Art Gallery of Ontario) and *Vanquished* from 1930 (collection of the Vancouver Art Gallery, figure 1), in which she represented the villages and totem poles with studied geometric and Cubistic forms and gave them dark, stylized forest



FIGURE 1: EMILY CARR Vanquished oil on canvas, 1930 36 × 50 in, 92 × 129 cm Collection of the Vancouver Art Gallery

Not for sale with this lot

backgrounds. Alongside these First Nations images, she had also created a number of forest interiors in answer to Lawren Harris's challenge that she move on from the totems and paint the landscape of her region. All those recent paintings had evoked a narrative of the Northwest Coast as a site of remote and mysterious primeval grandeur.

Yet while *Cordova Drift* looks back, it also looks forward with its sweeping, animated movement to Carr's vibrant paintings of sea and sky that conveyed her experiences of transcendence in the coastal landscapes near Victoria such as *Across the Straits* (figure 2), painted after 1933, when she acquired her caravan for sketching trips. Significantly, *Cordova Drift* also marks an important shift in the implied narrative underlying Carr's paintings. The turbulence and vulnerability evoked by this canvas convey the individual vision and experience of the artist herself.

Considering the intensity of the painting and the associations it brings up, it is surprising to learn that it resulted from a sketching trip at a summer cottage close to Victoria. Carr's companion on that trip, the only artist she ever invited to work alongside her, was 25-year-old Edythe Hembroff-Schleicher, who had returned in 1930 from five years of art training, first in San Francisco and then in Paris. Noting the similarity in their studies, Carr had immediately summoned Hembroff-Schleicher to tea and to her studio. A warm friendship ensued. Hembroff-Schleicher, who later became a detailed chronicler of Carr's activities, left an



FIGURE 2: **EMILY CARR** Across the Straits oil on paper on board 23 × 35 in, 58.4 × 88.9 cm Private Collection

Not for sale with this lot



FIGURE 3: **EMILY CARR** Seascape graphite on paper  $5\% \times 9\%$  in, 15 × 23.1 cm Collection of the Royal BC Museum, PDP05633

Not for sale with this lot

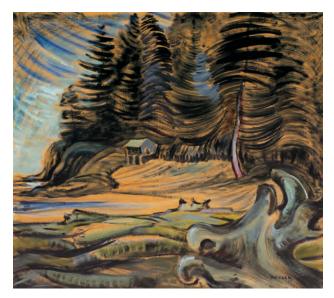
eyewitness account of this sketching trip of nearly three weeks, the first they made together:

We chose Cordova Bay because of the free roof provided by my family's summer cottage, situated half way between beach and road on a steep slope of heavily wooded property. But the woods around Cordova Bay were not silent or remote enough for Emily. Civilization seemed to intrude everywhere, and we soon gave up trying to find suitable "woodsy" material and turned to beach and shoreline for inspiration, usually sketching from the verandah... On the whole [Emily] was disappointed in the sketches she took home from this trip, but she nevertheless developed a few fine canvasses from some of the beach and log studies when she reworked them in the studio. *Cordova Drift* is the best of these.<sup>2</sup>

Hembroff-Schleicher's recollections, as well as the painting itself, reflect the tensions in Carr's life at this time—between threatening self-doubt on the one hand and confidence in her painting medium on the other, once she could focus all her resources on a chosen motif. Carr was obsessed with the doctrine that a painting should go beyond mere representation and express an idea. She reflected in her journal in November 1930 that "the innermost thoughts are the only things that count in painting."<sup>3</sup> But the work of creating a pictorial language that could express those thoughts was not easy.

Since 1928, Carr had committed herself to continuous stylistic search and experiment. Her contact with American artist Mark Tobey and the Seattle art community in the mid-1920s had already revived her interest in Parisian painting, introducing her to the legacy of Cubism. Her introduction to the Group of Seven in 1927 then inspired her to emulate the vistas of light and space that thrilled her in Harris's paintings. During the year before she painted *Cordova Drift*, Carr had visited Toronto as an invited contributor to the Group of Seven's April 1930 exhibition. On her way back, she had ventured to New York and seen modern galleries there. She retained in her memory Georgia O'Keeffe's studies of flowers, plants and trees rendered with refined modeling and flowing lines.

Although she had again received praise from the Group, success to Carr always seemed fragile and temporary. Her Toronto experience felt daunting-seeing her canvases on the walls beside the bold Rocky Mountain landscapes of Arthur Lismer and J.E.H MacDonald and the strong colours of Montreal's Beaver Hall Group artists, she thought her own work had looked "mean and small."<sup>4</sup> Later on in 1930, John Hatch, curator of the Seattle Art Institute, had accorded her a solo show, a signal recognition of her local standing. She had sent off 32 of her recent monumental canvases of First Nations motifs and had even received a short review in the New York Times.<sup>5</sup> But by the end of January 1931, dismayed that Hatch had failed in his attempts to get further bookings for the show from West Coast museums in the US and angry that he had not returned her paintings, Carr wrote: "I am a bundle of nerves. Reaction probably, from the storm within over Hatch's letter ... Was I unfair to him? After all, why should he bother with my rotten stuff at all?... I shall never paint anything good."6 Stuck on Vancouver Island far away from modern art centres, was she again beached, like the logs in Cordova Drift, like the totem poles defeated by the elements in Vanquished? The drama and tension conveyed by Cordova Drift surely channels Carr's





detail lot 110

FIGURE 4: **EMILY CARR Shore and Forest (Cordova Bay)** oil on paper on canvas, 1931 24 × 26 ¾ in, 61 × 67.9 cm Collection of the Art Gallery of Greater Victoria

Not for sale with this lot

conflicting sense of vulnerability yet determination, as she continued on the difficult path of searching and experimenting.

Cordova Drift is an exceptional work on that path. Carr was still testing a bewildering multiplicity of ideas and sources in the search for own voice. She was reading books and magazines on modern art in order to compensate for her isolation.<sup>7</sup> She still looked to Tobey, whose response to the Seattle show had been to tell her to "get off the monotone, even exaggerate light and shade."8 Carr's letters to Harris and her journals helped her clarify her thoughts. She tried out her compositions at this time in a variety of media-quick pencil sketches to capture encountered scenes, more elaborate pencil and large charcoal studies of the specific forms of trees and rocks, and charcoal and dry brush on paper versions for potential canvases. In several of Carr's sketchbook drawings, which may have been made from the Hembroff cottage looking across the Salish Sea to the low coastlines of the San Juan Islands, she used gestural pencil lines to indicate contours and space (see Seascape, figure 3).9

When painting *Cordova Drift*, she first brushed in similar perspectival lines fanning out from beneath the rock to indicate the breadth of the bay. There are also several dry brush studies, with added colour, that relate to the canvas, for example *Shore and Forest (Cordova Bay)* (figure 4).<sup>10</sup> These were among the earliest of Carr's oil on paper sketches made with flowing, animated lines. Carr's final goal in the mid-1930s would be to carry through the freedom and spontaneity conveyed by her sketches into her studio canvases. *Cordova Drift* is important because, although it is a highly finished canvas, its passionately animated handling looks forward more clearly than most other works of the time to her breakthrough, while it retains the solemnity of her earlier work. Carr's vigorous brushwork unifies the entire surface, weaving in touches of brilliant colour. On one of the pencil sketches made around this time, Carr noted the words "Rhythm weight space force." Those words sum up exactly what she achieved in her painting *Cordova Drift*.

We thank Gerta Moray, Professor Emerita, University of Guelph, and author of *Unsettling Encounters: First Nations Imagery in the Art of Emily Carr*, for contributing the above essay.

1. Quoted in Doris Shadbolt, *Seven Journeys: The Sketchbooks of Emily Carr* (Vancouver: Douglas & McIntyre, 2002), 75.

2. Edythe Hembroff-Schleicher, *Emily Carr: The Untold Story* (Saanichton, BC: Hancock House Publishers, 1978), 125.

3. Emily Carr, *Hundreds and Thousands: The Journals of Emily Carr* (Vancouver: Douglas & McIntyre, 2006), 43, dated November 23, 1930.

4. Hembroff-Schleicher, Emily Carr, 350.

Carr, Hundreds and Thousands, 47, dated December 5, 1930.
 Quoted in Susan Crean, ed., *Opposite Contraries: The Unknown*

*Journals of Emily Carr* (Vancouver: Douglas & McIntyre, 2003), 34. 7. Doris Shadbolt, *Emily Carr* (Vancouver: Douglas & McIntyre, 1990), 57–63.

8. Carr, *Hundreds and Thousands*, 45, dated November 24, 1930.9. Shadbolt, *Seven Journeys*, 131–33.

10. Another is *Cordova Bay*, 1931, oil on paper (collection of the Vancouver Art Gallery, #42.3.60). See Doris Shadbolt, *The Art of Emily Carr* (Vancouver: Douglas & McIntyre, 1979), 212.

#### ESTIMATE: \$2,000,000 - 3,000,000



#### 111 Emily Carr

BCSFA CGP 1871 - 1945

#### Music in the Trees

oil on paper on board, signed Emily Carr and on verso titled *Misic* [*sic*] *in the Trees* on the Dominion Gallery label and inscribed with the Dominion Gallery inventory #D122, circa 1935  $35\frac{1}{2} \times 23\frac{3}{4}$  in, 90.2 × 60.3 cm

#### PROVENANCE

Dominion Gallery, Montreal Acquired from the above by a Private Collection, April 29, 1960 By descent to the present Private Collection, Toronto

#### LITERATURE

Doris Shadbolt, *The Art of Emily Carr*, 1979, page 144 Emily Carr, *Hundreds and Thousands: The Journals of Emily Carr*, 2006, pages 179, 264, 265, 272 and 275

MUSIC IN THE TREES is a superb example of Emily Carr's 1930s inner forest subjects, suffused with light and richly pigmented. Her depiction of the trees is inventive in its use of stylized forms the trunk of the left tree has the horizontal segmented structure that she sometimes used from the mid-1930s on, and its foliage flows out in great sweeping layers. The right tree is topped by a conical clump of green growth, highlighted with white marks. The foreground clearing, which appears to include a pool of water reflecting its surroundings, and a glimpse of turquoise sky through the tall trees bring a sense of spaciousness and light into the forest. The shapes in the centre are intriguing—the shadowy outlines are suggestive, but it is unclear what they represent.

In the mid-1930s, Carr was in contact with Group of Seven artist Lawren Harris, and she was aware of his movement into abstraction. Doris Shadbolt noted that "Carr found his work beautiful and deeply moving, and his ideas on the subject [of abstraction] tremendously interesting." Harris advised her, "When, in your letter, you refer to 'movement in space,' that is abstract, try it... Take an idea, abstract its essence." Possibly that is what she did here. In her work *Forest Interior in Shafts of Light*, circa 1935 – 1937, the shafts are abstracted in geometrical forms. Perhaps the central lines in *Music in the Trees* represent an idea, abstracted.

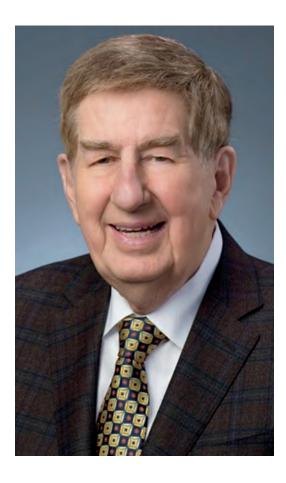
Carr loved music, and in her journals she related her joy at hearing a concert in Victoria by the Hart House String Quartet. In her journals, she often wrote about the natural sounds in the woods-their presence and their absence-such as she experienced while camping in the woods in her caravan The Elephant. She wrote, "I am circled by trees. They are full of chatter, the wind and the birds helping them. Through the sighing of the wind they tell their sorrows. Through the chortle of the birds they tell their joy." In another entry she noted: "Colours are changing their places as in Musical Chairs to the tune of the rain," and "Moss and ferns, and leaves and twigs, light and air, depth and colour chattering, dancing a mad joy-dance, but only apparently tied up in stillness and silence. You must be still in order to hear and see." In Carr's rich imagination, trees danced and the wind through the trees was music. Being in nature made her also think of poetry, such as Walt Whitman's-which she wrote "sang in my heart."

When Carr began using the medium of oil on paper in the 1930s, it was a liberating experience. The manila paper she used was light, inexpensive and easily transported, and thinning her oils with gasoline or turpentine made them as fluid as water-colour. Her brushwork became open and intuitive, expressing the energy she sensed in the landscape. In the mid-1930s, she camped at Esquimalt Lagoon in *The Elephant*. Immersed in the woods, she set up her easel and paused to take in the scene and choose what to depict—perceiving, as she wrote, that "there are themes everywhere, something sublime, something ridiculous, or joyous, or calm, or mysterious." With sweeping brush-strokes she captured the rich growth she saw before her in swathes of pigment, such as in the extraordinary *Music in the Trees*.

From the clearing in the foreground and up through her "intimate friends, the trees," there is an upward movement leading to the turquoise sky behind. The branches of the tree on the left roll and shimmy as if caught by a breeze, while the tree on the right is still, radiating its dense green. Carr varied her paint treatment, sometimes layering colour on thickly, such as in the tree trunks and the dark greens, sometimes using thin washes. It is an inventive work, replete with the effects that Carr discovered in her new use of the oil on paper medium.

Carr always felt the presence of the divine in nature, stating "Surely the woods are God's tabernacle." *Music in the Woods* uplifts us with its joyous expression of a forest that is very alive.

#### **PROPERTY OF THE ESTATE OF KEN STEPHENSON**

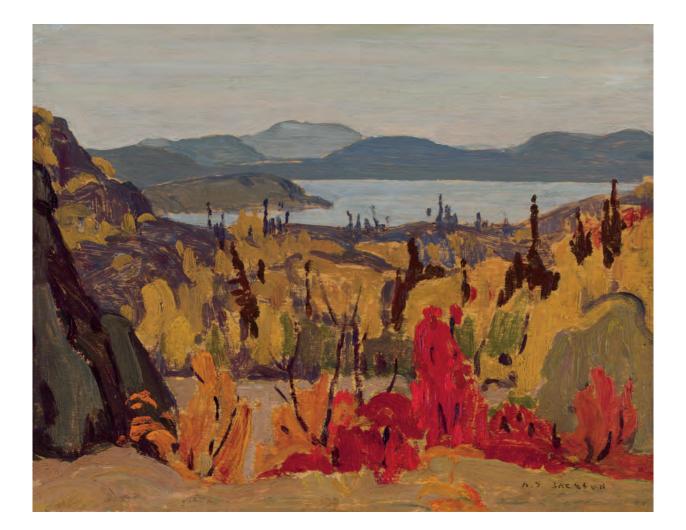


KEN STEPHENSON WAS a beloved philanthropist and business leader based in Alberta. Stephenson was raised in Depressionera Saskatchewan, acquiring a civil engineering degree at the University of Saskatchewan before embarking on an extraordinarily diverse and successful business career. His business interests spanned various sectors of Alberta's economy that included, but are not limited to, energy, ranching, real estate development, automotive retail, mining and transportation, in addition to other diverse industries. Altogether, he led more than 30 companies as either owner, CEO, director, or a combination of these roles.

Stephenson was an active and involved philanthropist. Notably, he is the namesake and founding donor for the Stephenson Cardiac Imaging Center at the Libin Cardiovascular Institute of Alberta, in addition to being a supporter of the non-profit seedscale program Creative Destruction Lab (CDL)—Rockies at the Haskayne School of Business, also at the University of Calgary. In 2019, Stephenson was a recipient of Calgary's Top 7 over 70 award, which recognizes achievements by individuals after the age of 70. Stephenson was a posthumous 2021 Southern Alberta inductee into the Alberta Business Hall of Fame, among other prestigious professional accolades.

As a young entrepreneur in the 1960s and 1970s, Stephenson spent significant time in his car for business, driving through the varied landscapes of Western Canada. It was during these long hours on the road that his appreciation for the various communities and vistas began to grow, and his understanding of landscape-based art began to develop. Stephenson and his young family would often travel to local art galleries on the weekends, learning about various art forms and styles. His sharp and intuitive eye led him to acquire high-quality artworks, whether by emerging artists or known Canadian legends. Like business and philanthropy, art remained a lifelong passion for Stephenson, and his collection included important works by Emily Carr, A.Y. Jackson, Cornelius Krieghoff and Maurice Cullen, which Heffel is proud to offer as lots 112 to 115 in this sale.

Additional works from the Stephenson collection will feature in Heffel's online auctions this fall and winter, including works by Frederick Marlett Bell-Smith, Frederick Verner and Nicholas de Grandmaison.



#### 112 Alexander Young (A.Y.) Jackson

ALC CGP G7 OSA RCA RSA 1882 - 1974

#### Autumn, Lake Superior

oil on panel, signed and on verso signed, titled and inscribed Studio Bldg / Severn St. / Toronto and #8732-s, circa 1921  $8 \frac{1}{2} \times 10 \frac{1}{2}$  in, 21.6 × 26.7 cm

#### PROVENANCE

Masters Gallery Ltd., Calgary Estate of Ken Stephenson, Calgary

#### LITERATURE

Wayne Larsen, A.Y. Jackson: The Life of a Landscape Painter, 2009, page 116

#### EXHIBITED

Glenbow Museum, Calgary, *Trailblazer Donor Event*, May 12, 1990

AFTER THE GROUP OF SEVEN'S trip to Algoma in the fall of 1921, A.Y. Jackson and Lawren Harris continued on to the north shore of Lake Superior for the first time, stopping at Schreiber and Rossport. In the autumn of 1922, Jackson and Harris returned to Lake Superior, this time to Coldwell and the surrounds. Camping and sketching there was challenging, for as Jackson described, "The elements in that country could break loose with wild and malicious fury." Their experiences contributed to the Group's rugged reputation for enduring the uncomfortable to capture a great scene.

Jackson often focused on the hillsides around Lake Superior, but in this fine Group period sketch he also includes a panoramic view of the lake. Contrasted with the grey-based tonalities of lake, sky and mountains, the rich reds, oranges and golds of autumn foliage blaze with brilliance. Jackson expressed his heartfelt admiration of the Lake Superior landscape, stating: "There is a sublime order to it, the long curves of the beaches, the sweeping ranges of hills, and headlands that push out into the lake...In the autumn the whole country glows with colour; the huckleberry and pincherry turn crimson, the mountain ash is loaded with red berries, the poplar and birch turn yellow and the tamarac greenish gold."



#### 113 Emily Carr

BCSFA CGP 1871 - 1945

#### **Forest Interior**

oil on paper on board, signed Emily Carr and on verso inscribed *92 / 22316 / 28*, circa 1937 22 × 34 in, 55.9 × 86.4 cm

#### PROVENANCE

Collection of M. Aitken, Alberta Masters Gallery Ltd., Calgary, 1981 Estate of Ken Stephenson, Calgary

#### LITERATURE

Emily Carr, Hundreds and Thousands: The Journals of Emily Carr, 2006, pages 155, 267, 282 and 283

THIS LUSH AND energized Emily Carr painting is one of her "woods movement" works (as she described them), which focus on light and energy in the inner forest. In this extraordinary painting, the light manifests everywhere, with no single source, and the mood is spritely and playful. Carr used light green, blue, mauve and yellow hues in her palette, and as a result, *Forest Interior* feels like spring in the woods. The forest floor is thick with growth. In her journal *Hundreds and Thousands*, on November 28, 1935, Carr wrote of her desire to capture this profuse growth:

Working on jungle. How I want to get that thing! ...

There are the fallen logs and mossy stumps, the thousand varieties of growth... young pines and spruce piercing up through the tangle to get to the quiet light diluted through the overhanging branches of great overtopping trees. Should you sit down, the great, dry, green sea would sweep over and engulf you... face it calmly, claiming relationship, standing honestly before the trees, recognizing one Creator of you and them, one life pulsing through all, one mystery engulfing all...

Taking this approach, Carr seized the essence of the inner forest. In *Forest Interior*, bursts of growth break out, barely contained. The forest floor and trees are full of rollicking movement. Patterns of growth on the forest floor move every which way and the forest background in the upper half of the painting rushes diagonally to the left, while the vertical trees act as anchor posts. Carr used a stylization in the trees that is typical of her work in this time period: the trunks are not solid, but built with segmented horizontal strokes, which creates a dematerialization of their density. This results in the trees being more in harmony with the whole painting, with its focus on depicting energy in the forest.

In her journal Carr offered an insight into her method of building a composition, writing, "When you want depth in a woods picture avoid sharp edges and contrasts. Mould for depth, letting the spaces sink and sink back and back, warm alternating with cool colour. Build and build forward and back." In Forest Interior, the bare manila paper Carr used for her oil on paper works shows through in places, darkened to orange through time, and rich greens highlight her spring-like palette. In another eloquent passage from her journals, she wrote, "When light shimmers on colours, folds them round and round, colour is swallowed by glory and becomes unspeakable." Her energized brushwork, facilitated by her oil on paper medium, in which oil was thinned with turpentine or gasoline, was fluid-she sometimes applied paint thinly, sometimes built it up in textural effects. Carr wielded her brush with great freedom, and this allowed her to express the energy of the landscape.

Carr was interested in the cycle of life in the forest, and here she includes a large stump, the remains of an old-growth giant that once must have towered above the other trees nearby. Around it is the evidence of regeneration—small trees that appear to dance beside it, and dark evergreens behind it. Carr tended to anthropomorphize the small trees, finding a joyousness in their movements, sometimes describing them as playfully swirling and dancing. She felt everything in nature keenly when she painted out of doors, describing what she saw in both words and paint with sensuousness and insight. Carr experienced a higher force that ran through everything, that "one life" and "one mystery" that is the energy of Creation. *Forest Interior*, an outstanding woods movement work, is an exultant manifestation of Carr's beliefs.

ESTIMATE: \$200,000 - 300,000



#### 114 Maurice Galbraith Cullen

AAM RCA 1866 - 1934

#### March Break-up: A Bend in the North River

oil on canvas, signed and on verso titled *Laurentian Landscape* on the Loch Gallery label, inscribed *Box 20* and certified by the Cullen Inventory #1104  $25 \frac{14}{4} \times 32 \frac{14}{4}$  in, 64.1 × 81.9 cm

#### PROVENANCE

Watson Art Galleries, Montreal Collection of John A. MacAulay, Winnipeg Loch Gallery, Calgary Estate of Ken Stephenson, Calgary

#### LITERATURE

Paintings from the Collection of John A. MacAulay, QC, National Gallery of Canada, 1954, listed and reproduced, unpaginated

Sylvia Antoniou, *Maurice Cullen*, 1866–1934, Agnes Etherington Art Centre, 1982, page 24, a related 1932 larger canvas entitled *The North River*, collection of the Montreal Museum of Fine Arts, reproduced pages 43 and 81

A.K. Prakash, *Impressionism in Canada: A Journey of Rediscovery*, 2015, pages 305 and 321

#### EXHIBITED

National Gallery of Canada, Ottawa, *Paintings from the Collection of John A. MacAulay, QC*, April 15 – May 20, 1954, traveling in 1954 – 1955 to the Montreal Museum of Fine Arts, Art Gallery of Toronto, Winnipeg Art Gallery and Vancouver Art Gallery, catalogue #29

IN 1888, MAURICE CULLEN joined the wave of international students who went to study in Paris, where he took classes with Jean-Léon Gérôme and Alfred Philippe Roll. He spent six years in Paris, and he sketched in the French countryside in the summers at locations such as Giverny. While in France, Cullen embraced French Impressionism, and on his return to Canada, his absorption of its tenet of painting out of doors, to capture changing light and atmospheric conditions, exhibited a fresh take on Quebec city scenes and landscapes that inspired other Canadian artists.

Cullen's importance to Canadian painting was well recognized, and he was considered the father of Impressionism in Canada. He helped break through Canadian collectors' preference for the dark genre scenes of the Barbizon and Hague schools. A.Y. Jackson said: "It was through Cullen and [James Wilson] Morrice that we in Montreal first became aware of the fresh and invigorating movements going on in the art circles of France... To us [Cullen] was a hero." Jackson called Cullen's paintings of Quebec City from Lévis and along the St. Lawrence River "among the most distinguished works produced in Canada."

Cullen was particularly drawn to the beauty of the Laurentians. In 1920, he built a cabin near Lac Tremblant on the Cachée River to use as a studio base, and he sketched the surrounding countryside on the spot, often in winter. He would head out on snowshoes with his paintbox to capture scenes such as this on small panels, to work up later into canvases. Cullen was especially attracted to Laurentian rivers in winter, such as the North, the Diable and the Cachée, and he mastered the portrayal of dark, reflective waters with ice in various stages of accumulation or dispersal. In the words of his dealer, the renowned William Watson, Cullen revealed "the poetry of woodland and stream."

In this glorious panorama of a spring day seen from an interesting perspective at the top of a hill, Cullen depicted sunlight hastening the breakup of river ice and the melting of snow on the hillsides. His palette is vibrant, with golden yellows in the sunraked hills on the left, khaki in the foreground hills, plum tones in the trees on the edge of the river, and bright streaks of cobalt in the background hills. He featured snowy banks and melting ice, as well as the remnants of snow on the foreground hillside, all tinged with gorgeous tones of blue, green and mauve. Cullen's sensitivity to subtle modulations of light and atmosphere is masterful—here he creates the feeling that the landscape is coming back to life under the warming sun.

This painting was once owned by the illustrious collector John A. MacAulay of Winnipeg. In 1943, he became a member of the board of governors of the Winnipeg Art Gallery, and he served as its president from 1950 to 1953. He was also a trustee of the National Gallery of Canada from 1955 to 1957. Over 25 years he built a collection of about 100 paintings and made discerning choices, including this exceptional work.

There is a similar fine, larger canvas of this scene in the collection of the Montreal Museum of Fine Arts, identified in the title as being of the North River. That work was included in the 1982 Agnes Etherington Art Centre Cullen exhibition, which toured to the Art Gallery of Ontario, Art Gallery of Hamilton, National Gallery of Canada and Edmonton Art Gallery.

ESTIMATE: \$50,000 - 70,000



#### 115 Cornelius David Krieghoff

1815 - 1872

#### Lord and Lady Simcoe Taking a Sleigh Ride

oil on canvas, signed and on verso titled on the various gallery labels, dated circa 1858 on the Masters Gallery label and inscribed with inventory #G1287 on the Waddington gallery label  $14 \times 21$  in, 35.6  $\times$  53.3 cm

#### PROVENANCE

Laing Galleries, Toronto Collection of Peter Bronfman, Montreal Galerie Walter Klinkhoff Inc., Montreal Waddington & Gorce Inc., Montreal Private Collection, Toronto Masters Gallery Ltd., Calgary, 2003 Estate of Ken Stephenson, Calgary

#### LITERATURE

A.K. Prakash, *Canadian Art: Selected Masters from Private Collections*, 2003, reproduced back cover

LORD AND LADY SIMCOE TAKING A SLEIGH RIDE is a rich and detailed example of Cornelius Krieghoff's themes of wintertime leisure activity in Quebec City. A gentleman accompanied by his wife drives a stylish cutter down a snowy slope to the St. Lawrence River for seasonal adventure, attended to by a young footman on the rear of the sleigh. In its first known appearance on the market with G. Blair Laing, the legendary dealer of Krieghoff, James Wilson Morrice, and other titans of early twentieth-century Canadian art, the painting was presented as *Lord and Lady Simcoe Taking a Sleigh Ride*, and it has been so known and enjoyed by collectors for decades since.

Certain attributes of Krieghoff are indicative of his time and place in mid-nineteenth-century Canada. He was born abroad and arrived in Canada via a third country as an eager and engaging artist and entrepreneur. He responded nimbly to changes in markets for his paintings: he relocated as necessary, cultivated clientele, and diversified his subjects to ensure a steady income and meet the interests of his customers. He understood his market in Canada could satisfactorily sustain him, while greater success demanded he pursue opportunities outside of the country. He reached Montreal by 1846 as a partly formed and fully ambitious artist. When he moved in 1853 to Quebec City, a better market, his ability to compose figures in the landscape, and most importantly, his ability to effectively paint a supple narrative interweaving contemporary culture and society would set him apart.

This painting is of a type that Marius Barbeau, the ethnographer and author of the first catalogue raisonné on Krieghoff, classified as "Bourgeois-Their Sleigh Drives on the Ice." The other great scholar of Krieghoff, J. Russell Harper, classified such works as "Moving Sleigh with Bourgeois Passengers." The shared taxonomic precision acknowledges Krieghoff's view of society and his importance as an alternative portraitist, more precisely of renditions the well-to-do chose to have done of themselves displaying their prosperity by pursuing leisure activity distinct to Quebec. Lord and Lady Simcoe Taking a Sleigh Ride has all the hallmarks of Krieghoff's scenes of wintertime leisure among Ouebec City's anglophone inhabitants, with a basic catalogue of horsedrawn sleds for added measure. This scene appears to have been painted around Beauport, midway between Quebec City and Montmorency, where the frozen Montmorency Falls provided a prime location for winter recreation. The distant landscape along the horizon shows the contour of the escarpment leading to the Plains of Abraham above Old Quebec.

In the foreground bottom slightly right of centre, the fine couple, wearing fur-trimmed coats, sit comfortably under a fur-lined blanket, their cutter pulled by a pair of trotting blue roans in fine harnesses and decorated hip straps. Moving clockwise, we see a red berline at centre-left with two French Canadians pulled by one horse, then a settler's home above the principal sleigh and riders, and lastly a simple farm sleigh being hauled up a hill into the woods. Returning to the central sleigh, their merry trajectory is about to change. They are rapidly bearing down on a dip in the road at bottom left, likely to thrill the lord and lady, and are bound to send their footman airborne, possibly toppling the sleigh in the process. Simultaneously a genre scene, a landscape, a souvenir and a portrait, *Lord and Lady Simcoe Taking a Sleigh Ride* is a deft narrative of its place and time.

We thank Gregory Humeniuk, art historian, writer and curator, for contributing the above essay.

ESTIMATE: \$70,000 - 90,000







**116 Paul Kane** 1810 - 1871

### Assiniboine Hunting Buffalo

oil on canvas, on verso titled and dated variously on the gallery labels, circa 1855 18 x 29 in, 45.7 x 73.7 cm

### PROVENANCE

Knoedler & Co., New York Laing Galleries, Toronto Acquired from the above by H.R. Milner, Edmonton, 1964 Galerie Walter Klinkhoff Inc., Montreal Sold sale of *Canadian Art*, Joyner Fine Art, May 15, 1990, lot 43, reproduced front cover Masters Gallery Ltd., Calgary Private Collection, 2013

#### LITERATURE

Paul Kane, Wanderings of an Artist Among the Indians of North America, 1859, pages 77, 117, 118 and 140

J. Russell Harper, *Paul Kane's Frontier*, 1971, pages 37, 38 and 84, listed page 289, titled as *Assiniboine Running Buffalo*, #IV-210, and a version of this work titled *Assiniboine Hunting* 

*Buffalo*, in the collection of the National Gallery of Canada, reproduced page 213, figure 105 and listed page 289, #IV-209

*The H.R. Milner Collection: An Exhibition Organized by the Edmonton Art Gallery*, Edmonton Art Gallery, 1978

Bruce Haig, *Following Historic Trails: Paul Kane, Artist*, 1984, a version of this work in the collection of the Royal Ontario Museum reproduced page 20

Pierre B. Landry and Claire Champ, *Catalogue of the National Gallery of Canada: Canadian Art, Volume Two*, 1994, mentioned page 362, and a version of this work titled *Assiniboine Hunting Buffalo*, in the collection of the National Gallery of Canada, reproduced page 362

Kenneth R. Lister, *Paul Kane, the Artist: Wilderness to Studio*, 2010, a version of this work in the collection of the Royal Ontario Museum reproduced page 249

Arlene Gehmacher, *Paul Kane: Life & Work*, Art Canada Institute, 2014, versions of this work in the collection of the National Gallery of Canada and the Royal Ontario Museum reproduced page 42 and listed pages 48 and 50

# EXHIBITED

Edmonton Art Gallery, *The H.R. Milner Collection: An Exhibition Organized by the Edmonton Art Gallery*, 1978, exhibited as *Assiniboine Running Buffalo*, catalogue #34 One day, whilst wandering some distance to the south of the fort, I saw two Assiniboine Indians hunting buffaloes. One was armed with a spear, formed of an ashpole [*sic*] about ten feet long, ornamented with tufts of hair, and having an iron head, which is procured from the trading posts; the other with a bow formed of ash, with the sinews of a buffalo gummed to the back of it. These they use with great dexterity and force.

-PAUL KANE<sup>1</sup>

"YOU ARE A greater chief than I am," expressed an Assiniboine chief in a gesture of friendship to the "wandering" Canadian artist Paul Kane (1810 – 1871). In April 1848, Kane was at Rocky Mountain House on the North Saskatchewan River, where he had the opportunity to sketch two Assiniboine chiefs in addition to a scene of the fort, showing in the foreground a small grouping of Assiniboine lodges (figure 1). The chief's gesture, which included presenting the artist with a collar of grizzly bear claws (figure 2), was to recognize Kane's artistic ability at rendering likenesses on paper.

When Kane visited Rocky Mountain House, he was in the last months of a remarkable artistic journey to create a visual record of Canada's Indigenous peoples and environment. "The principal object in my undertaking," wrote Kane in the preface to his 1859 travel narrative, "was to sketch pictures of the principal chiefs, and their original costumes, to illustrate their manners and customs, and to represent the scenery of an almost unknown country."<sup>2</sup> Kane's imperative was first-hand experience and "participant observation." His ambition was to create a visual record that would interest and educate Canada's eastern population, as it would serve a role in documenting a historical moment.

Holding the view that the cultures of Canada's Indigenous peoples were suffering in the face of changing times, and undoubtedly influenced by the painting and writing project of American artist George Catlin (1796 - 1872), over two separate journeys, Kane traveled north and west of Toronto, reaching the lower waters of the Columbia River and the Southern Gulf Islands of the West Coast (figure 3). Congruent with an earlier sketching tour of Italy, and with graphite, watercolours, oils and sketch paper as his artistic outfit, from June to December 1845, Kane traveled through Georgian Bay and the Lake Huron and Michigan regions. The following year saw the beginning of his most extensive journey. Mainly with the support of the Hudson's Bay Company (HBC) and following HBC trade routes, between May 1846 and October 1848, Kane pursued his imperative, returning to Toronto with a packet of sketches representing the most impressive body of art by a single artist in Canadian nineteenth-century art history. These were his plein air studies that he drew upon for inspiration in developing the formal studio oil paintings that became his focus over the next six years.

*Assiniboine Hunting Buffalo*, one of three studio canvases Kane completed of this scene, demonstrates his interest in the grandeur of bison and their aesthetic appeal for his artistic enterprise.<sup>3</sup> Three versions of the same scene suggest that Kane had a





TOP: FIGURE 1: **PAUL KANE Rocky Mountain House** Assiniboine and Hudson's Bay Company North Saskatchewan River oil on canvas, 1849 – 1856 18 × 29 ¼ in, 45.8 × 74.2 cm Collection of the Royal Ontario Museum, 912.1.57 Courtesy of the Royal Ontario Museum

Not for sale with this lot

#### BOTTOM: FIGURE 2: PAUL KANE Head Chief of the Assineboins

Mah-min, Assiniboine Rocky Mountain House, North Saskatchewan River oil on canvas, 1849 - 1856 $30 \times 25 \%$  in,  $76.3 \times 63.9$  cm Collection of the Royal Ontario Museum, 912.1.59Courtesy of the Royal Ontario Museum

Not for sale with this lot

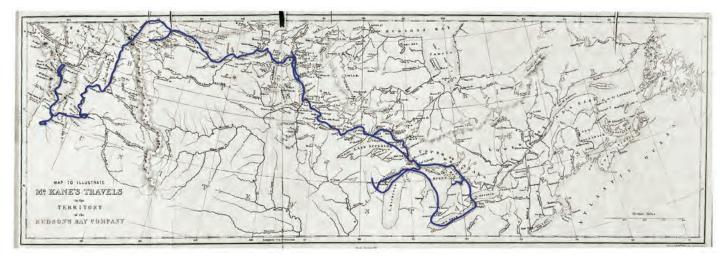


FIGURE 3: Map of routes taken by Paul Kane during his 1845 – 1848 journeys Published in Wanderings of an Artist Among the Indians of North America, 1859

particular affinity for the subject, and that his audience found the view compelling. This exhibits his understanding of the bison's natural role on the plains and its cultural significance for Indigenous Plains peoples.

In the early autumn of 1846, during the first year of his westward advance-as Kane relates in the epigraph above and illustrates in the painting-he witnessed two Assiniboine bison hunters on horseback chasing a retreating bison, the animal having suffered an arrow hit on its right flank from the foreground hunter. As the scene illuminates, the Assiniboine depended upon the bison, illustrating the horseback method of hunting. Interestingly, as noted by Russell Harper, the general composition is based upon an engraving by Bartolomeo Pinelli (1781-1835) that shows two mounted Italian youths closing in on a running bull while wielding spears (figure 4).<sup>4</sup> A favourable comparison between the print and the painting is strong, as noted in the stretched legs of the animals; the one-to-one relationship of the positioning of the horses' heads; the hunting postures of the foreground riders in relation to the more observational carriages of the background companion riders; the tilts of the bull and bison heads, such that both seem to be watching in anticipation of the foreground hunters' actions; and the inclusion of the headstalls, saddles, blankets and cruppers on the foreground horses. Pinelli's print offered Kane the general composition-and Kane, with his interest in the hunt, filled in the cultural details.

Significant indeed to *Assiniboine Hunting Buffalo* are the painted renderings of artifacts Kane collected and referenced in his studio.<sup>5</sup> These artifacts, depicted in his sketches and paintings, were evidence of his knowledge and experience. Note a pair of Blackfoot leggings (figure 6) with bands of quillwork in red, blue, white and yellow, and comprised of vertical rows interspersed with rosettes along their lengths, which were the inspiration for the painted design on the rider's leggings. The painted head-stall illustrates the main elements of a collected Northern Plains

headstall (figure 5) of quillwork that includes quilled rosettes at the corners; a central quilled rosette along the nose band; the red, white and blue quilling of all structural bands; attached fringes; and the red and white horizontally rowed tab that extends down above the horse's eye. The painted pad saddle with a white and red quilled rosette and quill-wrapped fringes appears to be inspired by a pad saddle with stirrups collected from the Plains Métis. And the crupper Kane painted on the horse's back behind the saddle has been stylized from a collected specimen. Still, he does show the skin fringe and bands of wrapped quillwork that outline the skin panels, along with the characteristic round quilled circle of skin that connects the two skin panels in front of the horse's tail. Finally, the sizable quilled rosette with central metal button painted on the shirt of the background rider, and seemingly on the shirt of the foreground rider, suggests inspiration received from the quilled rosette on a Northern Plains shirt in Kane's collection.

Within 30 years of Kane's wanderings, in place of the bison he described as covering the plains as far as the eye could see, the plains became the decaying grounds of whitened bones. Bones weathered by the sun and wind were the visual manifestation of overhunting; the sign of new technologies and practices; the result of the extravagant trade in bison products, such as robes, skin for industrial leather, and fat-rich pemmican; and the outcome of competition for the grasslands by increased herds of cattle and horses. The critical legacy of Kane's art is a visual record of culture and landscape that soon would be the archive of a lost time and place. The American writer Margaret Fuller, in her own 1844 travel narrative, opined that before Indigenous cultures suffer further loss, "I wish there might be some masterly attempt to reproduce, in art or literature, what is proper to them, a kind of beauty and grandeur ... to inspire the thought of genius through all ages."<sup>6</sup> Assiniboine Hunting Buffalo is illustrative of Kane's response to Fuller's sentiment.





We thank Kenneth R. Lister, departmental associate and former assistant curator of anthropology, Department of Art and Culture, Royal Ontario Museum, for contributing this essay.

1. Paul Kane, *Wanderings of an Artist among the Indians of North America*, ROM enhanced ed. (Toronto: Royal Ontario Museum, 2016; first published 1859), 140–41.

2. Ibid., viii.

3. The other two versions are in the collections of the Royal Ontario Museum (Toronto) and the National Gallery of Canada (Ottawa).

4. J. Russell Harper, *Paul Kane's Frontier* (Toronto: University of Toronto Press, 1971), 213 and 289. The Pinelli engraving, titled *Cavalcature che conduccono le bestie bovine in Roma per macellare* [Mounts leading the cattle to Rome for slaughter], appeared in *Nuova Raccolta de cinquanta Costumi pittoreschi incisi all'acqua forte da Bartolomeo Pinelli* [New collection of fifty picturesque costumes engraved with strong water by Bartolomeo Pinelli] (printed in Rome, 1816).

5. The majority of artifacts collected by Paul Kane are in the collections of the Manitoba Museum (Winnipeg) and the Royal Ontario Museum.

6. S.M. Fuller, *Summer on the Lakes, in 1843* (Boston: Charles C. Little & James Brown; New York: Charles S. Francis, 1844), 196.

#### ESTIMATE: \$2,500,000 - 3,500,000

#### TOP LEFT: FIGURE 4: BARTOLOMEO PINELLI Cavalcature che conduccono le bestie bovine in Roma per macellare (Mounts Leading the Cattle to Rome for Slaughter)

engraving, 1815

Published in Nuova Raccolta de cinquanta Costumi pittoreschi incisi all'acqua forte da Bartolomeo Pinelli (new collection of fifty picturesque costumes engraved with strong water by Bartolomeo Pinelli), Rome, 1816

Not for sale with this lot

#### BOTTOM LEFT: FIGURE 5: **Headstall** Northern Plains peoples Saskatchewan River Region Skin, porcupine quills, sinew, commercial thread, pigments, 1840s 14 ½ × 13 in, 36.5 × 33 cm Collection of the Manitoba Museum, н4-4-10 Collected by Paul Kane

Not for sale with this lot

RIGHT: FIGURE 6: **Bottom Tab Leggings** Blackfoot Saskatchewan River Region Skin, porcupine quills, hair, sinew, wool, cotton, red ochre, pigments, 1840s 56 ½ × 22 ¼ in, 143 × 58.5 cm Collection of the Manitoba Museum, H<sub>4</sub>-43-2 Collected by Paul Kane

Not for sale with this lot



# 117 Cornelius David Krieghoff

1815 - 1872

Set of 20 Hand-Painted Plates hand-painted porcelain

a) Montmorency Falls; A Man in Foreground 9 ½ in / 24.1 cm diameter, 2 ¼ in / 5.7 cm high

b) Waterfalls, Ste. Ann or St. Ferréol 9 ½ in / 24.1 cm diameter, 4 ¾ in / 11.1 cm high

c) Quebec Seen from Point Lévis 11 ½ in / 29.2 cm diameter, 6 ¾ in / 17.1 cm high

d) Beauport Asylum (rotunda and trees) 9 ½ in / 24.1 cm diameter, 2 ¼ in / 5.7 cm high

e) Dr. Douglas's House 9 ½ in / 24.1 cm diameter, 2 ¼ in / 5.7 cm high

# f) Canyon of Montmorency 9 ¼ in / 23.5 cm diameter

g) Beauport Asylum 9 ¼ in / 23.5 cm diameter

h) Lake (with canoe and scenery) 9 ¼ in / 23.5 cm diameter

i) Grounds of Beauport Asylum (stream and field) 9 ¼ in / 23.5 cm diameter

i) Wolfe Monument 9 ¼ in / 23.5 cm diameter

k) Wolfe and Montcalm Monument

9 ¼ in / 23.5 cm diameter

I) Natural Steps, Montmorency

9 ¼ in / 23.5 cm diameter

m) Bridge on Grounds of Asylum 9 ½ in / 24.1 cm diameter, 2 ¼ in / 5.7 cm high

n) Quebec, Martello Tower

9 ¼ in / 23.5 cm diameter

# o) Wolfe and Montcalm Monument (Dufferin Terrace)

9 ¼ in / 23.5 cm diameter

p) Citadel and Town of Quebec seen from Lévis' Wharf

9 ¼ in / 23.5 cm diameter

q) Old Dufferin Terrace 9 ¼ in / 23.5 cm diameter

r) Natural Steps, Montmorency

9 ¼ in / 23.5 cm diameter

# s) Montmorency Canyon (beaver in foreground)

9 ¼ in / 23.5 cm diameter

# t) On Montmorency River (two ladies with crinolines)

9 ½ in / 24.1 cm diameter, 4 ¾ in / 11.1 cm high





#### PROVENANCE

Commissioned by Dr. James Douglas, founder of the Beauport Asylum Dr. Foote, Quebec Mr. Fitch Vesey Boswell, Esq., Quebec, circa 1903 By descent to the present Private Collection, British Columbia

#### LITERATURE

Appraisal of the Contents of the Residence of Vesey Boswell, The Home & Club Department of The American Appraisal Company, February 10, 1914, listed, unpaginated

Marius Barbeau, *Cornelius Krieghoff: Pioneer Painter of North America*, 1934, listed page 151

J. Russell Harper, *Krieghoff*, 1979, page 144, porcelain plate titled as *Quebec from Lévis* reproduced page 141, figure 131, and the set of 20 listed page 197

Janice Tyrwhitt, "The Enchanting World of Cornelius Krieghoff," *Reader's Digest*, date unknown, mentioned page 102

ALTHOUGH CORNELIUS KRIEGHOFF is known primarily for his paintings on canvas, this wonderful porcelain dessert set, comprising 7 tazzas and 13 plates, is a testament both to the artist's extraordinary abilities and, incidentally, to his great entrepreneurial spirit. According to Russell Harper, the set was commissioned at "the whim of a Dr. Douglas in Quebec who wanted a dinner set decorated with local subjects," and while porcelain was not Krieghoff's preferred medium, he was open to trying something new, if the terms were favourable. By accepting this unusual commission, he produced a truly lasting artistic record of an important period in Quebec's history.

Born in Scotland and trained in Edinburgh, Dr. James Douglas came to Quebec City in 1826 (via the United States) and soon established himself as one of the most respected medical doctors and surgeons in the country. He reformed the Hôpital de la Marine and was one of the founders of the Asile de Beauport in 1845, a hospital that developed successful new approaches to mental illness, and which was the ancestor of the current Centre Hospitalier Robert-Giffard.

It is important to note, however, that Dr. Douglas was not just a wealthy doctor who bought nice things "on a whim," and his connection with Krieghoff would not have been happenchance. Dr. Douglas was a leader in the Literary and Historical Society of Quebec (where his bust can still be seen in the lecture room), and he built up a very important collection of fine art and artifacts. In 1847, he bought a domain in Beauport that he named Glenalla, a reference to his native Scotland. The villa, which was surrounded by magnificent gardens, had greenhouses for fruit and tropical flowers, as well as a large gallery in which he displayed his collection of paintings, sculptures and Egyptian artifacts, acquired during a trip to Egypt in 1860 to 1861. After the estate was sold in 1876 and the collection was dispersed, one of his mummies ended up in the collection of the Metropolitan Museum of Art.

The scenes depicted on the dessert service feature picturesque sites in the vicinity of Beauport, including Glenalla itself, as well

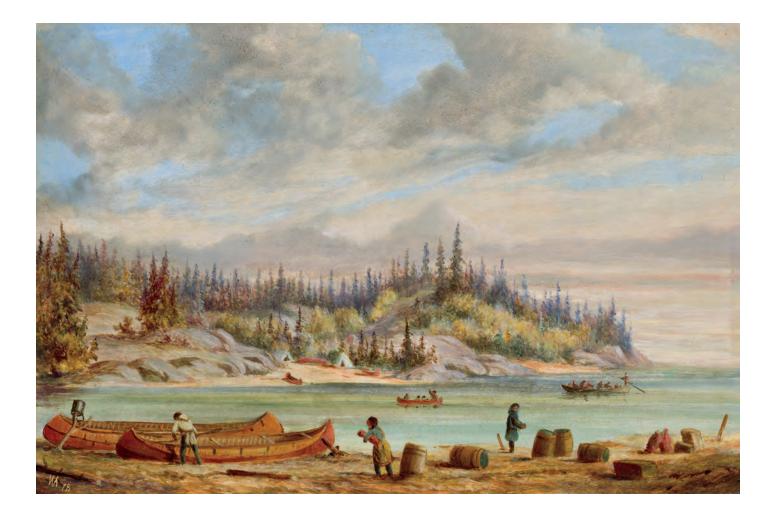


as views of Quebec City from the most appreciated viewpoints of the time, and monuments to James Wolfe and Louis-Joseph de Montcalm. Krieghoff's natural talent and technical mastery of the medium are obvious to see. Porcelain painting was just starting to become fashionable in the 1860s, and Krieghoff, never one to miss an opportunity, may have been inspired by the luminous painted porcelains from his native Germany. Undecorated plain white glazed porcelain plates (known as blanks) were available from European porcelain factories, and these could be embellished by amateurs with simple floral designs, or skilfully painted by professionals with scenes to a client's taste. Paints (known as colours) were specifically made for the purpose, sold in glass vials and in powdered form. The decoration was applied onto the first glaze, and when the artist had finished, the painted plates were sent off to be re-fired, a process that sealed the image under a second glaze. As the firing process was never entirely consistent, variations in the finished colour were common, noticeable in this set in the colours of the outer bands. The blanks that Krieghoff acquired were English, from the Royal Worcester factory, and the backstamps on the plates include the factory's original 1862 circular stamp with a crown and the impressed Worcester Royal Porcelain Works stamp.

Dr. Douglas must have been delighted with the set. Whether he used it regularly as a dessert service is unknown, but the good condition in which it appears today makes it seem likely that it was a "cabinet set" for display rather than for daily use. One plate and one tazza have significant old repairs, but otherwise the set is in remarkably good condition.

The subsequent provenance of the set is recorded in Marius Barbeau's book, so we know that it was acquired by a Dr. Foote, of Quebec, and then by a Mr. Fitch, before being bought by Vesey Boswell, the great-grandfather of the present owner. The Boswells of Quebec City (like the Molsons of Montreal) have been a household name in the city for over 170 years. Joseph Knight Boswell was born in Dublin in 1812. He spent a brief apprenticeship in Edinburgh, where he learned the craft of brewing, before arriving in Canada in the 1830s. He founded Boswell's Brewery in Quebec City in 1844, and by the 1870s, Boswell's had become Quebec's largest brewery, exporting ales around the world. Joseph's son Vesey Boswell became the sole owner of the company after the death of his elder brother in 1893. In 1904, the last time this fine dessert service was sold, it was bought piece by piece at auction by Vesey Boswell, and it has remained in the family's collection until this day. It is extremely rare for a collection of this importance and rarity to appear on the market, and this is the first time it has been on public display since 1904-its whereabouts having been unknown for decades.

ESTIMATE: \$40,000 - 60,000



# 118 William Armstrong

ARCA 1822 - 1914

# Hudson Bay Point, Lake Superior

oil on board, initialed and dated 1878 and on verso titled on the Art Gallery of Ontario label and inscribed *Pic HBay Point* and *L. Superior* or possibly *Simpson* indistinctly  $8 \times 12$  in, 20.3  $\times$  30.5 cm

### PROVENANCE

George Rowney & Co., London G. Blair Laing, Toronto Kenneth R. Thomson Collection, Toronto Private Collection, Toronto

### EXHIBITED

Art Gallery of Ontario, Toronto

IN THIS BUSY scene of a First Nations encampment, *Hudson Bay Point, Lake Superior*, William Armstrong painted a picture drawn from life (he had made sketches when he traveled there about 1859). The bristling trees that crown the background hills recall trees in other pictures he had made of Lake Superior, but the figures in the foreground peacefully going about their daily business—a man readying a canoe for action, a woman carrying a child on a cradleboard and a man fishing—suggest what existence was like for this family group. On the far shore are the dwellings of some members of their community. Coming into the scene on the right is a large boat of traders (possibly including Sir George Simpson). The work is a vignette of life for some Indigenous peoples during the nineteenth century, painted from the viewpoint of history, and reflects the mood and atmosphere of the Canadian landscape and in particular the skies of northern Ontario.

On the back of the painting is possibly written "L. Superior" or "Simpson" in graphite, and Armstrong might have thought in making the scene of the adventurous life of Simpson (circa 1792 – 1860), the Hudson's Bay Company administrator called the "Emperor of the North," with good reason. Simpson made regular trips by canoe to the trading posts, of which this community is an example, as can be seen from the barrels and goods piled in the foreground.

Blair Laing, the prominent dealer, had this work in his own collection. Armstrong watercolours of superb quality were well known to him, and he had bought many from the collection of Canadian politician George Brown and others. But he would have

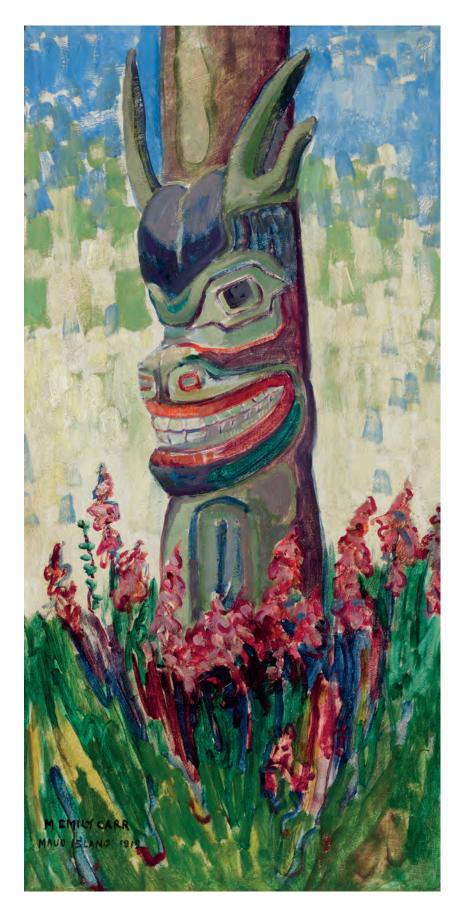


detail

realized the rarity of this example of Armstrong's oil painting, and no doubt had been struck by the charm of the work. In the second volume of his *Memoirs of an Art Dealer*, Laing wrote about Armstrong, noting that the artist had been born in Dublin, and came to Canada in 1851, at the age of 19. An art instructor at the Toronto Normal School and then the University of Toronto, Armstrong actively painted around the Great Lakes. Laing illustrated his pages on Armstrong with another oil the same size as the work here but done a year earlier, in 1877, *Indians in War Canoes* (plate 40). Like *Hudson Bay Point, Lake Superior*, it shows the First Nations in motion and is likely from the same collection. He sold *Hudson Bay Point, Lake Superior*, the more important of the two paintings, to his favourite client, Lord Kenneth Thomson.

We thank Joan Murray, former curator of Canadian art and chief curator (1972) at the Art Gallery of Ontario and author of the 1984 book *The Best of the Group of Seven*, for contributing the above essay.

ESTIMATE: \$30,000 - 50,000



### 119 Emily Carr

BCSFA CGP 1871 - 1945

#### Maude Island Totem

oil on board, signed M. Emily Carr, dated 1912 and inscribed *Maud* [*sic*] *Island* and on verso inscribed *Queen Charlotte / 21 / #916 / Box 624* 25 <sup>3</sup>/<sub>4</sub> × 12 <sup>3</sup>/<sub>4</sub> in, 65.4 × 32.4 cm

#### PROVENANCE

### Laing Galleries, Toronto

Acquired from the above by a Private Collection, Ontario, 1940s Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, November 23, 2016, lot 137 Private Collection, Calgary

#### LITERATURE

Emily Carr, "Lecture on Totems," 1913, Emily Carr Papers, BC Archives, Victoria

- Doris Shadbolt, *Emily Carr*, 1990, reproduced page 100, included in the National Gallery of Canada exhibition list, unpaginated
- BC Archives, the 1912 watercolour for this work entitled *Mountain Goat, Heina, Maud Island* reproduced, catalogue #PDP00654, http://search-bcarchives.royalbc museum.bc.ca/mountain-goat-heina-maud-island

#### EXHIBITED

National Gallery of Canada, Ottawa, *Emily Carr*, June 29 – September 3, 1990, catalogue #42

MAUDE ISLAND TOTEM is one of the images Emily Carr brought back from her great sketching trip in 1912 to the northern coast of British Columbia. She visited Haida Gwaii and sketched this pole at Haina (Caynaa 'llnagaay), on Maude Island. At its base is carved a sculpin, a bottom-dwelling fish with a huge mouth hence the creature's expression like a broad grin. The sculpin also has formidable spines, both on its head for protection and on its ventral fins to enable it to cling to rocks. The sculpin crest was used by members of the Eagle moiety, as George MacDonald records, and the pole was erected for a woman of the Pebble Town Eagles. It can be seen in a photograph taken by Richard Maynard in 1888, when the village was still fully occupied.

By the time Carr visited in 1912, only a few poles remained. The devastating smallpox epidemics of the late nineteenth century had forced the remaining Haida population to regroup into two large villages, Masset and Skidegate, although they still used their ancestral village sites for seasonal fishing and hunting. Carr, who lodged with the Anglican missionary at Skidegate, contracted with a high-ranking young Haida couple, Clara and William Russ, to take her by boat to several of the ancient villages and was eager to learn everything she could from them.

Back in Vancouver in 1913 Carr held a huge exhibition, almost 200 paintings, culminating her project to make the most complete record possible of First Nations villages and poles in their original settings. In the "Lecture on Totems" that she gave to explain her native images to an urban audience of newcomers to the region, she stated: "They liked me to paint their poles, and were interested and friendly...It is my custom upon leaving a village to give an exhibition of all the pictures I have with me. I tack them up on the outside wall on one of the houses and invite them to come and see...I find this little courtesy much appreciated."



EMILY CARR Mountain Goat, Heina, Maud Island watercolour on paper, circa 1912 10 ¼ × 6 ¼ in, 27.5 × 17.5 cm Collection of BC Archives Courtesy of the Royal BC Museum and Archives, PDP00654

Not for sale with this lot

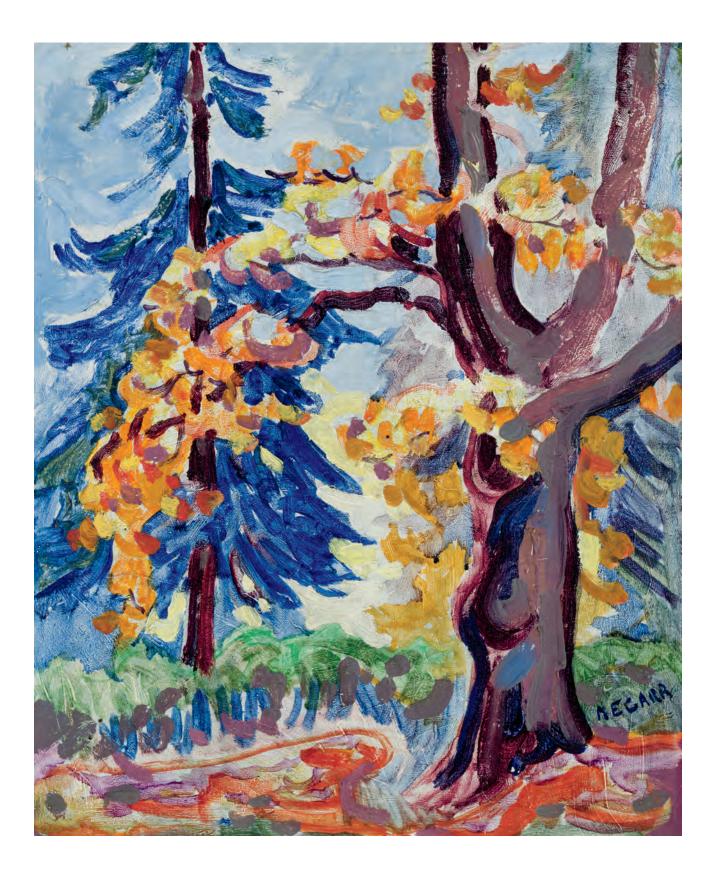
On her visit to Haina, Carr had made some quick watercolour sketches. The presence of tack holes in the oil on board *Maude Island Totem* suggests that it was painted from one of these Haina watercolours when she returned to her base in Skidegate, and that she exhibited it there. The oil panel is similar to the oil studies of single poles she made in Skidegate, using the intense Post-Impressionist colours and bold brushwork she had learned in France a year earlier. Similar clumps of brilliant fireweed also appear in her other paintings of the now deserted Haida villages.

In her lecture, Carr described the boat trip to Haina, "The day of our start was perfect...Skidegate Inlet is lovely...We were followed up almost the entire inlet by large shoals of porpoises who gambolled round the boat with mad antics and made a splendid sight leaping as they did right out of the water. Six and eight abreast on both sides of the boat as if at a given signal." The painting expresses her joy in the landscape as well as her attitude to painting the poles: "You must be absolutely honest and true in the depicting of a totem, for meaning is attached to every line; you must be most particular about detail and proportion. I never use the camera nor work from photos; every pole in my collection has been studied from its own actual reality, in its own original setting, and I have as you might term it been personally acquainted with every pole here shown."

Through this "personal acquaintance" she believed she could convey far more of the spirit and meaning of native cultures than any camera could. Her *Maude Island Totem*, with its powerful spines and expression of sly humour, gazes at us just like the portrait of a person.

We thank Gerta Moray, Professor Emerita, University of Guelph, and author of *Unsettling Encounters: First Nations Imagery in the Art of Emily Carr*, for contributing the above essay.

ESTIMATE: \$700,000 - 900,000



### 120 Emily Carr

BCSFA CGP 1871 - 1945

### Landscape with Trees

oil on board, signed M.E. Carr, circa 1913 – 1919 16 × 13 in, 40.6 × 33 cm

#### PROVENANCE

Kenneth G. Heffel Fine Art Inc., Vancouver Private Collection, Ontario Sold sale of *Canadian Art*, Joyner Fine Art, November 25 and 26, 1987, lot 285 Private Collection, Ontario

### LITERATURE

Maria Tippett, *Emily Carr: A Biography*, 1979, page 118 Doris Shadbolt, editor, *The Complete Writings of Emily Carr*, 1993, *Growing Pains: An Autobiography* (1946), page 436

Kiriko Watanabe et al., *Emily Carr: Fresh Seeing—French Modernism and the West Coast*, Audain Art Museum, 2019, the canvas *Oak Wood*, circa 1913–1927, reproduced page 92; the canvas *Autumn*, circa 1912–1913, reproduced page 121; and the canvas *Arbutus Tree*, circa 1913–1920, reproduced page 124

EMILY CARR'S PERIOD of study in France in 1911 with the British expatriate artists John Duncan Fergusson, Phelan Gibb and Frances Hodgkins led to her developing a vocabulary of bright Post-Impressionist colour. She worked out of doors in French villages and the countryside, and her handling of colour, light and paint itself broke through to a new freedom. Carr had been ready to evolve—she already had an innate sense of colour, took a joyous approach to painting, and made bold choices in her subject matter of wilderness landscapes and First Nations settlements, but sought a more modern way to express them. She returned to Canada with new confidence as a painter, stating, "I came home from France stronger in body, in thinking, and in work... My seeing had broadened." There was a new vigour in her work: bright colours, bold ideas about composition and an open, assured style of brushwork.

Back in Vancouver, in March of 1912 Carr held an exhibition of her French work in her studio, and while it received a positive reception in the press, which noted her use of brilliant colour, she did not sell any paintings and struggled financially. She returned to Victoria and had to find other sources of income—she ran a boarding house, raised purebred dogs and produced crafts such as pottery and hooked rugs, in which she used First Nations motifs. All these activities took up most of her time—particularly the boarding house, called Hill House, which she came to loathe. She did not stop painting altogether and maintained a studio in her house, but in the period between 1913 and 1927 did few works, often undated. Maria Tippett wrote, "What little painting she did after 1913 was done within walking distance of Hill House—in Beacon Hill Park and along the Dallas Road Cliffs or during the summers at her cottage." Locations such as Beacon Hill Park provided solace for her soul and subjects for her paintings. In *Landscape with Trees*, Carr depicts the two trees, one evergreen and one deciduous, with brilliant colour and a free approach to form. Carr's trees are expressive of different "personalities"; they dominate the work like two protagonists in a play. With its downward-curved branches, the evergreen stands still and stately, while the deciduous tree is very festive and playful, with its sprays of leafy branches reaching across the painting's surface. Carr's brushwork is energetic throughout, a precursor to her later painting style, with its strong rhythmic movements of energy sweeping through the landscape.

In this French-influenced work, Carr applied her paint mostly unmixed, to express the new way of seeing she had acquired in France. She made bold choices—the evergreen is cobalt, the ground is orange red, and the gnarled trunk of the tree on the right is loosely composed of strokes of grey, red and blue. With all these brilliant colours set against a pale blue sky, the painting radiates the light of a sunny autumn day.

*Landscape with Trees* is a spontaneous and rare example of Carr's work from this period in her life. The powerful lessons of her time in France were still resonating through and transforming her work. Despite the challenges she faced during this time, she was painting works that were among the most advanced modern art being created in Canada.

#### ESTIMATE: \$70,000 - 90,000



# 121 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885-1970

### From Sentinel Pass Above Moraine Lake, Rocky Mts.

oil on board, on verso signed, initialed L by Lawren Harris Jr., titled and inscribed *owned by Bess Harris since* 1941 / BHC-82 / M (circled) / 2 and variously and with the Doris Mills Inventory #7/74, circa 1929 – 1930 12 × 15 in, 30.5 × 38.1 cm

#### PROVENANCE

Collection of the Artist Bess Harris Collection Estate of the Artist Lawren P. and Anne Harris By descent within the Artist's family to the present Private Collection, Calgary

### LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Rocky Mountain Sketches, Group 7, catalogue #74, location noted as the Studio Building, and a drawing of the painting illustrated by Hans Jensen

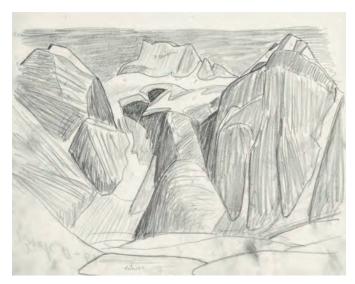
Catharine Mastin, *The Group of Seven in Western Canada*, Glenbow Museum, 2002, listed page 199

### EXHIBITED

Elsie Perrin Memorial Art Museum, London, Ontario

- National Gallery of Canada, Ottawa, *Lawren Harris Sketches*, May 12, 1954 – April 24, 1955 (touring), titled as *From Sentinel Pass, Rocky Mountains*, catalogue #16
- Owens Art Gallery, Mount Allison University, Sackville, Work from the Lawren & Anne Harris Collection, April 26 – May 16, 1967, titled as Sentinel Pass, Moraine Lake
- Glenbow Museum, Calgary, *The Group of Seven in Western Canada*, July 13 – October 14, 2002, traveling in 2002 – 2004 to the Art Gallery of Nova Scotia, Halifax; Winnipeg Art Gallery; Art Gallery of Greater Victoria; and National Gallery of Canada, Ottawa, catalogue #43

LAWREN HARRIS'S INIMITABLE legacy as a visionary of Canadian landscape painting is synonymous with his iconic depictions of mountains, unmistakable in their clarity of conception. By the late 1920s, years spent sketching in the Rocky Mountains and at Lake Superior had brought Harris's art to a new plane, in which his brilliant ability to refine and distill his subjects found him paring down the landscape to its most essential elements. In contrast to his paintings of autumnal Algoma and urban Toronto from the beginning of the decade, which featured vibrant, diverse colours, pieces from the late 1920s emphasize restraint, and find immense power in their crystallized tension and narrow chromatic harmony. *From Sentinel Pass Above Moraine Lake, Rocky Mts.* is the epitome of such works—a poetic rumination on the solemnity of the mountains, and unmistakably Harris at his most confident and accomplished.



LAWREN HARRIS Rocky Mountain Drawing 9-61 graphite on paper, circa 1929 7 ½ × 9 ½ in, 19 × 25.1 cm Private Collection

Not for sale with this lot

Appropriate parallels in mood can be drawn from this painting to the masterful large canvases *Isolation Peak* (Hart House Collection) and *Mt. Lefroy* (McMichael Canadian Art Collection), which were created during the same period. All of these works suggest an atmosphere of pensiveness, and perhaps foreboding, coinciding with the end of the post-war Roaring Twenties and the winding down of the enthusiasm and excitement it had brought. Austere landscapes and their awesome primal power had become the artistic preoccupation of Harris, reflecting his growing determination in transcending the immediate and proximate to convey the universal and eternal, a path that would soon lead to his transition to pure abstraction.

As with most of Harris's later landscape works, this oil on board was preceded by a pencil sketch done on site (*Rocky Mountain Drawing* 9-61, sold by Heffel in fall 2015). As indicated on verso of this painting, the subject is the view from Sentinel Pass, overlooking one of the Minnestimma Lakes in the Larch Valley, found above and to the west of the famed Moraine Lake in Banff National Park. Working on this oil painting after the pencil drawing, either still on site or back in his studio, gave Harris the



Lawren S. Harris hiking in the Rockies, circa 1940 Courtesy of the family of Lawren S. Harris

chance to intensify the scene and bring the depiction to a more perfect representation of his vision: an articulation of his genuine reverence for nature's grandeur, presented as a complete and crystalline depiction of the alpine in its own world of pure, unadulterated light.

Three mountains (Mount Babel, Mount Fay and Mount Bowlen) surround the brilliant white of Fay Glacier, spotlighted by an overhead, otherworldly glow. The subtleties of the colouration engage and excite, with variation in the cool blues and complexity in the greys clearly and effectively depicting the recognizable architecture of the landscape. Fascinating comparisons can be made to the work of Arthur Lismer (who also painted this same location in two of his four known mountain canvases), highlighting the inspiring individuality of these two artists, despite their close affiliation in the Group of Seven.

This work is one of 100 or so sketches that a very discerning Bess Harris acquired from her husband over the course of their marriage. Since her and Harris's passing, this remarkable piece has remained in the Harris family and has never before been reproduced in print, making its offering now especially exciting. Notations on verso reveal some of its interesting history. Doris Mills's labeling places the work in the Studio Building in 1936, after Harris left for the USA, and writing on the frame in the artist's own hand indicates that the work was exhibited in retrospective shows later in his career. A large blue *L* denotes it was part of the estate acquired by Lawren Harris Jr., who also exhibited it with others from his collection in 1967.

From Sentinel Pass Above Moraine Lake, Rocky Mts., as with many of Harris's best works, commands and arrests the viewer's attention, demanding our own reflection on the drama the artist has staged for us. And as an audience, we may easily find our own response close to that of Emily Carr, who wrote in her journal after seeing the works of Harris and the Group of Seven for the first time in 1927: "Oh, God, what have I seen? Where have I been? Something has spoken to the very soul of me, wonderful, mighty, not of this world."<sup>1</sup> The indescribable awe of nature that Harris conveys so effectively in works such as this provokes profound and deep connections that further bolster the significance of his legacy.

We thank Alec Blair, Director/Lead Researcher, Lawren S. Harris Inventory Project, for contributing the above essay.

1. Emily Carr, *Hundreds and Thousands: The Journals of Emily Carr* (Toronto: Clarke, Irwin, 1966), 6.

ESTIMATE: \$400,000 - 600,000



# 122 Frank Hans (Franz) Johnston

ARCA CSPWC G7 OSA 1888 - 1949

#### **Great Bear Lake**

oil on board, signed and on verso titled and inscribed Near the Bear Portage, NWT, circa 1939 30 × 36 in, 76.2 × 91.4 cm

#### PROVENANCE

The Fine Art Galleries, T. Eaton Co. Ltd., Toronto Acquired from the above by Carl French, Toronto, May 27, 1971 By descent to the present Private Collection, Toronto

CARL FRENCH, THIS painting's former owner, worked directly with famed prospector Gilbert LaBine as the treasurer for Eldorado Gold Mines Ltd. LaBine's name is storied in twentieth-century mining due in large part to his mine in the Northwest Territories on the shores of Great Bear Lake. Its primary focus beginning in 1930 was a rich deposit of pitchblende, from which uranium can be refined. Though initially inconsequential, this uranium would become an essential contribution to the Allied race for the first atomic bomb, and the Allies' consequent victory in World War II.

LaBine's successes at Eldorado and the pristine northern surroundings prompted him to welcome artists to the area to capture its rugged beauty. Most notably, these artists included Group of Seven members A.Y. Jackson and Franz Johnston. Here, Johnston skilfully employs a nuanced palette of pale blues, violets and greens against lead white to express the dazzling northern light. His deftly detailed execution of two sled teams dwarfed by the landscape conveys the sheer immensity of this solitary land.

Two photos on verso depict Eldorado Mine from the air and dogsledding in the surrounding area.

ESTIMATE: \$30,000 - \$50,000



### 123 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885-1970

#### **Corner Store**

oil on board, on verso inscribed indistinctly For Doris with our love /M + J, circa 1919 – 1920 10  $\% \times 13 \%$  in, 27  $\times 34.6$  cm

### PROVENANCE

A gift from the Artist to Mrs. Elton Johnson (née Chanty Mitchell) By descent to her daughter Penny Jolliffe Sold sale of *Important Canadian Art*, Sotheby's, November 10, 1981, lot 105 An Important Private Estate, Toronto Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, November 21, 2011, lot 142

Private Collection

FOR LAWREN HARRIS, the communication and representation of the beauty of the world was a pathway to experiencing, and sharing, a higher truth. While this is widely recognized and appreciated in his depictions of Canadian lakes, forests and mountains, his work in the cities and towns of Ontario was perhaps even more directly connected to this mission, a pursuit of appreciating the everyday magnificence that surrounds us all.

Harris's artistic career was one of constant exploration, benefiting his audience and collectors with a diverse range of works to celebrate and enjoy. Paintings of Toronto's urban scenes, usually depicting St. John's Ward (such as this painting) and the ramshackle outskirts of town, represent one of his most important and unique phases. In the first Group of Seven show, in 1920, five of the 11 canvases he exhibited were urban subjects, demonstrating their importance. This work comes from that time period, when Harris would spend a few weeks a year sketching in Algoma, but the majority of his time working out of the Studio Building in Rosedale, often exploring the urban setting for his sketches. Though the two subjects may seem diametrically opposed, Harris's approach to them was the same—to stir an appreciation of the country in all of its diverse manifestations.

The closest we have to an artistic manifesto for these urban works is a 1913 *Maclean's* article written by a "Dewar Montague," which, given the content of the article, can safely be assumed to be a pen name used by Harris himself. His pencil drawings illustrate the piece, and the narrative is an exploration of an anonymous artist character revealing his motivation and practice to a naive observer. The views expressed are in alignment with the sentiments found in Harris's later writing about the mission of the Group of Seven, and are thus invaluable in exploring the motivations behind works such as this one. Describing a pencil sketch of a scene similar to *Corner Store*, the article's writer impresses upon the reader the ability of art to transform the commonplace: "Here is that old fruit shop on the corner of York and Adelaide—why it makes quite a picture. If you had photographed it there wouldn't have been anything to it at all. Just the way the artist has looked at it, the way he has shaded it here and there makes it a picture and somehow brings out the character of the building."<sup>1</sup> Whether it was the evening light coming through the tangled branches of drowned forests in a beaver swamp, or a pedestrian scene on a crisp spring morning in Toronto's Ward district, as seen in *Corner Store*, Harris guides the audience to new perspectives and admirations of the world around us. As "Montague" writes, "Through his pictures we, whose specialities are of a more practical sort, are led to see the inward beauty of the subject."<sup>2</sup>

The technical aspects of this painting demonstrate Harris's ambition for and excitement about the subject. It is decidedly modern in approach, a sketch done with both brush and palette knife, with Harris unafraid to let the support show through, and his rapid initial impressions speak for themselves. This is the work of an artist who is experimental and confident, willing to push the boundaries of the painting to ensure that the vivacity of the life that he sought to portray is not drained of its immediacy through overworking. The suggestion of form and the texture of the surface become as integral as the Prussian blue underpainting that delineates the scene. The building's trim and door are boldly painted with a bright chartreuse, a favourite of Harris's in his urban works, and they radiate vitality, in counterpoint to the peeling plaster. This is a vibrant sketch that clearly captures what was needed, and no more. The artist's mastery of distillation and deceptive simplicity is evident in this work, and we can again use the words of "Montague" to synthesize the importance of such genius: "He only uses a few strokes of the pencil and yet, in those few strokes, he has told you more than you or I ever saw in all the times we passed."3

We thank Alec Blair, Director/Lead Researcher, Lawren S. Harris Inventory Project, for contributing the above essay.

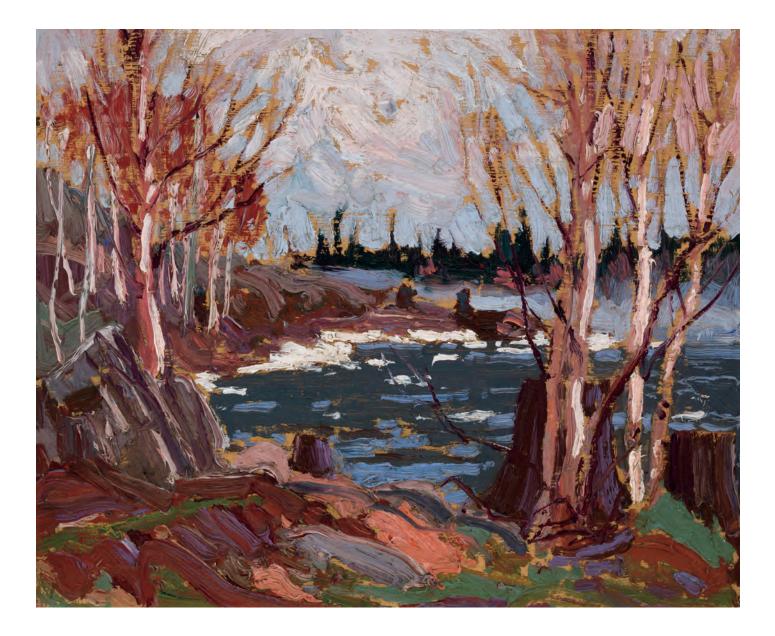
1. Dewar Montague [pseud.], "The Classic Commonplace," *Maclean's Magazine*, May 1913, 36.

Lawren Harris gave this work to Mrs. Johnson, who was a member of the Heliconian Club. Her husband, Elton Johnson, was a founding member of the Arts and Letters Club in Toronto, and the couple were friends with many artists of the time.

estimate: \$600,000 - 800,000

<sup>2.</sup> Ibid., 39.

<sup>3.</sup> Ibid.



# 124 Thomas John (Tom) Thomson

osa 1877 - 1917

#### Spring, 1916

oil on board, stamped with the Estate stamp and on verso inscribed 1916 Spring in graphite and stamped with the Estate stamp  $8 \frac{1}{2} \times 10 \frac{1}{2}$  in, 21.6 × 26.7 cm

#### PROVENANCE

Dr. James MacCallum

Acquired from the above by H.V.F. Jones, Esq., Toronto, circa 1920

By descent through the family to the present Private Collection, Ontario

TOM THOMSON'S *SPRING*, *1916* vibrates with life. Birches frame a view of quickly flowing water and ice, and snow and ice are piled up against a distant shore. It is spring in Algonquin Park cold enough for snow, but warm enough for parts of the soil in the foreground to have turned green. The vigorous birch trees to either side of the scene seem to burst upwards (pale pink at the tops of the trees at the right suggests budding) and the sky overhead whirls with energy. It is a scene in motion, painted with a bold treatment of paint and abbreviated, yet delicate, brushwork. It quietly dazzles, but at the same time, gives a compact portrayal of Thomson's beloved Algonquin Park and his place in it.

After Thomson's death, A.Y. Jackson described Thomson's central position in the Group of Seven as "the guide."<sup>1</sup> At the time this work was painted, Thomson actually *was* the guide. Beginning in late April or early May of 1916, he had taken his friends Lawren Harris, who brought along his cousin Chester Harris, and Dr. James MacCallum on a camping trip in Algonquin Park, starting at Canoe Lake and then canoeing to Lake Cauchon. Here, they had left MacCallum and gone on to Aura Lea Lake, by canoe and portage.

Thomson painted sketches on the trip that can be picked out of his oeuvre, such as the painting Aura Lee Lake (Thomson catalogue raisonné #1916.55), titled on the reverse Spring, Aura Lee Lake by Thomson himself, so that it is a likely candidate for one of the sketches done on the trip. Another possibility is *Early* April (CR #1916.25). It is the correct date and is a snow scene. Early Spring, Cauchon Lake (CR #1916.57) is another possibility, because Harris corrected the title (someone thought it was Petawawa) to read "Cauchon Lake" and described it on the verso as "Background is a high hill covered with budding hardwood & a few spruce," which sounds as though he had been there and knew what he was talking about. Several other works fit the time period, but compared with them, Spring, 1916 has an exuberance the other sketches mostly lack. Racing, ice-filled water, trees bursting with energy, swirling sky-these are the elements that make this sketch so appealing.

Later, asked about the trip, Harris remembered a dramatic thunderstorm coming up with a high wind while Thomson and he were in an abandoned lumber shack. When the storm broke, Thomson grabbed his sketch box and began to paint the storm, as Harris wrote in his well-known essay "The Story of the Group of Seven."<sup>2</sup> He also later recalled Thomson as a fine companion on the trip.<sup>3</sup> The curious thing is that no sketch of a storm exists except for one in 1915, the famous *Lightning, Canoe Lake* 

(CR #1915.62), and it is quite secure in its date, so Harris may have gotten his memories confused. Or perhaps a Thomson sketch of a storm dated 1916 will turn up. Why not? *Spring*, 1916 did.

To summarize, *Spring*, 1916 is one of the sketches Thomson painted on this camping trip, perhaps of Lake Cauchon. It is so early in the year, for one thing—at least in the Algonquin Park year. Besides, the landscape, filled with rock and tree stumps, looks wilder than Canoe Lake, more as one would expect farther north.

MacCallum is part of the story—he accompanied Thomson on most of the trip. When Thomson died, it is likely MacCallum who added the estate stamp to the back and wrote "1916 Spring" on it. Circa 1920, he sold the sketch to H.V.F. Jones, assistant general manager at the Canadian Bank of Commerce in Toronto, from whom it passed to his son and then to his grandson, the present owner.

In selling *Spring*, 1916, MacCallum was acting as an agent on behalf of some of the Group artists, such as Harris. They had decided among themselves to bolster Thomson's reputation by achieving wider sales of his work. In this way, this—at the time —almost unknown artist would be honoured. It was their plan. Thomson had been one of them—a guiding spirit in their Algonquin Park School. They were trying to enhance his reputation as an artist and give him a new stature, as a genius in their midst.

Harris and MacCallum, his camping companions, were the most active in placing Thomson's work in prominent collections, public and private. Much later, in a 1944 documentary, Harris said: "Tom had many characteristics of genius as a painter."<sup>4</sup> In the same film, Harris praised Thomson's "concentrated directness that went right to the heart of whatever he was painting." Thomson was already well on his way to becoming a great Canadian artist—one who inspired Canadians to see their rugged landscape through his eyes so that the scene in *Spring*, 1916, of the breaking up of the ice in the North, seems today to capture in essence the power and majesty of a truly *Canadian* landscape.

We thank Joan Murray, former curator of Canadian art and chief curator (1972) at the Art Gallery of Ontario, for contributing the above essay. Murray helped to bring the paintings of Tom Thomson to world attention through a series of exhibitions and seven books, including a biography (the most recent is *A Treasury of Tom Thomson*).

Please note: this recently rediscovered work is presently not listed in Joan Murray's catalogue raisonné of the artist's work as published online in 2009. A letter of authenticity from Joan Murray accompanies this work, dated September 2021.

1. A.Y. Jackson to J.E.H. MacDonald, August 4, 1917, McMichael Canadian Art Collection, Kleinburg.

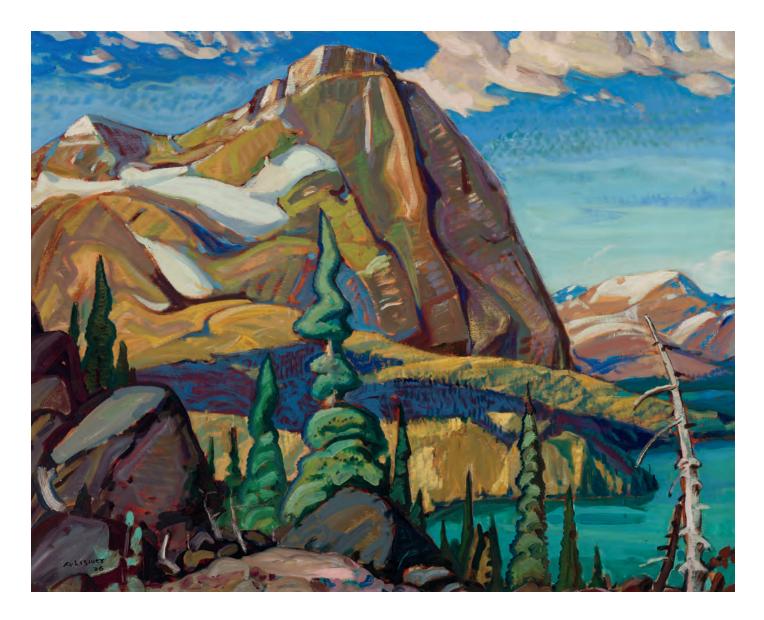
2. Lawren Harris, "The Story of the Group of Seven," in Joan Murray, *The Best of the Group of Seven* (Toronto: McClelland & Stewart, 1993), 28.

3. Mrs. Lawren Harris, Vancouver, to J.D. Young, Toronto, dated "Sunday," 1966, quoted in Ottelyn Addison, *Tom Thomson: The Algonquin Years* (Toronto: Ryerson Press, 1969), 51.

4. Harris in *West Wind*, directed by Graham McInnes (National Film Board of Canada, 1944), available at https://www.nfb.ca/film/ west\_wind.

ESTIMATE: \$600,000 - 800,000

# PROPERTY OF AN IMPORTANT PRIVATE COLLECTION, CALIFORNIA



# 125 Arthur Lismer

AAM CGP CSGA CSPWC G7 OSA RCA 1885 - 1969

### Mountain and Lake

oil on canvas, signed and dated 1926 and on verso signed and titled on an exhibition label 32 × 40 in, 81.3 × 101.6 cm

### PROVENANCE

Laing Galleries, Toronto

Acquired from the above by a Private Collection, Florida By descent to an Important Private Collection, California

### LITERATURE

Catalogue of the Fifty-Eighth Annual Exhibition of the Ontario Society of Artists, 1930, reproduced page 13

### EXHIBITED

- Art Gallery of Toronto, *Ontario Society of Artists, Fifty-Eighth Annual OSA Exhibition*, 1930, catalogue #95, http://www.ccca. ca/history/osa/
- J. Merritt Malloney's Gallery, Toronto, Exhibition of Paintings, Sketches and Drawings by Arthur Lismer, A.R.C.A., O.S.A., "Canadian Group of Painters," May 4 – 25, 1935, titled as Mountain, Lake O'Hara, catalogue #1
- Art Gallery of Toronto, *Arthur Lismer: Paintings* 1913 1949, January – February 1950, traveling to the National Gallery of Canada, Ottawa, April 13 – May 30, 1950, and traveling to London, Winnipeg, Brandon, Edmonton, Saskatoon, Edmonton, Victoria, Vancouver, Calgary and Windsor, dated 1930, catalogue #31

FROM GEORGIAN BAY to Algonquin Park, to Algoma and the north shore of Lake Superior, the members of the Group of Seven explored and painted Canada's many landscapes. In 1924, A.Y. Jackson and Lawren Harris traveled to the Rocky Mountains, painting around Jasper in the Tonquin Valley and at Maligne Lake. Independently, J.E.H. MacDonald also painted around Lake O'Hara in Yoho Park, and Frank Johnston, who still lived in Winnipeg, had an exhibition of Rocky Mountain sketches at the Canadian Women's Press Club in Vancouver. Harris and MacDonald would return to the Rockies almost annually through the 1920s. Arthur Lismer made the trek west in 1928, traveling, as was his habit, with his wife Esther and daughter Marjorie. The train tickets were supplied by the Canadian Pacific Railway, in appreciation of the publicity the resulting paintings would provide to the CPR hotels. Undoubtedly encouraged by MacDonald, in 1928 Lismer painted around Lake O'Hara and Lake Louise. Marjorie Lismer Bridges later wrote in her biography of her father, *A Border of Beauty: Arthur Lismer's Pen and Pencil*,

We spent one summer among the mountains. A number of fine sketches and canvases came out of that trip, but Lismer never went back...I believe that my mother's feeling for the mountains was the reason he never felt the desire to repeat this experience. Mother was usually adaptable to any situation. But I remember when we were in the mountains, at Lake O'Hara, she was upset at their closeness. She preferred the open shore and surf of the sea coast, or the high sky and low islands of Georgian Bay.<sup>1</sup>

Lismer did indeed paint some marvellous oil sketches of the Rockies, but only four canvases: *Cathedral Mountain* (48 × 56 inches, collection of the Montreal Museum of Fine Arts); *The Glacier* (32 × 40 inches, collection of the Art Gallery of Hamilton); *High Altitude* (also known as *The Glacier*, 32 × 40 inches, collection of Museum London); and our *Mountain and Lake* (also 32 × 40 inches), the only mountain canvas still in private hands.

The scholar of the art of the Canadian Rockies, Lisa Christensen, has identified the subject of *Mountain and Lake* as Mount Odaray viewed from across Lake O'Hara. In the oil sketch that preceded the canvas, entitled *Canadian Rockies*, sold by Heffel in November 2013 (figure 1), the boldly painted forms of the boulders and treetops lower left are painted in tones close to those depicting the lower slopes of the mountain. The spatial distance blurs so that Mount Odaray, cropped at its peak, weighs heavily in the near distance. The freely brushed clouds and the water of Lake O'Hara lead the eye to the more lightly painted slopes of the Odaray Glacier upper left.

Working from the oil sketch, Lismer lightened the overall palette in the canvas. The mountain slopes appear to be more distant, an effect enhanced by the inclusion of Mount Odaray's full height



FIGURE 1: **ARTHUR LISMER Canadian Rockies** oil on board, circa 1928 12 % × 16 in, 32.7 × 40.6 cm Private Collection

Not for sale with this lot

and floating clouds above. The brightly painted foreground, the rhythmically brushed foliage of the centre trees and the bare trunk lower right play a more assertive role. The somewhat foreboding weight of the sketch has been translated into an expansive evocation of clear mountain air and sunshine.

Interestingly, the subject of Lismer's canvas is the same as that painted by MacDonald when he first painted in the Rockies in 1924. One of his first mountain canvases was *Rain in the Mountains* (collection of the Art Gallery of Hamilton, see figure 2), which was exhibited in the January 1925 exhibition of the Group of Seven. As Christensen has written in *The Lake O'Hara Art of J.E.H. MacDonald and Hiker's Guide*, MacDonald's canvas is "a combination of two perspectives on the same vista: the lakeshore view, from the far southwest shore of Lake O'Hara, looking back toward Odaray; and looking the same direction, but from the Opabin Plateau 280 metres above."<sup>2</sup> While MacDonald's canvas is a blend of two-dimensional design and painting, *Mountain*  *and Lake* is a more painterly and dynamic composition, with the bare trunk lower right echoing MacDonald's arched foreground branch, and the swirling tree in the centre pulling the eye to the Odaray Glacier upper left. MacDonald's lakeshore is a proscenium before a theatre curtain, while Lismer's more elevated view brings the viewer directly into the scene of the action.

*Mountain and Lake* was included in Lismer's retrospective exhibition organized by the Art Gallery of Toronto in 1950. Writing to the curator Sidney Key on November 28, 1949, Lismer dated the canvas 1928, although it was dated 1930 in the subsequent catalogue.<sup>3</sup> When the exhibition was shown at the National Gallery of Canada in Ottawa, Kathleen Fenwick, the Gallery's curator of prints and drawings, noted all the labels and inscriptions on Lismer's paintings in her copy of the catalogue. The canvas was undated in 1950. In further correspondence in January 1953 with H.O. McCurry, director of the National Gallery of Canada, Lismer erroneously dated this canvas 1926 and



FIGURE 2: **JAMES EDWARD HERVEY (J.E.H.) MACDONALD Rain in the Mountains** oil on canvas, 1924 48 % x 60 % in, 123.5 x 153.4 cm, Collection of the Art Gallery of Hamilton Bequest of H. L. Rinn, 1955

Not for sale with this lot

titled it *Mountain, Lake O'Hara*. It was most likely at the request of G. Blair Laing, from whom the father of the current owner acquired this wonderful painting, that Lismer misdated the canvas for an exhibition at Laing Galleries.

We thank Charles C. Hill, former curator of Canadian art from 1980 to 2014 at the National Gallery of Canada and author of *The Group of Seven: Art for a Nation*, for contributing the above essay.

1. Marjorie Lismer Bridges, A Border of Beauty: Arthur Lismer's Pen and Pencil (Toronto: Red Rock, 1977), 56.

2. Lisa Christensen, *The Lake O'Hara Art of J.E.H. MacDonald and Hiker's Guide* (Calgary: Fifth House, 2003), 35.

3. Lismer to Sidney Key, November 28, 1949, Edward P. Taylor Library & Archives, Art Gallery of Ontario, Toronto.

ESTIMATE: \$400,000 - 600,000



### 126 David Brown Milne

CGP CSGA CSPWC 1882 - 1953

#### Alder Branch

oil on canvas, signed and on verso titled and inscribed by Vincent Massey *142*, 1933 18 × 22 in, 45.7 × 55.9 cm

#### PROVENANCE

Sale of the Artist to Vincent Massey, Toronto, 1934 Laing Galleries, Toronto Acquired from the above by a Private Collection, Florida, February 2, 1959 By descent to an Important Private Collection, California

#### LITERATURE

David P. Silcox, *Painting Place: The Life and Work of David B. Milne*, 1996, reproduced page 268

Henry Lehmann, "Homage to a Master," review of *Painting Place: The Life and Work of David B. Milne*, by David P. Silcox, *Gazette* (Montreal), December 7, 1996, reproduced page H6

David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 2: 1929 – 1953, 1998,* reproduced page 580, catalogue #303.29

ALDER BRANCH IS a virtuosic example of David Milne's achievement and his contribution to Canadian art. Painted in early October of 1933 at Six Mile Lake, in Ontario's Muskoka district, 140 kilometres north of Toronto, the work succeeds by simultaneously advancing two qualities essential to Milne's art: his singular engagement with colour and form, and his daring use of the device he called "interrupted vision." Affirming the painting's success, Milne scholar and co-author of the artist's catalogue raisonné David P. Silcox singled it out in his comprehensive monograph on the artist as "stunningly beautiful."<sup>1</sup>

In 1929, four years before painting *Alder Branch*, Milne returned to Canada and his home province of Ontario after nearly 25 years in New York City and upstate New York. Milne's American sojourn was punctuated by 13 months in Europe, when he participated in the Canadian War Records program during the First World War, and six months in Ottawa, from 1923 to 1924, when he reconnoitered the Canadian art world. During this period of tremendous growth, Silcox identified Milne's use of the interrupted vision motif in the artist's Bronx works of 1914 and 1915, and in two or three of the War Records works of late 1918 or early 1919.<sup>2</sup>

The first five years after Milne's return to Ontario were momentous and productive. In the rolling farmland of Palgrave, 35 kilometres northwest of Toronto, in and around 1932, Milne painted a trio of views of rooftops in muted tones that use the pronounced chimney for his unique dazzle area and renew his use of interrupted vision.<sup>3</sup> His marriage dissolved in April 1933, and he completed his fourth move in as many years when he left the open countryside of Palgrave for the lakes and woods of Six Mile Lake in early May 1933. He painted *Alder Branch* that October, and the next year he offered to sell his painted oeuvre to Alice and Vincent Massey for five dollars per work to buy himself time to paint.

Milne's August 1934 proposal to the Masseys was a 29-page letter with a gloss on his career and an auto-critique describing his "interrupted vision pictures" as his most interesting group of compositions.<sup>4</sup> The artistic conceit is as direct as Milne's plain language. Namely, artists' and amateurs' desires to refine and streamline their views too often eliminated the visual interruption that caught their eye and stoked their interest in the first place. Milne understood this phenomenon. He countered it by harnessing select visual interruptions to enliven compositions, and that is exactly what he did when he painted *Alder Branch* in October 1933.

This lone composition of a far shore interrupted by flora reverberates with Milne's manner as well as the influence of contemporary Canadian paintings he knew by Tom Thomson, Arthur Lismer and Frederick H. Varley. Over a dilute ground of pale salmon, Milne used black paint to sketch a view to a far shore interrupted by a modest alder branch. He parsed the scene's values with the colours of the rainbow, reinforced the outlines, used copious white to amplify brilliant light, used grey to deepen reflections, and then a filigree of black drawing with blue and green colouring for the eponymous alder, to create as dramatic a push-pull effect as Hans Hofmann might have conceived.

The events leading to the autumn of 1933 and Milne's return to lakes and woods at Six Mile Lake gave him the opportunity to consider landscapes devoid of the signs of settlement for the first time since he had been in Temagami four years earlier. Amidst the turmoil of the Great Depression, his return to Canada, multiple relocations and the dissolution of his marriage, Milne painted this sparkling essay on colour and form, featuring his own motif of interrupted vision.

We thank Gregory Humeniuk, art historian, writer and curator, for contributing the above essay.

1. Regarding the autumn 1933 dating, see David Milne to James Clarke, [8] October 1933 (photocopy), David Silcox–David Milne collection, Edward P. Taylor Library & Archives, Art Gallery of Ontario, Toronto; regarding Silcox's praise, see David P. Silcox, *Painting Place: The Life and Work of David B. Milne* (Toronto: University of Toronto Press, 1996), 268.

2. Silcox, Painting Place, 79, 93.

3. David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings*, vol. 2, 1929–1953 (Toronto: University of Toronto Press, 1998), 540–41, nos. 302.139–41.

4. Milne to Alice Massey, August 20, 1934, quoted in Silcox, *Painting Place*, 79.

#### ESTIMATE: \$200,000 - 250,000

# PROPERTY OF THE COLLECTION OF MR. AND MRS. WILLIAM P. WILDER



William and Judith Wilder on their sailboat in Passamaquoddy Bay, St. Andrews by-the-Sea, New Brunswick

I have been guided by the philosophy that you can't take everything out of life without putting something back in. With the help of my wife, my family, and many friends and business associates, I have been fortunate to accomplish both.

#### -WILLIAM P. WILDER

HEFFEL IS DEEPLY honoured to present a very special selection of artworks from the Collection of Mr. and Mrs. William P. Wilder this fall. Heffel has many fond memories of William and Judith "Billie"; we were lucky enough to build a lasting relationship that spanned many years. Their passion for Canadian art, their philanthropic impact and their zest for life shone through during memorable visits to our galleries and in their beautiful home. William, known to many as Bill (or Buck to his grandchildren, a nickname he gained during his time in the Royal Navy), passed away in 2019 at the age of 96. He is memorialized by the incredible legacy he left behind as a Canadian business leader, a staunch philanthropist, a loving father and grandfather, and a passionate art collector.

Following his World War II Royal Navy service, William completed his studies at Montreal's McGill University and began his career selling bonds with Wood Gundy (now CIBC Wood Gundy). He went on to pursue an MBA at Harvard Business School, an experience he often called life-changing, before returning to the securities firm. Several years later, he became chief executive of Wood Gundy and led the prestigious firm to much success, financing large Canadian energy companies and major national projects. William then moved on to lead the Canadian Arctic Gas consortium, and then to Consumers' Gas as chairman and CEO. William's knowledge and expertise was sought after throughout his life, as he served on many boards, including those of the Royal Bank of Canada, Canada Life Assurance Company, Noranda Mines and Maclean-Hunter, to name only a few.

Like his business acumen, William's philanthropy was also far-reaching, with a focus on education, among other important causes. He became a major donor to Upper Canada College in Toronto, where he went to school, and to Harvard Business School, where the Wilder House building stands in his name.

Highlighting his many accolades, William was awarded the Order of Canada in 2017 and the Legion of Honour from France in 2018. He also received the Alumni Achievement Award from Harvard Business School in 1994 and was inducted into Canada's Investment Industry Hall of Fame.

Judith Wilder (née Bickle) also led an incredible life. Her extensive education began at Toronto's Havergal College, followed by McGill University. It was after McGill when she and William met and got married. She was known to family and friends as William's "chief business advisor" and biggest supporter. Her philanthropic contributions were widespread and focused on the arts, education, health care and social services. She made important donations to the Toronto Rehab Hospital and the Toronto Symphony Orchestra, among other deserving organizations.

William and Judith were married for 66 years. They enjoyed time with their family and dogs at their farm near Uxbridge, Ontario, and in St. Andrews, New Brunswick, where they spent many wonderful summers.

The Wilders' passion for collecting Canadian art grew out of their pride for their country. They were enamoured of the Canadian landscape and culture, and over time they amassed one of the finest private collections of works by the Group of Seven and their contemporaries. Masterpieces by Lawren Harris, Arthur Lismer, David Milne, A.J. Casson, J.E.H. MacDonald and others decorated the walls of their home and office, and brought joy to all those who had the pleasure of spending time with the couple.

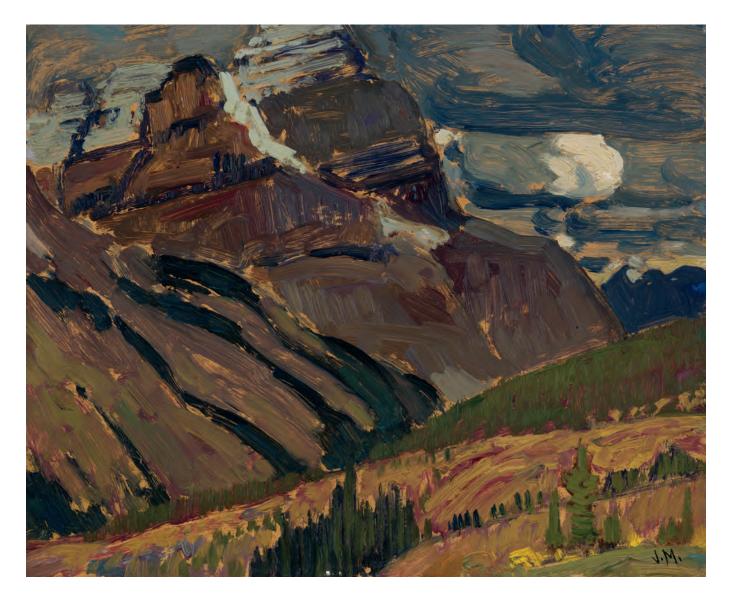
Additional works from the Collection of Mr. and Mrs. William P. Wilder will feature in Heffel's online auctions this November, including examples by Emily Carr, A.J. Casson and A.Y. Jackson.





TOP: William Wilder and Prince Philip, Duke of Edinburgh, in the library at the Preparatory School at Upper Canada College, Toronto

BOTTOM: William and Judith Wilder at a World Bank meeting in New York



# 127 James Edward Hervey (J.E.H.) MacDonald

ALC CGP G7 OSA RCA 1873-1932

#### Mt. Odaray

oil on board, initialed and on verso signed, titled, inscribed Sketch for Dark Autumn / Rocky Mt. / #6263 / indistinctly and variously and embossed with the estate stamp 8  $\frac{1}{2} \times 10 \frac{1}{2}$  in, 21.6 × 26.7 cm

### PROVENANCE

Collection of Mr. and Mrs. William P. Wilder, Toronto

#### LITERATURE

- Paul Duval, *The Tangled Garden: The Art of J.E.H. MacDonald*, 1978, the 1930 canvas of the same view of Odaray Mountain entitled *Dark Autumn, Rocky Mountains*, collection of the National Gallery of Canada, reproduced page 161, listed, unpaginated
- Lisa Christensen, *The Lake O'Hara Art of J.E.H. MacDonald* and Hiker's Guide, 2003, page 108

J.E.H. MACDONALD TOOK his first trip to the Rocky Mountains in 1924, and he returned every summer until 1930. MacDonald was a poet at heart, and the mountains delighted his imagination and gave him peace and joy as he hiked and sketched. An entry in his journal notes this location: "I sketched [the] effect of coloured rocks and snow on Odaray. If enlarging, try for brighter snow and more luminosity in shadows although very dark." MacDonald did enlarge the view into a magnificent canvas, which is in the collection of the National Gallery of Canada.

This dramatic peak is in alpine country with only lichens, low-growing plants and scrubby trees growing in the vicinity, giving the artist an unobstructed view. MacDonald's Rocky Mountain paintings are noted for their flat divisions of spatial design and hard-edged clarity. Here he captures Odaray's sculpted grandeur from a high vantage point, depicting the distinctive square peak and vertical grooves carved by the passage of glaciers. Thunderous cloud formations crowding up behind the mountain add to the drama of the scene. *Mt. Odaray* is a superb sketch that captures the lofty beauty and intensity of this sublime mountain.

ESTIMATE: \$60,000 - 80,000



JAMES EDWARD HERVEY (J.E.H.) MACDONALD Dark Autumn, Rocky Mountains oil on canvas, 1930 20 × 26 in, 53.7 × 66.3 cm

Collection of the National Gallery of Canada, accession #4875

Not for sale with this lot



# 128 Alexander Young (A.Y.) Jackson

ALC CGP G7 OSA RCA RSA 1882 - 1974

### St. Lawrence in Winter, Port au Persil

oil on canvas, signed and on verso titled and titled as *Point au Persil* on the McMichael Canadian Art Collection label, circa 1947 22 × 21 in, 55.9 × 53.3 cm

#### PROVENANCE

G. Blair Laing Limited, Toronto Collection of Mr. and Mrs. William P. Wilder, Toronto

### LITERATURE

Arthur Lismer, A.Y. Jackson: Paintings, 1902 – 1953, Art Gallery of Toronto and National Gallery of Canada, 1953, page 7
Wayne Larsen, A.Y. Jackson: The Life of a Landscape Painter, 2009, page 190

#### EXHIBITED

McMichael Canadian Art Collection, The Group of Seven: Masterpieces from Toronto Collections, May 24 - August 23, 1987

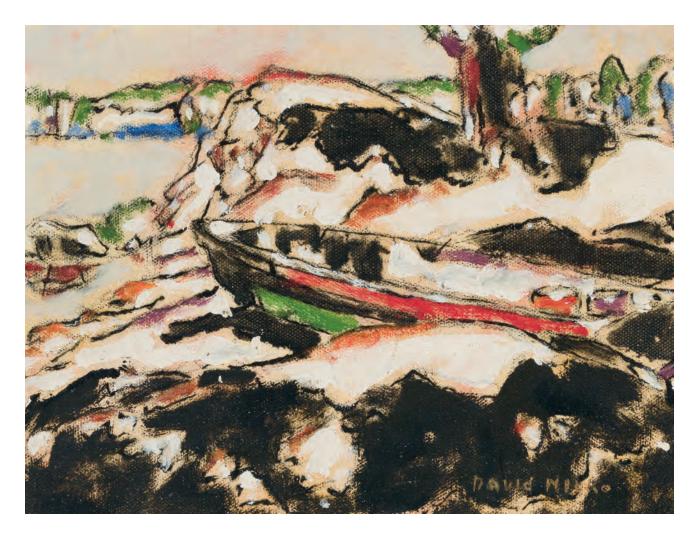
THIS STRIKING STUDIO canvas is based on a sketch produced in 1947, titled *The St. Lawrence River at Port-Au-Persil*, during Jackson's last annual sketching trip to the Lower St. Lawrence region, when he painted at La Malbaie and Port-au-Persil. As Wayne Larsen wrote, "The springtime sketching ritual in rural Quebec was sacred to Jackson. It formed the backbone of his creative life for twenty-six years, providing him with hundreds of sketches." But, although not evident in this fresh and stunning landscape, life was changing in rural Quebec. Jackson did not like the fast-advancing modernization that was taking place in the area, and he would soon switch to the Gatineau region near Ottawa for his regular sketching trips.

*St. Lawrence in Winter, Port au Persil* is a classic Group of Seven composition with its motifs of blue-shadowed snow and the view of a distant landscape through a screen of trees. Long streaks of blue stretch across the bright snow, while sunlight sparkles on an open section of river water—contributing to the marvellous atmosphere of a sunny, crisp winter's day. Jackson's palette is exceptional—the delicate pastel tones in the snow and clouds, green streaks of ice in the river, and cobalt far shore and turquoise sky are a *tour de force* of colour beauty. Jackson had his early training in Paris at the time when French Impressionism galvanized the art scene with its innovation of painting *en plein air* and depicting the changing qualities of light with bright hues, and his exposure to the Impressionist movement was the foundation for his development of colour awareness. His many years of on-the-spot observation of light and colour in landscape sharply honed this awareness, whether he was depicting the Arctic or the St. Lawrence area. Jackson perceived the subtle hues not always immediately seen—white snow is never just white, it is many colours, and he made that apparent.

Here, the trees in the foreground are animated; they seem to slightly writhe as though joyously responding to the sunlight raking across them. The clouds in the background project a sail-like form above the bank lying behind the landforms on the other side of the river, adding to the sensation of movement. Jackson imbued his landscapes with rhythm, and here even included a whorl of shadow at the base of the trees at the right. The exceptional *St. Lawrence in Winter, Port au Persil* vibrates with a harmonious tempo, from trees to sky.

A few years after he painted this canvas, in October of 1953, the major retrospective *A.Y Jackson: Paintings*, 1902 – 1953 made clear the depth of Jackson's contribution to Canadian art. As his fellow Group of Seven artist Arthur Lismer eloquently expressed in the catalogue: "His trails cross and recross like the pattern of ski tracks on the fresh snow of a winter hillside. In all of these widely separated places where A.Y. has painted he has revealed their unique identity... Jackson has done more than any other writer or artist to bind us to our own environment, to make us vitally aware of the significance, beauty and character of the land."

ESTIMATE: \$100,000 - 150,000



### 129 David Brown Milne

CGP CSGA CSPWC 1882 - 1953

# Rowboat on Shore II, Severn River, Muskoka, Ontario / Campfire at Noon (verso)

double-sided oil on canvas, signed and on verso titled Canoe in the Bay on the Laing gallery label, 1933  $12 \times 16$  in,  $30.5 \times 40.6$  cm

### PROVENANCE

Sale of the Artist to Vincent Massey, Toronto, 1934 James Wilson and Co., Ottawa, 1935 Elizabeth Smart, Ottawa, 1935 Raffled to unknown owner, 1935 Laing Galleries, Toronto Acquired from the above by Mr. and Mrs. William P. Wilder, Toronto, 1968

### LITERATURE

David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 2: 1929 – 1953, 1998, page 576, Rowboat on Shore II* reproduced page 571 and *Campfire at Noon* reproduced page 576, catalogue #303.3 and #303.17

# EXHIBITED

Mellors Galleries, Toronto, *Exhibition of Paintings by David B. Milne*, November 27 – December 8, 1934, catalogue #23 James Wilson and Co., Ottawa, *Paintings by David B. Milne*, January 29 – February 1935, catalogue #14

IN MAY OF 1933, David Milne left his home in Palgrave, southern Ontario; looking for a new painting place, he set off up the Severn River by canoe, with limited supplies for camping and painting. The location of *Rowboat on Shore 11* is likely on the banks of the Severn River, between Severn Falls and the marine railway at Big Chute, where Milne camped over the summer of 1933. During his explorations of the area, he paddled to Six Mile Lake by canoe and was favourably impressed by what he saw. David Silcox commented that "the terrain there seemed open and congenial... The shore and bays were littered with driftwood, pine stumps and logs, mostly, the result of earlier logging of the area and a much earlier (1915) major forest fire." Milne visited the lake several times to sketch until he decided to commit to the location; he moved there permanently in September and built his cabin over the fall and early winter.

This double-sided canvas is exceptional in that the front and back images are completely finished. Milne's painting supplies



verso

were limited in the early stages when he was camping, and it is possible that, wanting to continue painting, he flipped the canvas over and continued with the campfire scene. Later, when Milne finished his cabin, he laid in a store of painting supplies for the winter.

This is a marvellous opportunity to acquire a work that depicts different aspects of Milne's campsites—*Rowboat on Shore II* on the banks of the Severn River and *Campfire at Noon* at Six Mile Lake. These sites were remote, far from towns and people, where Milne could paint in peace. Silcox wrote, "Living virtually in the open, surrounded by nature in the raw and practically out of sight and sound of other humans, Milne found himself submerged in the natural world. It provided inspiration, dramatic excitement, aesthetic stimulation and ready material for his meditations."

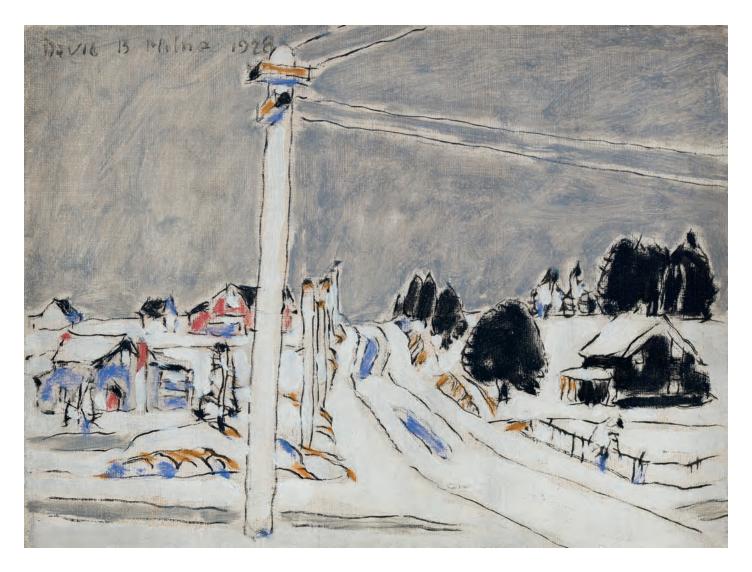
*Campfire at Noon* is an accomplished modernist work. In a 1934 sale list, Milne expressed how pleased he was with the painting, noting: "Camp fire at Noon', Six Mile Lake, 1933, Rather unusual subject matter, a daytime fire. Quite successful." The brushwork is fluid, and the single-colour warm grey ground is a colour not chosen for its realism, but to unify the floating forms of rocks, firewood, fire and cooking pots, which hover over the colour-field background. Just a handful of colours—orange, red, white and black—accent the forms, which are defined with black

lines and blocks of black. It is a vibrant and playful painting, full of movement.

In *Rowboat on Shore II*, Milne boldly used areas of roughly brushed black to define mass in the rock forms. Areas of white define the tops of the rocks and bring light into the painting, as do the strip of featureless sky and the wedge of water at the left. Black lines are used throughout to define the elements of the landscape, with Milne's spare use of purple, orange, red, blue and green illuminating the lines and causing sparks with small, bright chunks of colour. The rowboat, lying among the rocks, almost melds into the landscape, but stands out due to the strips of red and green along its side. *Rowboat on Shore II* is a strong landscape, inventive in its definition of space and form.

This work was among the large group of works sold in 1934 to Vincent and Alice Massey so that Milne could have funds to continue painting. The painting was displayed in a show at Mellors Galleries in late 1934 that comprised works from this group acquired by the Masseys.

estimate: \$60,000 - 80,000



# 130 David Brown Milne

CGP CSGA CSPWC 1882 - 1953

## Crossroads, Lake Placid

oil on canvas, signed and dated 1928 and on verso inscribed 29 (circled) 12  $\frac{1}{2} \times 16 \frac{1}{2} \text{ in}$ , 30.8 × 41 cm

#### PROVENANCE

Acquired from the Artist by Robert North, Buffalo, New York, through Maulsby Kimball, 1931 Morris Gallery, Toronto, circa 1969 Laing Galleries, Toronto, 1969 Collection of Mr. and Mrs. William P. Wilder, Toronto

#### LITERATURE

David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 1: 1882 – 1928, 1998,* page 444, reproduced page 444, catalogue #207.112

Snow coming, and the light cut down so that the darker shapes get little from the sky and in glaring contrast with the luminous snow. The arrangement—keeping the dark shapes mainly in one area—gives a simplicity one would not expect in subjects so strongly [emphasized?]. —DAVID MILNE

FROM 1924 TO 1929, David Milne split his time between summers at Big Moose Lake, in upstate New York, where he was involved in building a tea house/cottage, and winters at Lake Placid, where he and his wife Patsy ran the tea house. This work schedule cut into his painting time, so much so that in the five years he spent at Big Moose Lake and Lake Placid, he produced less work than he had in 10 months in 1920.

Milne's notes on this splendid painting give insight into his careful consideration of his compositional elements. Against the luminous snow, Milne's exquisite tones of mauve-blue, brick and umber are particularly appealing. The electrical pole gives a dominant vertical shape to the landscape and balances the blackness of the trees at the right. The feeling of impending snow is marvellously atmospheric.

In spring of 1929, Milne came back to Canada after 26 years, first going to the woods of northern Ontario at Temagami and Weston, and he would not return to the United States.



# 131 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 - 1992

# **Fresh Snow**

oil on board, signed and on verso signed, titled, dated 1983 and inscribed with the Roberts Gallery inventory #3104J 12 × 15 in, 30.5 × 38.1 cm

# PROVENANCE

Roberts Gallery, Toronto

Collection of Mr. and Mrs. William P. Wilder, Toronto

WHAT A.J. CASSON modestly referred to as his "Box Period" began with his stylistic experiments in the mid-1950s. Forms were reduced to their angular essences, and planes of light and atmosphere were executed with geometric exactness. Although this post-Cubist stylization is most associated with his works from the 1950s and 1960s, there are many examples from the mid-1970s as well as excellent works from the early 1980s, such as this one, done in the artist's final years before he retired from painting.

With a nuanced luminosity, this oil sketch highlights Casson's sensibilities as a subtle dramatist, along with his unfailingly warm view of the human circumstance. Always welcoming, Casson's depictions of Ontario's villages and country houses express an affection for an era he felt was being lost to time. Initially, Casson's relationship to these subjects began out of practicality. As early as the 1920s, he and Franklin Carmichael took sketching trips together to small Ontario towns, as their busy work and home schedules did not allow far-flung trips to remote regions. In these themes, however, Casson would find lifelong resonance.



# 132 Franklin Carmichael

CSPWC G7 OSA RCA 1890 - 1945

Autumn Landscape oil on board, signed 12 × 16 in, 30.5 × 40.6 cm

#### PROVENANCE

Collection of Mr. and Mrs. William P. Wilder, Toronto

THE SUBJECT MATTER of this Franklin Carmichael oil sketch is likely the La Cloche region of Ontario. Carmichael first visited the area in the mid-1920s, and it would soon become the artist's lifelong landscape muse. Just as with the first visit of fellow Group of Seven members A.Y. Jackson and Lawren Harris to the north shore of Lake Superior, Carmichael's first visit to La Cloche was preceded by a forest fire. This resulted in a stripping away of many of the trees and much of the vegetation, revealing the essence of the area's distinctive massive quartzite hills. Carmichael was so taken with the area that he would build a cabin on the shores of Cranberry Lake, from where, for two decades, he would set off on sketching trips. This work is rendered in an earthy palette of ochre, amber and burnt sienna, colour choices notably similar to his virtuosic large oil depicting La Cloche, *Autumn* from 1940, in the McMichael Canadian Art Collection. Notable, too, is the support of  $12 \times 16$  inches, the larger and rarer of Carmichael's two main sketch sizes.

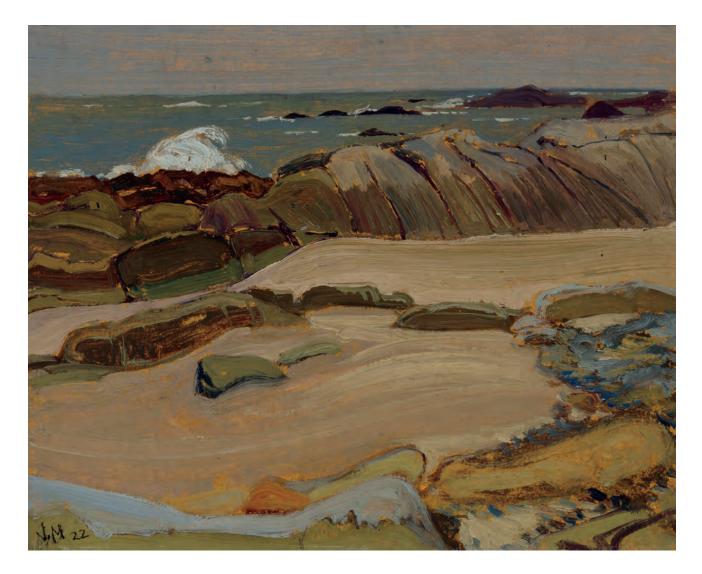
ESTIMATE: \$60,000 - 80,000

# 133 James Edward Hervey (J.E.H.) MacDonald

ALC CGP G7 OSA RCA 1873-1932

#### Nova Scotia Shore

oil on board, initialed and dated 1922 and on verso signed, titled, dated, inscribed J.J.V / Not for Sale / Shore Sketch / indistinctly and variously and embossed with the estate stamp  $8 \frac{3}{2} \times 10 \frac{3}{2}$  in, 21.3 × 26.4 cm



#### PROVENANCE

Estate of J.J. Vaughn Roberts Gallery, Toronto Collection of Mr. and Mrs. William P. Wilder, Toronto

# LITERATURE

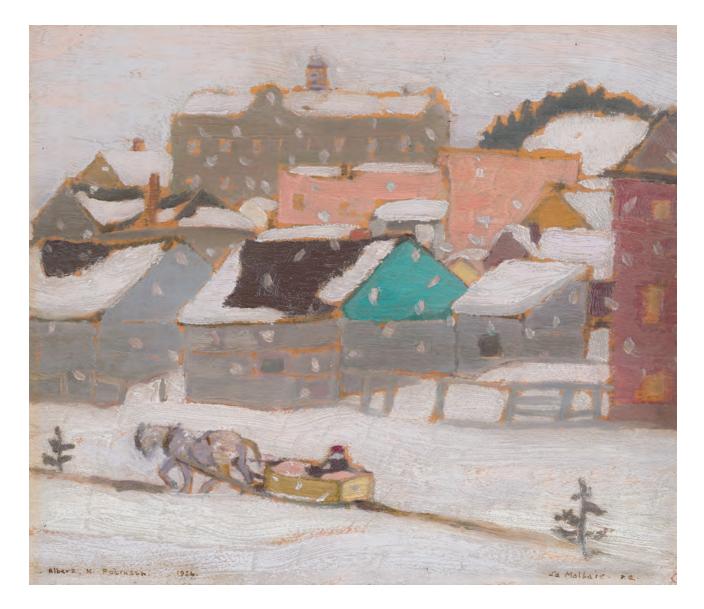
Paul Duval, *The Tangled Garden: The Art of J.E.H. MacDonald*, 1978, page 142

#### EXHIBITED

Dalhousie Art Gallery, Halifax, *J.E.H. MacDonald in Nova Scotia with Lewis and Edith Smith*, January 12 – 25 February, 1990, catalogue #22

IN JULY OF 1922, J.E.H. MacDonald took a break after his first year of teaching at the Ontario College of Art, traveling to visit his lifelong friend, the artist Lewis Smith, at Petite Rivière, Nova Scotia. He stayed for a month and revived his love of the sea, experienced in England during his youth. MacDonald wrote to his son, Thoreau: You remember old Walt Whitman's account of the Long Island Shore? This reminds me of it... The waves have been magnificent the last days, such a thundering crash and roll the rattle of the pebbles in the backwash of the waves. And the whole place is so solitary, like Crusoe's coast, so that you almost resent a footprint in the sand...I have been attempting to sketch the waves... Their forms are so variable, the light and colour unapproachable, but they surely make me long to be a marine painter.

In this superb example of his seascapes, MacDonald captures the frothy surge of surf against the rocks, contrasted with fluid curves of sand in the foreground, rendered in creamy tones. Of the sketches MacDonald produced at Petite Rivière, four were worked up into canvases, including *Seashore, Nova Scotia*, in the collection of the National Gallery of Canada.



# 134 Albert Henry Robinson

CGP RCA 1881 - 1956

# **Murray Bay**

oil on board, signed, dated 1926 and inscribed La Malbaie, P.Q. and on verso signed, titled and dated 11  $\frac{1}{4}$  × 12  $\frac{5}{8}$  in, 28.6 × 32.1 cm

#### PROVENANCE

G. Blair Laing Limited, Toronto Collection of Mr. and Mrs. William P. Wilder, Toronto

#### LITERATURE

- Thomas R. Lee, Albert H. Robinson: "The Painter's Painter," 1956, unpaginated
- A.Y. Jackson, A Painter's Country: The Autobiography of A.Y. Jackson, 1958, page 64

IN 1926, ALBERT ROBINSON painted this charming work while on a sketching trip with Group of Seven painter A.Y. Jackson. In his autobiography, Jackson related, "For several seasons, Robinson, [Edwin] Holgate, [Randolph] Hewton and I worked in the late winter at La Malbaie. It was a charming little town, and Robinson did some of his best work here." Out of trips such as this came the colourful portrayals of Quebec life for which Robinson became renowned.

This is a classic subject for the artist that includes a horse and sleigh wending its way up a snowy path—highly desirable subject matter to collectors. Adding to the allure of the sketch is Robinson's depiction of falling snow, which gives a soft and nostalgic feel to the atmosphere, as if the viewer has traveled back to a simpler time. Robinson used a white-based palette that brightened his paintings even on an overcast day such as this, and his use of pastel tones in the houses is particularly sensitive and harmonious. *Murray Bay* is the perfect embodiment of, as fellow Group artist Arthur Lismer described, "the lyrical environment of the French-Canadian."



# 135 Albert Henry Robinson

CGP RCA 1881 - 1956

# Spring Evening, Cacouna

oil on board, signed and initialed and on verso titled on the Laing gallery label, circa 1921 10  $\frac{1}{2} \times 11 \frac{7}{8}$  in, 26.7 × 30.2 cm

#### PROVENANCE

Laing Galleries, Toronto Private Estate, Montreal Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, May 23, 2007, lot 15 Collection of Mr. and Mrs. William P. Wilder, Toronto

# LITERATURE

Thomas R. Lee, *Albert H. Robinson: "The Painter's Painter,"* 1956, unpaginated

ALBERT ROBINSON WAS a friend of Group of Seven member A.Y. Jackson, and accompanied him on numerous painting excursions around Quebec, where they would paint out of doors in and around the rural villages. Cacouna was their first shared destination in 1921, and *Spring Evening, Cacouna* is a fine example of Robinson's reverence for the landscape and people there. Thomas Lee commented on Robinson's Quebec scenes, "Robinson...understands the habitant and his environment. The quaint and characteristic houses and farm buildings, sleds and ships, winter snow and ice-bound rivers are his themes, and he does them so brilliantly." *Spring Evening, Cacouna* is highly prized subject matter for Robinson, with its charming village, exquisite pastel hues and two horse-drawn sleighs on the winding street.

In the 1920s, Robinson's work was gaining recognition abroad as well as in Canada, and his 1923 work entitled *The Open Stream* was one of only three Canadian works acquired by the Musée d'art moderne in Paris.



# 136 Robert Wakeham Pilot

CGP OSA PRCA 1898 - 1967

#### The Terrace, Quebec

oil on canvas, signed and on verso signed, titled, dated 1962 and inscribed 4889 30 × 40 in, 76.2 × 101.6 cm

# PROVENANCE

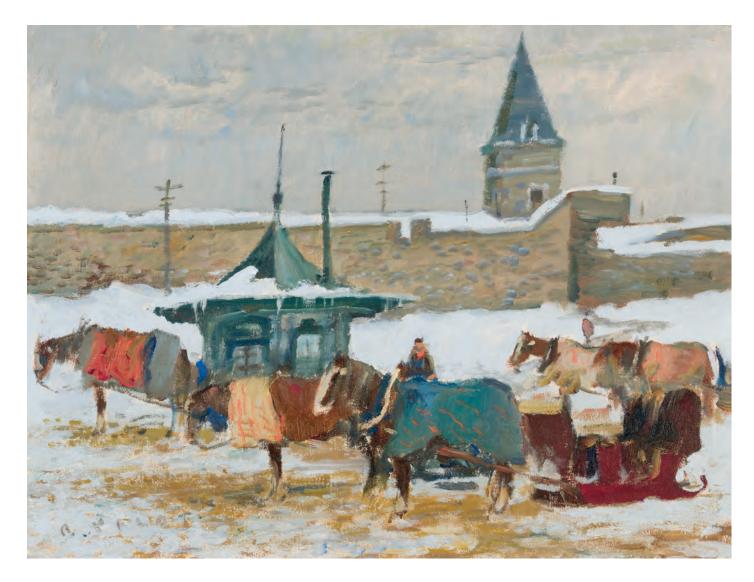
Continental Galleries of Fine Art, Montreal Estate of Holt Dunn, Montreal Sold sale of *Canadian Art*, Bonhams Canada, May 25, 2009, lot 25 Private Collection Collection of Mr. and Mrs. William P. Wilder, Toronto

#### LITERATURE

A.K. Prakash, Impressionism in Canada: A Journey of Rediscovery, 2015, page 633

#### EXHIBITED

Galerie Walter Klinkhoff Inc., Montreal, *Hommage à Robert W. Pilot*, September 1988, catalogue #23 THIS IS A classic composition by Robert Pilot-a view of Quebec City from Dufferin Terrace, with its series of picturesque gazebos overlooking the St. Lawrence River. In the background is the Citadelle and the Dufferin Terrace Slides, a ramp used annually as a toboggan run during the Quebec Winter Carnival. The painting is animated by the people who walk and ski along the wide boardwalk, enjoying the view. Pilot's sensitive treatment of snow is in full force here-subtle grey and blue tones are used to depict the tracks of people and skis in the slushy snow and to give definition to the banks of piled snow. Pilot was a master at portraying the delicate atmospheres of twilight and overcast late afternoon winter days, and here a cool winter light evenly suffuses the scene. This painting, produced in 1962, looks back to a more gentle, leisurely time. As A.K. Prakash notes, "In his later life Pilot enjoyed reworking some of the sketches from his early years-as he expressed it, 'letting myself go in an effort to capture the essential poetry of the scene I had worked on in my youth.' "



# 137 Robert Wakeham Pilot

CGP OSA PRCA 1898 - 1967

# The Cab Stand, St. Louis Gate, Quebec

oil on canvas, signed and on verso titled on the gallery label, circa 1924  $19 \times 24$  in,  $48.3 \times 61$  cm

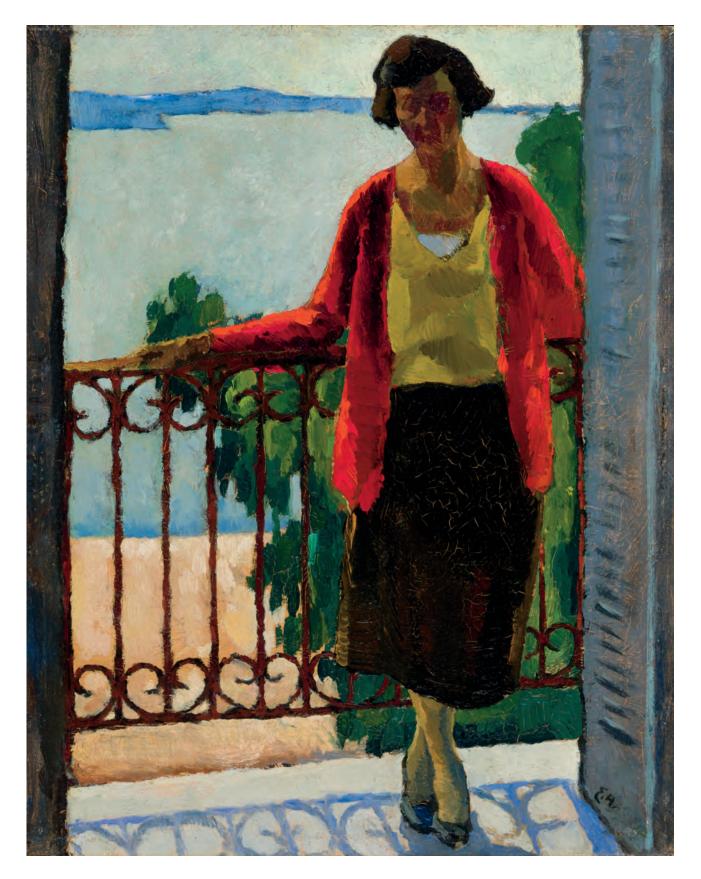
#### PROVENANCE

Galerie Walter Klinkhoff Inc., Montreal Collection of Mr. and Mrs. William P. Wilder, Toronto

#### LITERATURE

Harold Beament, *Robert W. Pilot Retrospective*, 1968, the 1924 sketch for this canvas entitled *Cabbies*, *Porte St. Louis* reproduced page 44

ONE OF THE most important subjects for Canadian Impressionist Robert Pilot was Quebec City. Here the backdrop is the historic architecture of the Saint-Louis Gate at the entrance to Quebec City's upper old town, part of the ramparts encircling the city that date back to the seventeenth century. Another architectural element is the charming cabstand, with its pointed roof and small spire. The horse-drawn cabs were an important part of life in the city—and a very colourful subject. This gathering as they wait for customers is charming, with the horses' bright blankets, patient stances and tossing heads. As these horse-drawn cabs disappeared due to the advent of cars, scenes like this became exquisitely nostalgic. Pilot's treatment of snow here is masterful, showing caramel-coloured snow trampled into the ground under the horses, the grey of the path leading beyond, and the pure-white snow lying in drifts and across the top of the ramparts and the cabstand, lighting up the scene with its brightness. The softly modulated clouds, delicately tinted with blue and cream, show Pilot's understanding and mastery of the Impressionist approach to light.



# 138 Edwin Headley Holgate

AAM BHG CGP CSGA G7 RCA 1892 - 1977

#### Sanary, France

oil on board, initialed and on verso signed, titled *Sanary* and dated February 7, 1922 9  $\frac{1}{2} \times 7 \frac{1}{4}$  in, 24.1 × 18.4 cm

#### PROVENANCE

Acquired directly from the Artist Private Collection, Montreal Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, November 23, 2007, lot 49 Collection of Mr. and Mrs. William P. Wilder, Toronto

### LITERATURE

Dennis Reid, *Edwin H. Holgate*, National Gallery of Canada, 1976, page 9

Rosalind Pepall and Brian Foss, *Edwin Holgate*, Montreal Museum of Fine Arts, 2005, pages 16 and 90, reproduced page 109, listed page 171

#### EXHIBITED

Montreal Museum of Fine Arts, *Edwin Holgate*, May 26 – October 2, 2005, traveling in 2006–2007 to the Glenbow Museum, Calgary; McMichael Canadian Art Collection, Kleinburg; National Gallery of Canada, Ottawa; and Beaverbrook Art Gallery, Fredericton, catalogue #29

EDWIN HOLGATE PAINTED this evocative portrait of his wife, Frances, during the time they spent in France. The couple married in 1920 and lived in France from 1920 to 1922. They settled in Paris, where Frances taught piano lessons, while Holgate returned to formal study, this time at the Académie Colarossi under the Russian artist Adolph Milman. Holgate studied with Milman for over a year and later declared him to be "the only man who ever really taught me something"—about scale, the nude as a subject, and the depiction of people with a strong sense of modeling and hard, clear line. He further emphasized that Milman was "the most potent influence I had. I'll respect him 'til I die."

When Holgate arrived in Paris, many Russian émigré artists were living in the city, seeking to escape the Bolshevik revolution of 1917. There Holgate became acquainted with Russian artists of the Mir Iskusstva (World of Art) movement, who were known for their strong drawing and bold nudes. Two artists from this group were especially known for their portraiture—Alexandre Iacovleff and Vasily Shukhayev. Iacovleff was trained at the Academy of Fine Arts in Saint Petersburg, and his portraits showed great expertise in the use of sanguine and charcoal in the depiction of figures. Holgate met Iacovleff, and his work was influenced by the Russian artist's methods, particularly in Holgate's sanguine and charcoal portraits of Breton peasants from 1921.

Milman was also a devotee of Paul Cézanne, who was a guiding light for many artists in the early 1920s. Holgate would have seen Cézanne's work in Paris, where Cézanne had a show at the Galerie Bernheim-Jeune in December of 1920. From Cézanne, Holgate learned to strip away extraneous details to focus on formal considerations such as volume and the geometry of pure form. In Paris, Holgate's training in draftsmanship, structured composition and the effects of colour formed the foundation of his strength in portraiture.

The Holgates gravitated towards the French countryside in the summers—Concarneau, in Brittany, and the Mediterranean. Sanary-sur-Mer is in the picturesque Côte d'Azur region, a peaceful seaside town centred on fishing. Following the First World War, it became one of the destinations in France for artists and writers such as Aldous Huxley, blossoming into a bohemian community.

Holgate's wife, Frances, was frequently a sitter for his figurative work. Rosalind Pepall wrote that "in his portraits of female subjects...and especially his wife, the artist was able to express himself most freely and reach beyond form to a more subjective emotion." Holgate referred to this portrait of Frances as his "Matisse," and it is a composition reminiscent of numerous paintings by Henri Matisse of women in rooms in front of open windows with views of the Mediterranean Sea. One such example is the 1919 oil Femme assise sur un balcon, from Heffel's spring 2019 sale. Holgate's use of colour is strong, particularly in the saturated red and yellow of Frances's clothing. She leans against the iron railing in a languid pose, her eyes turned downward as if in contemplation. The green tree behind her provides a contrasting tone, further emphasizing her form. Holgate echoes the decorative railing with its blue shadow on the floor and frames the composition by the placement of shutters on either side of the work. Then there is the cool, pale expanse of ocean and sky, rendered in beautifully modulated brushwork. The pigments here are reminiscent of Frederick Varley, with their soft variation of colour tones in blues and greens. Sanary, France is a superb scene and shows that by 1922, Holgate's portraiture, which became such an important part of his oeuvre, was masterfully developed.



# 139 Lilias Torrance Newton

внд сдр кса 1896 - 1980

#### **Portrait of Frances Holgate**

oil on canvas, signed and on verso inscribed DP04, circa 1925 – 1930 40 ¼ × 34 ¼ in, 102.2 × 86.7 cm

#### PROVENANCE

Estate of Edwin Holgate, Montreal By descent to Mary Frances Holgate's nephew, Quebec Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, November 25, 2004, lot 86 Private Collection, Calgary

#### LITERATURE

Jacques Des Rochers, 1920s Modernism in Montreal: The Beaver Hall Group, Montreal Museum of Fine Arts, 2015, reproduced page 268

#### EXHIBITED

Montreal Museum of Fine Arts, 1920s Modernism in Montreal: The Beaver Hall Group, October 24, 2015 – January 31, 2016, traveling in 2016 – 2017 to the Art Gallery of Hamilton, Art Gallery of Windsor and Glenbow Museum, Calgary, catalogue #287

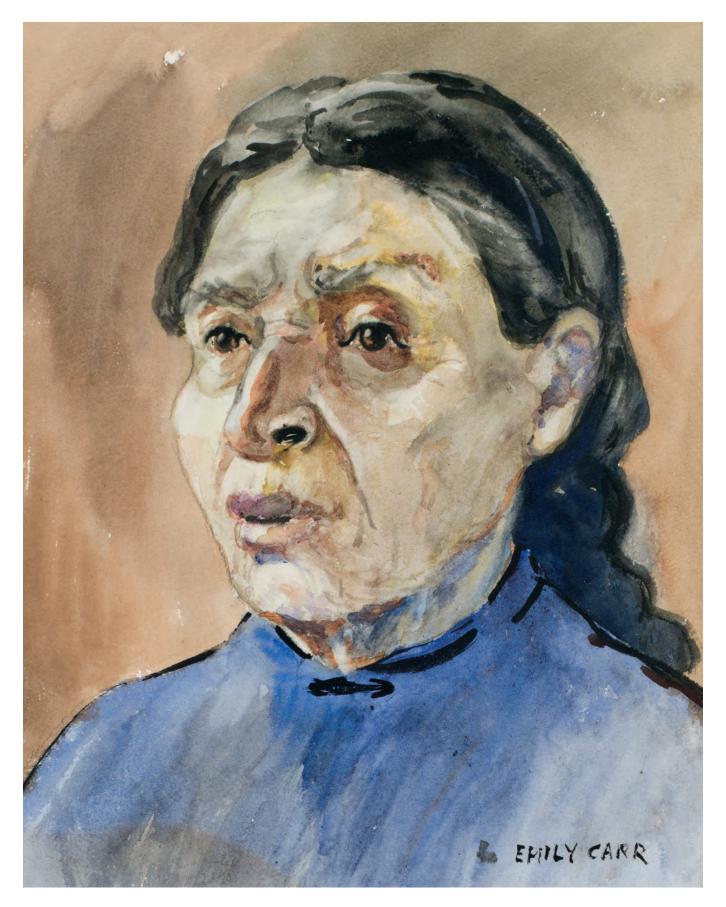
LILIAS TORRANCE NEWTON was one of the most important portraitists working in Canada during the twentieth century. She trained with the painter William Brymner in Montreal and later in Paris, and was a member of the Beaver Hall Group. Elected an associate of the Royal Canadian Academy of Arts in 1923, she became a full academician in 1937 and submitted her diploma painting, a striking portrait of Louis Muhlstock, in 1940. She also showed her work with the Group of Seven. Newton received international recognition—she participated in the *Salon* of the Société des artistes français in 1923, winning an honourable mention for her portrait *Denise*. Her work was shown in the influential British Empire Exhibition at Wembley, England, in 1924 to 1925. She was invited to the *First Pan-American Exhibition of Oil Paintings* in the Los Angeles County Museum of Art in 1925 to 1926, and her portrait *Yvonne* was acquired by the museum.

Newton had married Frederick G. Newton in 1921, but they divorced in 1933. Montreal painter Marion Scott related that Torrance only agreed to marry if she could spend six months studying in Paris. As a single mother, Newton struggled to make a living as a portrait painter in the Depression. She was supported by the National Gallery of Canada, in particular its director Eric Brown, whose portrait she was commissioned to paint in 1931. After the war, Newton forged a significant career as a portraitist of both the business and artistic elite of Canada. She traveled across Canada in this endeavour, and in 1957 was commissioned to paint Queen Elizabeth II and Prince Philip. This portrait of Frances Holgate, the wife of fellow artist Edwin Holgate, is one of her most accomplished compositions. Newton was a close friend of the Holgates and also painted a fine portrait of Edwin. She had known him from her early student days, and in her strongly structured portraits one can see her close alignment with Holgate's formal concerns. Newton studied in Paris with the Russian émigré artist Alexandre Iacovleff, a portraitist Holgate also knew when he was taking classes in Paris. Holgate and Newton were teaching colleagues at the Art Association of Montreal and also connected through the Beaver Hall Group.

Frances Holgate, as is evident in many of Edwin's images of her, was a woman of considerable elegance and poise. Smartly dressed in a black gown with red and green detailing in this portrait, she sits delicately on a chair. She does not look at the painter directly but looks to the light source, which bathes her face and neck with a golden illumination. The warm, mottled orange background colour provides a foil to the colours of her gown and her skin tone. The angled placement of the chair on which she sits, the acentral placement of her head, and the strong form of her elbow all give the composition a striking dynamism and force.

The decorative collar and cuffs Frances wears in this commanding portrait were stitched by Breton fishermen and were purchased by Edwin in Concarneau in 1921, when he was sketching with Canadian Impressionist James Wilson Morrice.

ESTIMATE: \$80,000 - 120,000



# 140 Emily Carr

BCSFA CGP 1871 - 1945

#### Susan

watercolour on paper, signed Emily Carr and on verso inscribed \$25.00 and on a piece of paper Susan lived on one side of Sophie's house—Susan produced and buried babies as fast as Sophie herself. The two women laughed for each other and cried for each other. When they came to my studio they rested and drank tea with me. / Klee Wyck, and with the Roberts Gallery framing label, circa 1914  $9\frac{3}{4} \times 7\frac{1}{2}$  in, 24.8 × 19.1 cm

#### PROVENANCE

Private Estate, British Columbia

#### LITERATURE

Emily Carr, Klee Wyck (1941), 2003, pages 63, 64 and 65

EMILY CARR'S GREATEST friend, Sophie Frank, to whom Carr dedicated her book *Klee Wyck*, was a member of the Skwxwú7mesh Úxwumixw (Squamish Nation) and lived on the Mission Indian Reserve No. 1 in North Vancouver. The frontispiece for *Klee Wyck* (1941 edition) is a remarkable portrait of Frank, which Carr painted in 1914. That work, *Sophie Frank*, from a private collection (sold at Heffel in spring 2018), is similar in style and handling to the present work. Like the watercolour *Old Man* (sold at Heffel fall 2020), this work has a note on the back of the frame and a Roberts Gallery framing label. This suggests that it might share a similar provenance to *Old Man*. In this case, however, the text is from Carr's story "Sophie," chapter 5 in *Klee Wyck*. Of Susan (regrettably her last name is not currently known), Carr wrote that she was a close neighbour of Sophie who

produced and buried babies almost as fast as Sophie herself. The two women laughed for each other and cried for each other. With babies on their backs and baskets on their arms they crossed over on the ferry to Vancouver and sold their baskets from door to door. When they came to my studio they rested and drank tea with me. My parrot, sheep dog, the white rats and the totem pole pictures all interested them. "An' you got Injun flower, too," said Susan.

"Indian flowers?"

She pointed to ferns and wild things I had brought in from the woods.

Of the camaraderie between the two women Carr further wrote, "Susan and Sophie were in my kitchen, rocking their sorrows back and forth and alternately wagging their heads and giggling with shut eyes at some small joke." At the end of the story, Carr recounts a poignant tale involving both Sophie and Susan. The two women, each of whom had endured the loss of many children, were invited to see the twin babies of Carr's friend Mrs. Dingle.

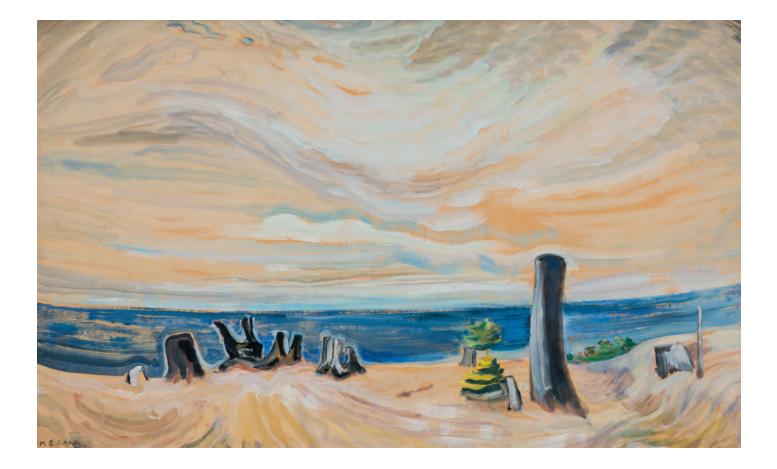
Susan's hand crept from beneath her shawl to touch a baby's leg. Sophie's hand shot out and slapped Susan's.

The mother of the babies said, "It's all right, Susan; you may touch my baby."

Sophie's eyes burned Susan for daring to do what she so longed to do herself. She folded her hands resolutely under her shawl and whispered to me, "Nice ladies don' touch, Em'ly."

Although Susan is not dated, and we have only the evidence of the note on the back of the frame to identify her, commonalities the watercolour shares with Sophie Frank suggest a similar date of 1914 for this work. Each woman is shown bust length, three-quarter face, from their proper left side. Their hair is parted in the centre, tucked behind the left ear, and each woman has a long braid down her back. In both works there is a strong sense of identity and a greater attention to the details of facial structure than either background or clothing. The careful use of shadow in Susan gives her face a sense of volume, and traces the years of a hard life on the contours of her face. The eyes have a particular gravity and suggest both the sorrows and joys of this woman's life, but also her resolve and strength. Susan is presented boldly and unreservedly, and the cropping of the image enhances the sense of immediacy and our engagement with the sitter. This is a woman Carr knew and valued as a friend-far from being a "subject," Susan is depicted as part of Carr's world.

We thank Ian M. Thom, Senior Curator—Historical at the Vancouver Art Gallery from 1988 to 2018, for contributing the above essay.



# 141 Emily Carr

BCSFA CGP 1871 - 1945

## Beach Scene, Strait of Juan de Fuca

oil on paper on board, signed M.E. Carr and on verso titled and dated circa 1934 on the Heffel label 22 × 36 in, 55.9 × 91.4 cm

#### PROVENANCE

Mrs. R.M. Niddrie, Victoria Private Collection, Vancouver Sold sale of *Fine Canadian Art*, Heffel Fine Art Auction House, November 6, 1997, lot 114 Ballard Fine Art Ltd., Vancouver Private Collection, Vancouver

## LITERATURE

Doris Shadbolt, *The Art of Emily Carr*, 1979, a similar circa 1934 oil on paper entitled *Stumps and Sky*, collection of the Vancouver Art Gallery, reproduced page 167, and a similar circa 1934 oil on paper entitled *Strait of Juan de Fuca*, collection of the Edmonton Art Gallery, reproduced page 176

Emily Carr, Hundreds and Thousands: The Journals of Emily Carr, 2006, pages 55, 59 and 154

IN THE 1930S, Emily Carr was painting the forests close to her home in Victoria, such as at Goldstream Flats, Metchosin, Sooke and Albert Head. In November of 1932, Carr was on the beach with her dogs, drinking tea and watching the sunset, and as her journal recorded, mused: "Why don't I have a try at painting the rocks and cliffs and sea? Wouldn't it be good to rest the woods?" Her entry a few months later on January 25, 1933, asked: "What do I want out there in that open space of sea, bounded above by sky and below by earth, light, space? All space is filled with God, light, love, and peace." Carr's beach and sky paintings that ensued were extraordinary explorations of light and rhythmic movement that expressed these feelings.

During the 1930s Carr began to use a new medium of oil on paper—she used oil thinned with gasoline and turpentine on

manila paper. This gave her greater freedom creatively, as she could work quickly and intuitively. The manila paper was lightweight and could be taken to her painting sites, and the thinned oils, like watercolour, dried quickly. This medium also allowed her to use great sweeping brush-strokes and to express the energy she found present in the landscape, particularly in the beach and sky paintings.

This view of the Strait of Juan de Fuca between Vancouver Island and the mainland contains a burst of golden light in both sky and land. The rhythm created by Carr's broad brush-strokes is strong, leading in the foreground to a group of stumps at the edge of the land, and up into the sky, with its rolling pattern of clouds that reach upwards at the top left. On April 4, 1934, she wrote in her journal: "I woke this morning with 'unity of movement' in a picture strong in my mind. I believe Van Gogh had that idea. I did not realize he had striven for that till quite recently so I did not come by the idea through him. It seems to me that clears up a lot. I see it very strongly out on the beach and the cliffs ..." She worked at sustaining a momentum with the movement of her brush-strokes and creating pathways for the eye. She experienced a revelation: "Now I see there is only one movement. It sways and ripples. It may be slow or fast but it is only one movement sweeping out into space but always keeping going-rocks, sea, sky, one continuous movement."

Carr included stumps and logs in her forest works next to living trees, documenting the complete cycle of life in the woods. In this work she includes driftwood and stumps, whose low profile leaves an open view to sea and sky. The tall stump at the right acts as witness to the scene, like a stand-in for the viewer. Young trees and low vegetation nearby hold the promise of regeneration. Carr's use of colour is warm and glowing, the predominantly golden colouration highlighted by pink and cream. *Beach Scene*, *Strait of Juan de Fuca* is exultant, full of vibrating movement, a painting replete with the "light, love, and peace" that she sought to express.

ESTIMATE: \$150,000 - 250,000



# 142 David Brown Milne

CGP CSGA CSPWC 1882-1953

# Slate Houses, New York

watercolour on paper, on verso titled on the gallery labels, 1915 13 × 20 in, 33 × 50.8 cm

#### PROVENANCE

Marlborough-Godard, Toronto W.H. Graham, Toronto, 1972 M.F. Feheley, Toronto, circa 1977 Christopher Varley, Toronto, 1988 Masters Gallery Ltd., Calgary, 1988 Norman Swyers, British Columbia, 1988 Masters Gallery Ltd., Calgary, 1995 Private Collection, Vancouver, 2008

#### LITERATURE

Joyce Zemans, "David Milne, 1911 – 1915," *artscanada*, no. 176/177, February/March 1973, page 73, reproduced page 73

David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 1: 1882 – 1928*, 1998, page 137, reproduced page 150, catalogue #106.42

#### EXHIBITED

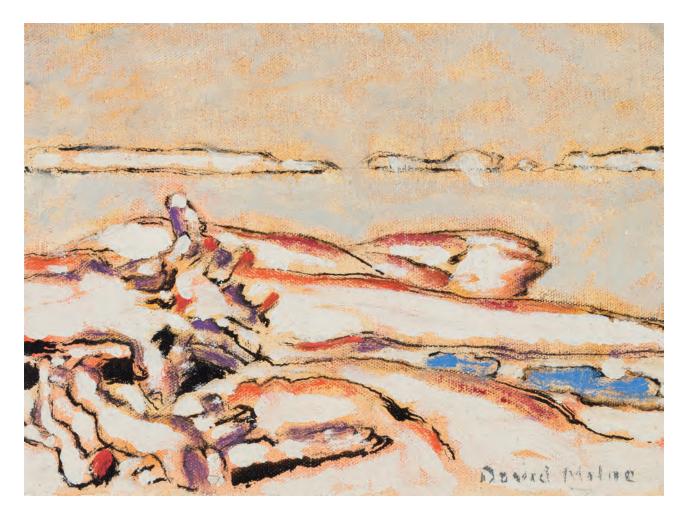
Marlborough-Godard, Toronto, November 16 – December 9, 1972, catalogue #36

Nickle Arts Museum, University of Calgary, 1997

FROM 1915, DAVID MILNE spent a year and a half in New York City. It was an eventful time—he was elected to the board of control of the New York Water Color Club, and seven of his watercolours were selected for the 1915 Panama-Pacific International Exposition, for which he won the Silver Medal. He was busy with art societies and juries and also organized a show of his watercolours in his apartment—dramatically painting the walls black to show off the brilliance of his palette.

In a review of Milne's 1972 exhibition of works from 1911 to 1915 at Marlborough Godard Gallery, Joyce Zemans wrote, "Milne's paintings were... often orchestrated into a peaceful andante, as in *Slate Houses*, 1915 where briefly noted white geometric shapes, pale cubes nestled among trees, suggest roofs and houses and set up an interplay between themselves and the rounded rhythmic forms of foliage." A fine example of Milne's mastery of the medium of watercolour, *Slate Houses, New York* is typical of his work at this time, when he often painted in black, white and green only. The work shows his "black core convention," as he described it, in which trees were depicted with a dark core surrounded by white to represent how trees looked against the light.

ESTIMATE: \$35,000 - 45,000



# 143 David Brown Milne

CGP CSGA CSPWC 1882 - 1953

#### Far Shore, Six Mile Lake, Muskoka, Ontario

oil on canvas on board, signed and on verso titled *Six Mile Lake* on the gallery label and inscribed *46* \$375 by Laing on the board and with the Roberts Gallery Inventory #7079-s, 1933  $12 \frac{7}{4} \times 16 \frac{3}{4}$  in, 32.7 × 42.5 cm

#### PROVENANCE

Sale of the Artist to Vincent Massey, Toronto, 1934 Laing Galleries, Toronto, 1958; James Coyne, Ottawa, 1958 Roberts Gallery, Toronto, 1960; Ohler Fine Art, Vancouver, 1993 Masters Gallery Ltd., Calgary, 1993

Sold sale of *Canadian Art*, Joyner Fine Art, May 13, 1994, lot 34 E.L. Donegan, Toronto; Masters Gallery Ltd., Calgary Acquired from the above by the present Private Collection, Vancouver, 2007

#### LITERATURE

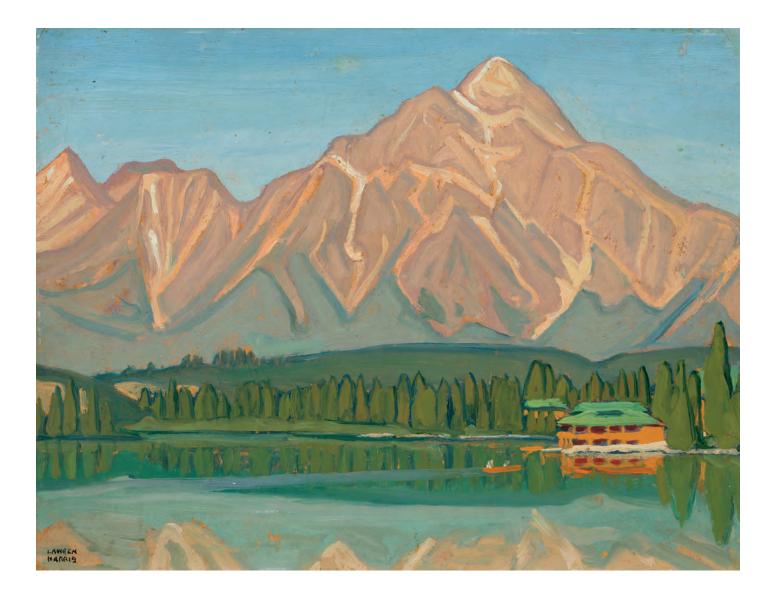
- David P. Silcox, *Painting Place: The Life and Work of David B. Milne*, 1996, pages 247 and 267
- David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 2: 1929 – 1953, 1998,* reproduced page 574, catalogue #303.12

#### EXHIBITED

Arts and Letters Club, Toronto, 1981, titled as *Roots* on the Point, catalogue #19

IN 1933, DAVID MILNE wanted to move from Palgrave after his separation from his wife Patsy. Traveling by canoe along the Trent Canal–Severn River system, he discovered Six Mile Lake, an isolated spot three kilometres from Big Chute, near the southern end of Georgian Bay. He liked its open terrain and built a cabin on a rocky point on the lake, describing his new studio as "just as near heaven as you can get." He painted the landscape around him—bush, waterways, granite outcroppings, islands, points and headlands.

This subject is one he painted often, a pleasing view west from his point towards the low islands on Six Mile Lake, and it is a stunning, light-filled work. Milne was developing his use of thin black lines to define shape, with colour areas deposited along the lines. He also used patches of colour not tied to a realistic representation of nature, such as purple. Milne gives sky and water similar treatment, using softly scumbled multi-hued brushwork with close colour values, merging sky and water. Working without distractions at Six Mile Lake, Milne made solid progress, feeling that he gained, as he put it, "a general widening or enriching of method."



# 144 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885-1970

# Pyramid Mt., Jasper Park

oil on board, signed and on verso signed, titled, inscribed *Pyramid Mountain, from near links* / LSH / II and stamped 854 twice, 1924 10  $\frac{5}{4} \times 13 \frac{3}{4}$  in, 27 × 34.9 cm

#### PROVENANCE

Private Estate, British Columbia

THIS BRIGHT AND vibrant work by Lawren Harris is an exciting depiction not only of the fabled mountains around Jasper, Alberta, but also of life in those mountains, and it is a rare and exceptional work for the artist. Painted from the southeast shore of Lac Beauvert, this sketch looks across the calm waters of the lake as two figures in a bright red canoe cut through the reflection of the towering Pyramid Mountain, approaching a boathouse on the far shore. The characteristic green roofs of Jasper Park Lodge's main building and smaller bungalows can be seen through the trees.

In a 1927 promotional booklet from Canadian National Railways (which owned and operated the lodge from the 1920s until the late 1980s), the lodge is romantically described as follows: "Built of huge white boulders and logs brought down from the mountain slopes, its architecture blends so perfectly with the surroundings, that it seems as much a part of the scenery as the mountains themselves."<sup>1</sup> While the locations and character of some of the structures at the hotel have changed in the decades since, the spirit of this image is as evocative of enjoyable time spent in the Canadian Rockies as on the day it was painted.

Pyramid Mt., Jasper Park dates from 1924, during Harris's first journey to Canada's Rocky Mountains. Fellow Group of Seven artist A.Y. Jackson, who had been to the Rockies in 1914, accompanied Harris and his family on this trip, all arriving at Jasper Park Lodge in July. A very strong case can be made for this being one of, if not the, first depiction of the Rocky Mountains by Harris. The artists began their trip at the lodge, and according to Jackson's letters, Harris did not waste any time in getting to painting: "Lawren has the walls all covered with sketches already,"<sup>2</sup> he wrote to Norah de Pencier before the two artists left the comforts of the lodge and moved farther afield, to Maligne Lake and the Tonquin Valley. Over the course of the trip, Harris produced more than 50 oil sketches, easily distinguished from those of later years by their size (later works measure 12 × 15 inches), capturing a range of subjects from the shores of lakes up to the summits of peaks.

After subsequent trips to the Lake Louise, Lake O'Hara and Banff regions, Harris returned to Jasper five years later, near the conclusion of his regular landscape sketching trips, checking in again at Jasper Park Lodge in July 1929.<sup>3</sup> He revisited this scene, painting *Mountain Sketch LXIII* (sold by Heffel, fall 2016) of a very similar view across Lac Beauvert, but with Pyramid Mountain conspicuously removed for symmetrical balance.

Harris is most well known for his austere landscapes of the late 1920s, where the landscape is bereft of extraneous detail, leaving only the essential foundational components, and this is the dominant characterization of his work. In reality, the artist's full catalogue is diverse, and at various times through his landscape painting period he experimented with depictions of people, industry and structures in his sketches and canvases, even beyond the obvious urban scene examples. Examples are rare, but represent his constant experimentation and exploration in how best to capture his vision of the Canadian landscape. This panel is exceptional, as it has the distinction of being, so far, the only known extant example of a Rocky Mountain sketch by Harris depicting an explicit human presence.

Harris and Jackson had originally hoped to use their sketches from this trip to do some work for Canadian National Railways, though ultimately for Harris, nothing came of these plans. Jackson did contribute to the 1927 brochure put out by the railway, and used this sketch, or his own contemporaneous one, as reference material for his gouache colour illustration of Pyramid Mountain. One can only imagine the types of murals the artists could have created with source material like this panel. However, there is a special charm to the crystallizing of grand ideas onto such a fine scale and, as with many of Harris's sketches, there is success here in conveying a majesty that greatly outsizes the panel's compact dimensions, giving the audience a true window into the refreshing summer mountain atmosphere of Jasper Park.

We thank Alec Blair, Director/Lead Researcher, Lawren S. Harris Inventory Project, for contributing the above essay.

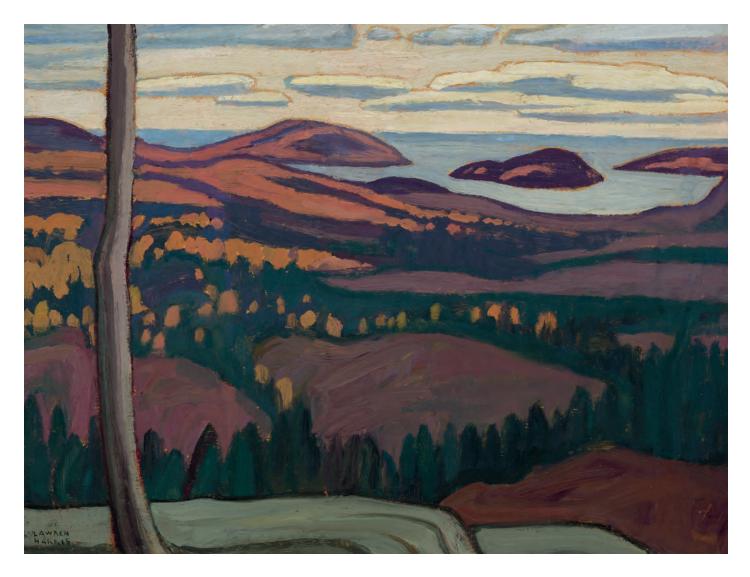
1. Canadian National Railways, *Jasper National Park* [booklet] (1927), 32.

2. A.Y. Jackson to Norah Thomson de Pencier, July 22, 1924, De Pencier Fonds, National Gallery of Canada; as quoted in Lisa Christensen, *A Hiker's Guide to the Rocky Mountain Art of Lawren Harris* (Calgary: Fifth House, 2000), 42.

3. Social Events, Globe (Toronto), July 9, 1929, 18.

ESTIMATE: \$150,000 - 250,000

# IMPORTANT WORKS FROM A PRIVATE COLLECTION, ONTARIO



## 145 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885-1970

#### Island, North Shore, Lake Superior

oil on board, signed and on verso signed, titled and inscribed with the artist's symbol and *Not For Sale*, circa 1922 – 1923 10 % x 13 % in, 26.4 x 35 cm

#### PROVENANCE

Acquired as a gift from Howard and Margaret Harris to Marjory and Schuyler Snively, circa 1946

By descent through the family to the present Private Collection, Ontario

#### LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Lake Superior Paintings, a drawing of the large canvas entitled *Lake Superior Country* illustrated by Hans Jensen, listed, location noted as the Studio Building, catalogue #17

IN THE EARLY 1920s, Lawren Harris's landscape art was undergoing an exciting and rapid evolution, having been reinvigorated after the trials of the First World War. The formation of the Group of Seven and their collective creative endeavours in northern Ontario's Algoma region (an area east of Lake Superior) had provided much-needed replenishment and enthusiasm for the development of a distinctly Canadian form of landscape art. After exploring the abundant diversity of subjects amongst Algoma's tangled woods, lakes with beaver dams and cascading waterfalls, Harris began to focus more and more on grander ideas and broader vistas, moving up to high points and depicting the vastness of the forested landscape in front of him. Works such as the solemn and powerful canvas Algoma Country (circa 1922, based on a circa 1921 sketch), in the collection of the Art Gallery of Ontario (AGO), demonstrate this shift to the expansive, and soon Harris would seek out new sketching grounds to fit his vision. Island, North Shore, Lake Superior is representative of the artist during this exciting period, in which he was building upon his previous developments in the geographical region that would most define his vision.

After an initial short visit to Rossport in 1921, Harris and A.Y. Jackson took their first major trips to the north shore of Lake Superior in the autumn of 1922 and 1923. On these expeditions they explored and sketched across a large area, from the town of Marathon along west to Port Coldwell, with much focus between the two locations around Port Munro, where *Island, North Shore, Lake Superior* was executed. This work depicts a view south over the lake from a high point of land near the (now abandoned) port, looking out to Peninsula Harbour, with Blondin Island in the middle and the edge of Hawkins Island on the right. This particular vantage point was a favourite of Harris's, and he painted a number of sketches from here, looking out in different directions. From these, he worked up several important early Lake Superior canvases, including one based on this exact sketch, titled *Lake Superior Country, Lake Superior Painting* 17 (location currently unknown, listed as unfinished in the 1936 Doris Mills inventory). *Afternoon Sun, Lake Superior*, a 1924 canvas in the collection of the National Gallery of Canada (NGC), is another example, capturing the view looking to the west down the shore.

Like the AGO and NGC canvases, this work finds Harris perched atop a rocky outcropping, gazing into the distance across the splendour of this uniquely northern landscape. The artist seems to have enjoyed the company of the dead, burnt-out trees in these areas—he must have been seeking them out. As a visual device, they provide a strong complement to the horizontal dominance of the scene, but it is their role as a subject that is most intriguing. They accompany the artist, and the viewer, reducing the distance between the individual experiencing the moment and all of the other elements of the environment doing the same. These trees are fellow members of the congregation in this church of natural wonder, pushing towards an idea of unification of all things, which Harris was keenly interested in.

Close examination of this work reveals that Harris originally included more than the solitary tree—several other tree forms are visible beneath the paint, spectres of the artistic process of refinement and clarification that embodies Harris's artistic genius. This work, therefore, in addition to being a unified distillation of the scene, contains within it a tangible and physical recording of the artist's process, providing rare insight into the refinement of his vision.

Island, North Shore, Lake Superior comes from a critical time in Harris's evolution, and it represents an iconic subject that inspired his contemporaries in the Group of Seven and beyond. More than anywhere else, the expansive Lake Superior landscape became uniquely associated with Harris, and the effect of his interpretations of it is visible in the artistic work of Arthur Lismer, Frank Carmichael and A.J. Casson as well as Anne Savage, Yvonne McKague Housser and even Emily Carr. Works such as this oil sketch capture Harris's quest for underlying truth in the landscape, and his ever-evolving approach as he ascended to new heights of his artistic vision.

We thank Alec Blair, Director/Lead Researcher, Lawren S. Harris Inventory Project, for contributing the above essay.

This painting and lot 146, *Lake Superior Sketch XCV*, both come from the family of Harris, and were gifts from Howard and Margaret Harris to Marjory and Schuyler Snively. Marjory's first husband was Captain Trumbull Warren, who was tragically killed in action at Ypres in 1915. Trumbull's mother, Mrs. H.D. Warren, was a founding member of the Art Gallery of Toronto, and his sister, Helen, was married to Charles Band, the noted collector and promoter of Canadian art and childhood friend of Harris. It was through this family connection that Marjory and Shuyler Snively became close friends with the Harris family and received these paintings as cherished gifts. They have been passed down through the family since the 1940s, and this is the first time they have been seen in public for nearly 100 years.



# 146 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885-1970

### Lake Superior Sketch xcv

oil on board, signed and on verso signed, titled on a label and inscribed with the artist's symbol and with the Doris Mills inventory #4/95, circa 1922 – 1923 10  $\frac{3}{4} \times 13$   $\frac{3}{4}$  in, 26.4  $\times$  35 cm

#### PROVENANCE

Acquired as a gift from Howard and Margaret Harris to Marjory and Schuyler Snively, circa 1946 By descent through the family to the present

Private Collection, Ontario

## LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Lake Superior Sketches, Group 4, listed, location noted as the Studio Building, catalogue #95

LAKE SUPERIOR SKETCH XCV depicts one of Lawren Harris's most celebrated subjects, the north shore of Lake Superior. Painted on one of his early trips with A.Y. Jackson to the area, this sketch effectively communicates the location's majestic scale, with dramatic landforms, covered in a patchwork of autumnal colours, rising and falling around a brilliant blue bay of the great lake. For Harris, this was a region of boundless inspiration, and his works from there range widely in their moods, subjects and styles. This *plein air* oil sketch, an evocative and sensitive work, places the viewer amidst the enthusiasm and excitement that the artist felt while being surrounded by such grandeur.

Following years of sketching in the density and abundant vitality of the Algoma region, Harris "wanted something bare and stark," according to his sketching companion Jackson, and he found it in the openness of the North Shore.<sup>1</sup> Here the artist could explore the austerity and vast ruggedness of the landscape, finding ways to communicate that through paint. This panel demonstrates his success in such efforts, with its eloquent rhythms of undulating ribbons of ochre and scarlet punctuated by soft golden deciduous trees and stoic dark spruces. The interplay of these colours is electrified by the vibrancy of the blue water, a glimpse of which is all that is necessary to balance the work. One can easily associate this painting with Jackson's praise for the area, when he claimed: "I know of no more impressive scenery in Canada for the landscape painter. There is a sublime order to it, the long curves of the beaches, the sweeping ranges of hills, and headlands that push out into the lake ... In the autumn the whole country glows with colour."2

The harmonious palette and somewhat muted tones are indicative of Harris's mastery of colour, imbuing this work with a mysterious haze that permeates, giving a wonderful sense of distance to the lilac and dusky rose-coloured hills. Several other Lake Superior sketches from the early 1920s have similar atmospherics, likely caused by smoke from forest fires, which had been so instrumental in revealing the underlying musculature of the area and the expansiveness that Harris reveled in.

For Harris, the north shore of Lake Superior provided opportunities to exercise his vision for distillation and intensification that were not found in the dynamic chromatic vibrancy of autumn in Algoma. Considering the progression of the artist's relationship to colour, depictions of the atmospherics in this panel can be seen as a natural transition towards his later keyed down and limited palette. This aesthetic resonated with him so greatly that his paintings in the latter half of the 1920s emulate it—not necessarily in the same colour motif, but in the great restraint that is shown and the harmony that is achieved. Works such as *Lake Superior Sketch XCV* represent potential realizations towards the next steps that his art would take in his ever-evolving practice.

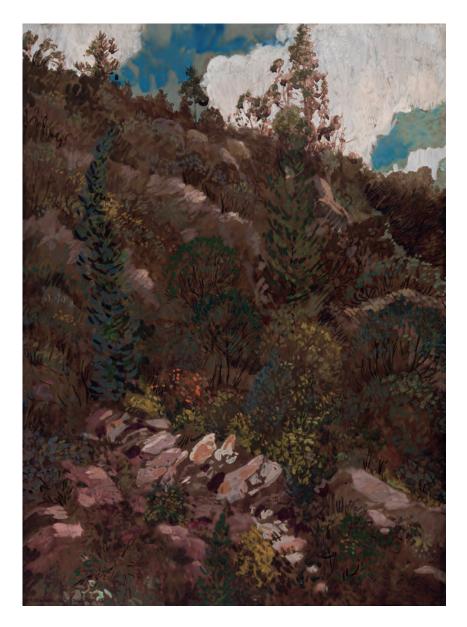
The topography in this panel seems taut with the power of the northern country, the hillside poised like the haunches of a sleeping animal, full of potential action—an apt metaphor, considering the influence of this part of Harris's oeuvre on both his contemporaries and on Canada's collective identity. When recollecting about the region, fellow Toronto artist Yvonne McKague Housser wrote in 1980, "My first glimpse of the North Shore of Lake Superior was from a train. I sat with my nose pressed against the dirty window and marveled at how Lawren Harris had caught the extraordinary light and feeling of bigness that makes that part of Canada unique. I made some pencil notes and vowed that one day I would paint there."<sup>3</sup> The grand impact of works such as this still resonates strongly today, inspiring us and connecting us to the country.

We thank Alec Blair, Director/Lead Researcher, Lawren S. Harris Inventory Project, for contributing the above essay.

 A.Y. Jackson, A Painter's Country: The Autobiography of A.Y. Jackson (Toronto: Clarke, Irwin, 1958), 57.
 Ibid.

3. Yvonne McKague Housser, "North Shore of Lake Superior," Northward Journal: A Quarterly of Northern Arts 16 (1980): 27.

ESTIMATE: \$125,000 - 175,000



# 147 Frank Hans (Franz) Johnston

ARCA CSPWC G7 OSA 1888 - 1949

## A Canyon Wall, Algoma

tempera on board, signed Frank H. Johnston and dated indistinctly and on verso titled and titled and dated circa 1920 on the gallery label  $19\frac{1}{2} \times 14\frac{5}{8}$  in, 49.5 × 37.1 cm

#### PROVENANCE

Masters Gallery Ltd., Calgary Private Collection, Ontario

## LITERATURE

Roger Burford Mason, A Grand Eye for Glory: A Life of Franz Johnston, 1998, page 32

FRANK JOHNSTON PARTICIPATED in three of the four Group of Seven journeys to Algoma: the 1918 and 1919 fall boxcar trips and the fall of 1920 trip, based at Mongoose Lake. The boxcar trips were the stuff of legend-Lawren Harris arranged the use of an Algoma Central Railway car, specially outfitted with bunks, chairs, a water tank, a stove and bookshelves. Railcar 10557 was transported along the railway to remote locations, and as J.E.H. MacDonald commented, "That figure became our street number on the long way of the wilderness." Johnston was an enthusiastic participant in the sketching forays into the spectacular surroundings and in the nighttime painting "crits" and discussions about painting and the character of the country.

During the 1918 trip, the artists painted the wild grandeur of Agawa Canyon. It is possible that this striking work was based on a *plein air* sketch of a canyon hillside there. The perspective looking up is marvellous, as the landscape ascends from a tumble of rocks through trees and shrubs, interspersed with rocky shelves, to a blue sky with dreamy cloud formations rising over the top of the hill. This gloriously atmospheric painting is executed in tempera, a medium in which Johnston was considered a master practitioner.



# 148 Frank Hans (Franz) Johnston

ARCA CSPWC G7 OSA 1888 - 1949

# Frost Bound

oil on board, signed and on verso signed, titled, inscribed \$350.00 / 9704 / 17 / 1367 / C.949 and stamped R.C. Vose Paintings, Boston, circa 1934 20 × 24 in, 50.8 × 61 cm

#### PROVENANCE

Acquired directly from the Artist by Vose Galleries, Boston, November 1934 Acquired from the above by a Private Collection,

Boston, December 1934 Acquired from the above by a Private Collection, Boston, circa 1955

By descent to the present Private Collection, USA

#### LITERATURE

*Exhibition of Paintings by Franz Johnston A.R.C.A*, Vose Galleries, 1934, listed

#### EXHIBITED

Vose Galleries, *Exhibition of Paintings by Franz Johnston A.R.C.A*, Boston, December 3 – 29, 1934, catalogue #2 WORKS PRODUCED BY Franz Johnston following his departure from the Group of Seven in 1921 show a return to a more classic approach to landscape. Though less stylistically confrontational than works by his peers J.E.H. MacDonald, A.Y. Jackson or Lawren Harris, these works by Johnston demonstrate a perceptive eye and accomplished hand. In this work, produced immediately after what can be defined as the Group period, the patterning of the bare trees of the mid-ground hearkens back to the artist's rugged depictions of Georgian Bay and Algoma in oil and tempera. In compelling contrast to the finely delineated trees, the exquisite light in the far distance and the soft rippling of the partially frozen stream in the foreground suggest a sympathy with Romantic-era painters of European and even Russian traditions. Importantly, Johnston's work also maintains a connection with Impressionism in its soft forms and the gently prismatic expression of light on snow. If compared to poetry, Frost Bound contains elements of both John Keats's lyrical romanticism and Walt Whitman's sensual modernism, while at the same time evidencing an artist guided by his own personal vision.

#### ESTIMATE: \$15,000 - 25,000

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DOUGLAS WATT Art Handler



CLARA WONG Director of Information Management, Consignment Specialist



NORTH VANCOUVER

JOSH HEFFEL Art Handler



вовву ма Master Framer, Manager of Storage Facility, North Vancouver



MOLLY TONKEN Manager of Calgary Office, Consignment Specialist



# TERMS AND CONDITIONS OF BUSINESS

THESE TERMS AND CONDITIONS OF BUSINESS represent the terms upon which the Auction House contracts with the Consignor and, acting in its capacity as agent on behalf of the Consignor, contracts with the Buyer. These Terms and Conditions of Business shall apply to the sale of the Lot by the Auction House to the Buyer on behalf of the Consignor, and shall supersede and take precedence over any previously agreed Terms and Conditions of Business. These Terms and Conditions of Business are hereby incorporated into and form part of the Consignment Agreement entered into by the Auction House and the Consignor.

# A. DEFINED TERMS

# 1. Auction House

The Auction House is Heffel Gallery Limited, or an affiliated entity;

#### 2. Consignor

The Consignor is the person or entity named in the Consignment Agreement as the source from which the Property or Lot has been received for auction;

# 3. Seller's Commission

The Seller's Commission is the amount paid by the Consignor to the Auction House on the sale of a Lot, which is calculated on the Hammer Price, at the rates specified in writing by the Consignor and the Auction House on the Consignment Agreement Form, plus applicable Sales Tax and Expenses;

#### 4. Property

The Property is any Property delivered by the Consignor to the Auction House to be placed in the auction sale held by the Auction House on its premises, online or elsewhere and, specifically, that Property described by Lot number in the Auction House catalogue for the auction sale. The Auction House will have the authority to partition the Property into Lots (the "Lots" or "Lot");

# 5. Reserve

The Reserve is a confidential minimum price for the sale of the Lot, agreed to between the Consignor and the Auction House. The Reserve will not exceed the low estimate;

# 6. Knocked Down

Knocked Down means the conclusion of the sale of the Lot being auctioned by the Auctioneer;

#### 7. Expenses

Expenses shall include all costs incurred, directly or indirectly, in relation to the consignment and sale of the Lot;

### 8. Hammer Price

The Hammer Price is the price at which the Auctioneer has Knocked Down the Lot to the Buyer;

# 9. Buyer

The Buyer is the person, corporation or other entity or such entity's agent who bids successfully on the Lot at the auction sale;

#### 10. Purchase Price

The Purchase Price is the Hammer Price and the Buyer's Premium, applicable Sales Tax and additional charges and Expenses, including expenses due from a defaulting Buyer;

#### 11. Buyer's Premium

The Buyer's Premium is the amount paid by the Buyer to the Auction House on the purchase of a Lot, which is calculated on the Hammer Price as follows: a rate of twenty-five percent (25%) of the Hammer Price of the Lot up to and including \$25,000; plus twenty percent (20%) on the part of the Hammer Price over \$25,000 and up to and including \$5,000,000; plus fifteen percent (15%) on the part of the Hammer Price over \$5,000,000, plus applicable Sales Tax;

## 12. Sales Tax

Sales taxes means Federal and Provincial sales, excise and other taxes applicable to the sale of the Lot, applied using place of supply rules required by Canadian taxation authorities. QST will be levied on all purchases collected in Quebec or shipped to Quebec;

# 13. Registered Bidder

A Registered Bidder is a bidder who has fully completed the registration process, provided the required information to the Auction House and has been assigned a unique paddle number for the purpose of bidding on Lots in the auction;

#### 14. Proceeds of Sale

The Proceeds of Sale are the net amount due to the Consignor from the Auction House, which shall be the Hammer Price less Seller's Commission at the Published Rates, Expenses, Sales Tax and any other amounts due to the Auction House or associated companies;

# 15. Live and Online Auctions

These *Terms and Conditions of Business* apply to all live and online auction sales conducted by the Auction House. For the purposes of online auctions, all references to the Auctioneer shall mean the Auction House and Knocked Down is a literal reference defining the close of the auction sale.

## **B. THE BUYER**

# 1. The Auction House

The Auction House acts solely as agent for the Consignor, except as otherwise provided herein.

#### 2. The Buyer

a) The Buyer is the highest Registered Bidder acknowledged by the Auctioneer as the highest bidder at the time the Lot is Knocked Down;

- b) The Auctioneer has the right, at their sole discretion, to reopen a Lot if they have inadvertently missed a Bid, or if a Registered Bidder, immediately at the close of a Lot, notifies the Auctioneer of their intent to Bid;
- c) The Auctioneer shall have the right to regulate and control the bidding and to advance the bids in whatever intervals they consider appropriate for the Lot in question;
- **d)** The Auction House shall have absolute discretion in settling any dispute in determining the successful bidder;
- e) The Buyer acknowledges that invoices generated during the sale or shortly after may not be error free, and therefore are subject to review;
- f) Every Registered Bidder shall be deemed to act as principal unless the Auction House has acknowledged in writing at least twenty-four (24) hours prior to the date of the auction that the Registered Bidder is acting as an agent on behalf of a disclosed principal and such agency relationship is acceptable to the Auction House;
- **g)** In order to become a Registered Bidder, the registration process shall be completed in full, and the required information shall be provided to the Auction House. Every Registered Bidder will be assigned a unique paddle number (the "Paddle") for the purpose of bidding on Lots in the auction. Those interested in bidding in the live auction via telephone bid, absentee bid or through the Digital Saleroom shall register at least twenty-four (24) hours in advance of the auction. For online auctions, a password will be created for use only in current and future online auctions. This online registration procedure does not allow for participation in the live auction and may require up to twenty-four (24) hours to complete;
- h) Every Registered Bidder acknowledges that once a bid is made with their Paddle, or Paddle and password, as the case may be, it may not be withdrawn without the consent of the Auctioneer, who, in their sole discretion, may refuse such consent; and
- i) Every Registered Bidder agrees that if a Lot is Knocked Down on their bid, they are bound to purchase the Lot for the Purchase Price.

# 3. Buyer's Price

The Buyer shall pay the Purchase Price (inclusive of the Buyer's Premium) and applicable Sales Tax to the Auction House. The Buyer acknowledges and agrees that the Auction House may also receive a Seller's Commission.

# 4. Sales Tax Exemption

All or part of the Sales Tax may be exempt in certain circumstances if the Lot is delivered outside of the jurisdiction of sale of the Lot. It is the Buyer's obligation to demonstrate, to the satisfaction of the Auction House, that such delivery or removal results in an exemption from the relevant Sales Tax legislation. Shipments out of the jurisdiction of sale of the Lot(s) shall only be eligible for exemption from Sales Tax if shipped directly from the Auction House with shipping contracted by the Auction House. All claims for Sales Tax exemption must be made prior to or at the time of payment of the Purchase Price. Sales Tax will not be refunded once the Auction House has released the Lot. The Buyer agrees and shall fully indemnify the Auction House for any amount claimed by any taxing authority due as Sales Tax upon the sale of the Lot, including any related costs, legal fees, interest and penalties.

# 5. Payment of the Purchase Price

# a) The Buyer shall:

- (i) unless they have already done so, provide the Auction House with their name, address and banking or other suitable references as may be required by the Auction House; and
- (ii) make payment by 4:30 p.m. on the seventh (7th) day following the auction by: a) Bank Wire direct to the Auction House's account, b) Certified Cheque or Bank Draft, c) a Personal or Corporate Cheque, d) Debit Card and Credit Card only by Visa, Mastercard or Union Pay or e) Interac e-Transfer. Bank Wire payments should be made to the Royal Bank of Canada as per the account transit details provided on the invoice. All Certified Cheques, Bank Drafts and Personal or Corporate Cheques must be verified and cleared by the Auction House's bank prior to all purchases being released. Credit Card payments are subject to our acceptance and approval and to a maximum of \$5,000 if the Buyer is providing their Credit Card details by fax or to a maximum of \$25,000 per Lot purchased if paying online or if the Credit Card is presented in person with valid identification. The Buyer is limited to two e-Transfers per Lot and up to a maximum of \$10,000 per e-Transfer as per the instructions provided on the invoice. In all circumstances, the Auction House prefers payment by Bank Wire.
- **b)** Title shall pass, and release and/or delivery of the Lot shall occur, only upon payment of the Purchase Price by the Buyer and receipt of cleared funds by the Auction House.

# 6. Descriptions of Lot

- a) All representations or statements made by the Auction House, or in the Consignment Agreement, or in the catalogue or other publication or report as to the authorship, origin, date, age, size, medium, attribution, genuineness, provenance, condition or estimated selling price of the Lot are statements of opinion only. The Buyer agrees that the Auction House shall not be liable for any errors or omissions in the catalogue or any supplementary material produced by the Auction House;
- **b)** All photographic representations and other illustrations presented in the catalogue are solely for guidance and are not to be relied upon in terms of tone or colour or necessarily to reveal any imperfections in the Lot;
- c) Many Lots are of an age or nature which precludes them from being in pristine condition. Some descriptions in the catalogue or given by way of condition report make reference to damage and/or restoration. Such information is given for guidance only and the absence of such a reference does not imply that a Lot is free from defects, nor does any reference to particular defects imply the absence of others;
- d) The prospective Buyer must satisfy themselves as to all matters referred to in a), b) and c) of this paragraph by inspection, other investigation or otherwise prior to the sale of the Lot. The Buyer acknowledges that the Buyer has not relied on the Auction House, its statements or descriptions in regard to determining whether or not to purchase a Lot. The Buyer understands it is incumbent upon the Buyer to inspect the Lot

and hire any necessary experts to make the determination as to the nature, authenticity, quality and condition of any Lot. If the prospective Buyer is unable to personally view any Lot, the Auction House may, upon request, e-mail or fax a condition report describing the Lot to the prospective Buyer. Although the Auction House takes great care in executing such condition reports in both written and verbal format, condition reports are only matters of opinion, are non-exhaustive, and the Buyer agrees that the Auction House shall not be held responsible for any errors or omissions contained within. The Buyer shall be responsible for ascertaining the condition of the Lot; and

e) The Auction House makes no representations or warranties to the Buyer that the Buyer of a Lot will acquire any copyright or other reproduction right in any purchased Lot.

# 7. Purchased Lot

- a) The Buyer shall collect the Lot from the Auction House by 4:30 p.m. on the seventh (7th) day following the date of the auction sale, after which date the Buyer shall be responsible for all Expenses until the date the Lot is removed from the offices of the Auction House;
- b) All packing, handling and shipping of any Lot by the Auction House is undertaken solely as a courtesy service to the Buyer, and will only be undertaken at the discretion of the Auction House and at the Buyer's risk. Prior to all packing and shipping, the Auction House must receive a fully completed and signed Shipping Authorization Form for Property and payment in full of all purchases; and
- c) The Auction House shall not be liable for any damage to glass or frames of the Lot and shall not be liable for any errors or omissions or damage caused by packers and shippers, whether or not such agent was recommended by the Auction House.

# 8. Risk

- a) The purchased Lot shall be at the Consignor's risk in all respects for seven (7) days after the auction sale, after which the Lot will be at the Buyer's risk. The Buyer may arrange insurance coverage through the Auction House at the then prevailing rates and subject to the then existing policy; and
- b) Neither the Auction House nor its employees nor its agents shall be liable for any loss or damage of any kind to the Lot, whether caused by negligence or otherwise, while any Lot is in or under the custody or control of the Auction House. Proceeds received from the insurance shall be the extent of the Auction House's liability for any loss, damage or diminution in value.

# 9. Non-payment and Failure to Collect Lot(s)

If the Buyer fails either to pay for or to take away any Lot by 4:30 p.m. on the seventh (7th) day following the date of the auction sale, the Auction House may in its absolute discretion be entitled to one or more of the following remedies without providing further notice to the Buyer and without prejudice to any other rights or remedies that the Auction House or the Consignor may have:

- a) To issue judicial proceedings against the Buyer for damages for breach of contract together with the costs of such proceedings on a full indemnity basis;
- b) To rescind the sale of that or any other Lot(s) sold to the Buyer;

- c) To resell the Lot or cause it to be resold by public or private sale, or by way of live or online auction, with any deficiency to be claimed from the Buyer and any surplus, after Expenses, to be delivered to the Buyer;
- d) To store the Lot on the premises of the Auction House or third-party storage facilities with Expenses accruing to the account of the Buyer, and to release the Lot to the Buyer only after payment of the Purchase Price and Expenses to the Auction House;
- e) To charge interest on the Purchase Price at the rate of five percent (5%) per month above the Royal Bank of Canada base rate at the time of the auction sale and adjusted month to month thereafter;
- f) To retain that or any other Lot sold to or consigned by the Buyer at the same or any other auction and release the same only after payment of the aggregate outstanding Purchase Price;
- g) To apply any Proceeds of Sale of any Lot then due or at any time thereafter becoming due to the Buyer towards settlement of the Purchase Price, and the Auction House shall be entitled to a lien on any other property of the Buyer that is in the Auction House's possession for any purpose;
- h) To apply any payments made by the Buyer to the Auction House towards any sums owing from the Buyer to the Auction House without regard to any directions received from the Buyer or their agent, whether express or implied;
- i) In the absolute discretion of the Auction House, to refuse or revoke the Buyer's registration in any future auctions held by the Auction House; and
- j) All the above rights and remedies granted to the Auction House may be assigned to the Consignor at the Auction House's discretion. Further, the Auction House may disclose to the Consignor the Buyer's identity, contact information and other such information as the Consignor may need in order to maintain a claim against the Buyer for non-payment.

# 10. No Warranty

The Auction House, its employees and agents shall not be responsible for the correctness of any statement as to the authorship, origin, date, age, size, medium, attribution, genuineness or provenance of any Lot or for any other errors of description or for any faults or defects in any Lot, and no warranty whatsoever is given by the Auction House, its employees or agents in respect of any Lot, and any express or implied conditions or warranties are hereby excluded.

# 11. Attendance by Buyer

- a) Prospective Buyers are advised to inspect the Lot(s) before the sale, and to satisfy themselves as to the description, attribution and condition of each Lot. The Auction House will arrange suitable viewing conditions during the preview preceding the sale, or by private appointment;
- **b)** If prospective Buyers are unable to personally attend the live auction, telephone bid, or bid in the Digital Saleroom, the Auction House will execute bids on their behalf subject to completion of the proper *Absentee Bid Form*, duly signed and delivered to the Auction House twenty-four (24) hours before the start of the auction sale. The Auction House shall not

be responsible or liable in the making of any such bid by its employees or agents;

- c) In the event that the Auction House has received more than one Absentee Bid Form on a Lot for an identical amount and at auction those absentee bids are the highest bids for that Lot, the Lot shall be Knocked Down to the person whose Absentee Bid Form was received first; and
- d) At the discretion of the Auction House, the Auction House may execute bids in the live auction, if appropriately instructed by telephone or through Heffel's Digital Saleroom, on behalf of the prospective Buyer, and the prospective Buyer hereby agrees that neither the Auction House nor its employees nor agents shall be liable to either the Buyer or the Consignor for any neglect or default in making such a bid.

# 12. Export Permits

Without limitation, the Buyer acknowledges that certain property of Canadian cultural importance sold by the Auction House may be subject to the provisions of the *Cultural Property Export and Import Act (Canada)*, and that compliance with the provisions of the said act is the sole responsibility of the Buyer. Failure by the Buyer to obtain any necessary export license shall not affect the finality of the sale of the Lot or the obligations of the Buyer.

# C. THE CONSIGNOR

# 1. The Auction House

- a) The Auction House shall have absolute discretion as to whether the Lot is suitable for sale, the particular auction sale for the Lot, the date of the auction sale, the manner in which the auction sale is conducted, the catalogue descriptions of the Lot, and any other matters related to the sale of the Lot at the auction sale;
- b) The Auction House reserves the right to withdraw any Lot at any time prior to the auction sale if, in the sole discretion of the Auction House:
- (i) there is doubt as to its authenticity;
- (ii) there is doubt as to the accuracy of any of the Consignor's representations or warranties;
- (iii) the Consignor has breached or is about to breach any provisions of the Consignment Agreement; or
- (iv) any other just cause exists.
- c) In the event of a withdrawal pursuant to Conditions C.1.b (ii) or (iii), the Consignor shall pay a charge to the Auction House, as provided in Condition C.8.

# 2. Warranties and Indemnities

- a) The Consignor warrants to the Auction House and to the Buyer that the Consignor has and shall be able to deliver unencumbered title to the Lot, free and clear of all claims. You, as the Consignor, are the owner of the Lot or a joint owner of the Lot acting with the express permission of all of the other co-owners, or, if you are not the owner of the Lot:
- (i) You have the permission of the owners to sell the property under the terms of this Agreement and the Buyer's Agreement;
- (ii) You will disclose to the owner(s) all material facts in relation to the sale of the Lot;

- (iii) You are irrevocably authorized to receive the proceeds of sale on behalf of the owner(s) of the Lot;
- (iv) You have or will obtain the consent of the owner(s) before you deduct any commission, costs or other amounts from the proceeds of sale you receive from the Auction House;
- (v) You have conducted appropriate customer due diligence on the owner(s) of the Lot in accordance with any and all applicable anti-money laundering and sanctions laws, consent to us relying on this due diligence and will retain for a period of not less than five (5) years the documentation and records evidencing the due diligence;
- (vi) You will make such documentation and records (including originals, if available) evidencing your due diligence promptly available for immediate inspection by an independent third-party auditor upon our written request to do so. The Auction House will not disclose such documentation and records to any third parties unless (1) it is already in the public domain, (2) it is required to be disclosed by law, or (3) it is in accordance with anti-money laundering laws; and
- (vii) You and your principal (if any) are not aware of, nor are you knowingly engaged in any activity designed to facilitate tax evasion or tax fraud.
- b) At the time of handing over the Property to us, you have met all import and export requirements of all applicable law. You are not aware that anyone else has failed to meet these requirements;
- c) The Property and any proceeds of sale paid to you pursuant to this Agreement will not be used for any unlawful purpose and are not connected with any unlawful activity;
- d) The Consignor shall indemnify the Auction House, its employees and agents and the Buyer for breach of its representations, warranties and obligations set forth herein and against all claims made or proceedings brought by persons entitled or purporting to be entitled to the Lot;
- e) The Consignor shall indemnify the Auction House, its employees and agents and the Buyer against all claims made or proceedings brought due to any default of the Consignor in complying with any applicable legislation, regulations and these Terms and Conditions of Business; and
- f) The Consignor shall reimburse the Auction House in full and on demand for all costs, Expenses, judgment, award, settlement, or any other loss or damage whatsoever made, including reasonable legal fees incurred or suffered as a result of any breach or alleged breach by the Consignor of Conditions or its obligations as set forth in this Agreement.

# 3. Reserves

The Auction House is authorized by the Consignor to Knock Down a Lot at less than the Reserve, provided that, for the purposes of calculating the Proceeds of Sale due to the Consignor, the Hammer Price shall be deemed to be the full amount of the agreed Reserve established by the Auction House and the Consignor.

# 4. Commission and Expenses

a) The Consignor authorizes the Auction House to deduct the Seller's Commission and Expenses from the Hammer Price

and, notwithstanding that the Auction House is the Consignor's agent, acknowledges that the Auction House shall charge and retain the Buyer's Premium;

- b) The Consignor shall pay and authorizes the Auction House to deduct all Expenses incurred on behalf of the Consignor, together with any Sales Tax thereon including but not limited to:
- (i) the costs of packing the Lot and transporting it to the Auction House, including any customs, export or import duties and charges;
- (ii) if the Lot is unsold, the costs of packing it and returning it to the Consignor, including any customs, export or import duties and charges;
- (iii) the costs of any restoration to the Lot that has been agreed by the Consignor in advance;
- (iv) the costs of any framing and/or unframing, and any mounting, unmounting and/or remounting, if applicable for the Lot;
- (v) the costs of any third-party expert opinions or certificates that the Auction House believes are appropriate for the Lot;
- (vi) the costs of any physically non-invasive tests or analyses that the Auction House believes need to be carried out to decide the quality of the Lot, its artist or that it is authentic; and
- (vii) the costs of photographing the Lots for use in the catalogue and/or promoting the sale of the Lot or auction.
- c) The Auction House retains all rights to photographic and printing material and the right of reproduction of such photographs.

# 5. Insurance

- a) Lots are only covered by insurance under the Fine Arts Insurance Policy of the Auction House if the Consignor so authorizes;
- b) The rate of insurance premium payable by the Consignor is \$15 per \$1,000 (1.5%) of the greater value of the high estimate value of the Lot or the realized Hammer Price or for the alternative amount as specified in the Consignment Receipt;
- c) If the Consignor instructs the Auction House not to insure a Lot, THE AUCTION HOUSE SHALL HAVE NO LIABILITY OF ANY KIND FOR ANY LOSS, THEFT, DAMAGE, DIMINISHED VALUE TO THE LOT WHILE IN ITS CARE, CUSTODY OR CONTROL, and the Lot shall at all times remain at the risk of the Consignor, who hereby undertakes to:
- (i) indemnify the Auction House against all claims made or proceedings brought against the Auction House in respect of loss or damage to the Lot of whatever nature, howsoever and wheresoever occurred, and in any circumstances even where negligence is alleged or proven;
- (ii) reimburse the Auction House for all Expenses incurred by the Auction House. Any payment which the Auction House shall make in respect of such loss or damage or Expenses shall be binding upon the Consignor and shall be accepted by the Consignor as conclusive evidence that the Auction House was liable to make such payment; and
- (iii) notify any insurer of the existence of the indemnity contained in these Terms and Conditions of Business.
- d) The Auction House does not accept responsibility for Lots damaged by changes in atmospheric conditions and the Auction House shall not be liable for such damage nor for any other damage to picture frames or to glass in picture frames; and

e) The value for which a Lot is insured under the Fine Arts Insurance Policy of the Auction House in accordance with Condition C.5.b above shall be the total amount due to the Consignor in the event of a successful claim being made against the Auction House. The actual proceeds received from the Auction House's insurance shall be and shall represent the sole liability of the Auction House for any damages, loss, theft or diminished value of the Lot. Under no circumstances shall the Auction House be liable for any special, consequential, incidental or indirect damages of any kind or lost profits or potential lost profits.

# 6. Payment of Proceeds of Sale

- a) The Auction House shall pay the Proceeds of Sale to the Consignor thirty-five (35) days after the date of sale, if the Auction House has been paid the Purchase Price in full by the Buyer;
- b) If the Auction House has not received the Purchase Price from the Buyer within the time period specified, then the Auction House will pay the Proceeds of Sale within seven (7) working days following receipt of the Purchase Price from the Buyer; and
- c) If before the Purchase Price is paid in full by the Buyer, the Auction House pays the Consignor an amount equal to the Proceeds of Sale, title to the property in the Lot shall pass to the Auction House.

# 7. Collection of the Purchase Price

If the Buyer fails to pay to the Auction House the Purchase Price within thirty (30) days after the date of sale, the Auction House will endeavour to take the Consignor's instructions as to the appropriate course of action to be taken and, so far as in the Auction House's opinion such instructions are practicable, will assist the Consignor in recovering the Purchase Price from the Buyer, save that the Auction House shall not be obligated to issue judicial proceedings against the Buyer in its own name. Notwithstanding the foregoing, the Auction House reserves the right and is hereby authorized at the Consignor's expense, and in each case at the absolute discretion of the Auction House, to agree to special terms for payment of the Purchase Price, to remove, store and insure the Lot sold, to settle claims made by or against the Buyer on such terms as the Auction House shall think fit, to take such steps as are necessary to collect monies from the Buyer to the Consignor and, if appropriate, to set aside the sale and refund money to the Buyer.

# 8. Charges for Withdrawn Lots

The Consignor may not withdraw a Lot prior to the auction sale without the consent of the Auction House. In the event that such consent is given, or in the event of a withdrawal pursuant to Condition C.1.b (ii) or (iii), a charge of twenty-five percent (25%) of the high presale estimate, together with any applicable Sales Tax and Expenses, is immediately payable to the Auction House, prior to any release of the Property.

# 9. Unsold Lots

a) Unsold Lots must be collected at the Consignor's expense within the period of ninety (90) days after receipt by the Consignor of notice from the Auction House that the Lots are to be collected (the "Collection Notice"). Should the Consignor fail to collect the Lot from the Auction House within ninety (90) days from the receipt of the Collection Notice, the Auction House shall have the right to place such Lots in the Auction House's storage facilities or third-party storage facilities, with Expenses accruing to the account of the Consignor. The Auction House shall also have the right to sell such Lots by public or private sale and on such terms as the Auction House shall alone determine, and shall deduct from the Proceeds of Sale any sum owing to the Auction House or to any associated company of the Auction House including Expenses, before remitting the balance to the Consignor. If the incurred Expenses by the Auction House exceed the sums received from the sale of the Lot, the Buyer shall be liable for the difference between the sums received and the Expenses. If the Consignor cannot be traced, the Auction House shall place the funds in a bank account in the name of the Auction House for the Consignor. In this condition the expression "Proceeds of Sale" shall have the same meaning in relation to a private sale as it has in relation to a sale by auction;

- b) Lots returned at the Consignor's request shall be returned at the Consignor's risk and expense and will not be insured in transit unless the Auction House is otherwise instructed by the Consignor at the Consignor's expense; and
- c) If any Lot is unsold by auction, the Auction House is authorized as the exclusive agent for the Consignor for a period of ninety (90) days following the auction to sell such Lot by private sale or auction sale for a price that will result in a payment to the Consignor of not less than the net amount (i.e., after deduction of the Seller's Commission and Expenses) to which the Consignor would have been entitled had the Lot been sold at a price equal to the agreed Reserve, or for such lesser amount as the Auction House and the Consignor shall agree. In such event, the Consignor's obligations to the Auction House hereunder with respect to such a Lot are the same as if it had been sold at auction. The Auction House shall continue to have the exclusive right to sell any unsold Lots after the said period of ninety (90) days, until such time as the Auction House is notified in writing by the Consignor that such right is terminated.

### 10. Consignor's Sales Tax Status

The Consignor shall give to the Auction House all relevant information as to their Sales Tax status with regard to the Lot to be sold, which the Consignor warrants is and will be correct and upon which the Auction House shall be entitled to rely.

### 11. Photographs and Illustrations

In consideration of the Auction House's services to the Consignor, the Consignor hereby warrants and represents to the Auction House that the Consignor has the right to grant to the Auction House, and the Consignor does hereby grant to the Auction House, a non-exclusive, perpetual, fully paid up, royalty-free and non-revocable right and permission to:

a) reproduce (by illustration, photograph, electronic reproduction, or any other form or medium whether presently known or hereinafter devised) any work within any Lot given to the Auction House for sale by the Consignor; and b) use and publish such illustration, photograph or other reproduction in connection with the public exhibition, promotion and sale of the Lot in question and otherwise in connection with the operation of the Auction House's business, including without limitation by including the illustration, photograph or other reproduction in promotional catalogues, compilations, the Auction House's Art Index, and other publications and materials distributed to the public, and by communicating the illustration, photograph or other reproduction to the public by telecommunication via an Internet website operated by or affiliated with the Auction House ("Permission"). Moreover, the Consignor makes the same warranty and representation and grants the same Permission to the Auction House in respect of any illustrations, photographs or other reproductions of any work provided to the Auction House by the Consignor. The Consignor agrees to fully indemnify the Auction House and hold it harmless from any damages caused to the Auction House by reason of any breach by the Consignor of this warranty and representation.

### **D. GENERAL CONDITIONS**

- 1. The Auction House as agent for the Consignor is not responsible for any act, omission or default by the Consignor or the Buyer.
- 2. The Auction House shall have the right at its absolute discretion to refuse admission to its premises or attendance at its auctions by any person.
- 3. The Auction House has the right at its absolute discretion to refuse any bid, to advance the bidding as it may decide, to withdraw or divide any Lot, to combine any two or more Lots and, in the case of dispute, to put up any Lot for auction again. At no time shall a Registered Bidder retract or withdraw their bid.
- 4. The Auctioneer may open the bidding on any Lot below the Reserve by placing a bid on behalf of the Auction House. The Auctioneer, on behalf of the Auction House, may continue to bid up to the amount of the Reserve, either by placing consecutive bids or by placing bids in response to other bidders.
- 5. For advertising and promotional purposes, the Consignor acknowledges and agrees that the Auction House shall, in relation to any sale of the Lot, make reference to the aggregate Purchase Price of the Lot, inclusive of the Buyer's Premium, notwithstanding that the Seller's Commission is calculated on the Hammer Price.
- 6. Any indemnity hereunder shall extend to all actions, proceedings, costs, claims and demands whatsoever incurred or suffered by the person for whose benefit the indemnity is given, and the Auction House shall hold any indemnity on trust for its employees and agents where it is expressed to be for their benefit.
- 7. Any notice given hereunder shall be in writing and if given by post shall be deemed to have been duly received by the addressee within three (3) business days delivered by a recognized overnight delivery service with a signature required.
- 8. The copyright for all illustrations and written matter relating to the Lots shall be and will remain at all times the absolute property of the Auction House and shall not, without the prior written consent of the Auction House, be used by any other person.

- **9.** The Auction House will not accept any liability for any failure or errors that may occur in the operation of any online, telephonic, video or digital representations produced and/or broadcasted during an auction sale.
- 10. This Agreement shall be governed by and construed in accordance with British Columbia Law and the laws of Canada applicable therein. Any dispute, controversy or claim arising out of, relating to, or in connection with this Agreement, or the breach, termination, or validity thereof ("Dispute"), shall be submitted to for mediation in Vancouver, British Columbia, Canada. If the Dispute is not settled by mediation within sixty (60) days from the date when mediation is initiated, then the Dispute shall be submitted for final and binding arbitration to the British Columbia International Commercial Arbitration Centre, with such Dispute to be resolved pursuant to its Rules and procedure. The arbitration shall be conducted by one arbitrator, who shall be appointed within thirty (30) days after the initiation of the arbitration. The language used in the arbitration proceedings will be English. The arbitration shall be confidential, except to the extent necessary to enforce a judgment or where disclosure is required by law. The arbitration award shall be final and binding on all parties involved. Judgment upon the award may be entered by any court having jurisdiction thereof or having jurisdiction over the relevant party or its assets.
- 11. Unless otherwise provided for herein, all monetary amounts referred to herein shall refer to the lawful money of Canada.
- **12.** All words importing the singular number shall include the plural and vice versa, and words importing the use of any gender shall include the masculine, feminine and neuter genders and the word "person" shall include an individual, a trust, a partnership, a body corporate, an association or other incorporated or unincorporated organization or entity.
- **13.** If any provision of this Agreement or the application thereof to any circumstances shall be held to be invalid or unenforceable, the remaining provisions of this Agreement, or the application thereof to other circumstances, shall not be affected thereby and shall be held valid to the full extent permitted by law.
- 14. In the event of any discrepancy or conflict between the English and French versions of these *Terms and Conditions of Business*, the English version will prevail.

The Buyer and the Consignor are hereby advised to read fully the Agreement which sets out and establishes the rights and obligations of the Auction House, the Buyer and the Consignor and the terms by which the Auction House shall conduct the sale and handle other related matters.

# PROPERTY COLLECTION NOTICE

HEFFEL GALLERY LIMITED maintains a strict *Property Collection Notice* policy that governs the Property collection terms between the Auction House and the Consignor, Buyer and Clients being provided professional services from the Auction House. The Collection Notice is pursuant to the Auction House's published *Terms and Conditions of Business* with specific reference to Conditions B.7, B.9, B.12, C.5, C.9 and D.6.

### A. PROPERTY COLLECTION REQUIREMENT

- 1. Buyer
- a) Sold Property must be collected or have a completed and signed *Shipping Authorization Form for Property* submitted to the Auction House within seven (7) days post auction sale date and a shipping dispatch date not greater than thirty (30) days post auction sale date;
- 2. Consignor
- a) Unsold Property must be collected by the Consignor within ninety (90) days post auction sale date;
- 3. Client being provided additional professional services
- a) Property delivered and deposited with the Auction House by the Client for the purpose of appraisal, assessment, research, consultancy, photography, framing, conservation or for other purpose must be collected within thirty (30) days after delivery receipt of the Property to the Auction House.

### B. TREATMENT OF PROPERTY COLLECTION NOTICE DEFAULT AND OF UNCLAIMED PROPERTY

- 1. All Property in default to the *Property Collection Notice*, as defined in Condition A, will be resolved as follows:
- a) Property in default of the *Property Collection Notice* will require a completed and signed Auction House or third party Storage Agreement for Property submitted to the Auction House within seven (7) days of default;
- **b)** Property listed in the signed and completed *Storage Agreement for Property* may be moved off-site from the Auction House offices or preview galleries to warehouse storage at the Property Owner's expense;
- c) Remaining unclaimed Property will be subject to the *Unclaimed Property Act (British Columbia)* [SBC 1999] 1999-48-19 to 32 and consequential amendments and repeal.

These *Property Collection Notice* terms shall supersede and take precedence over any previously agreed terms.

# CATALOGUE ABBREVIATIONS AND SYMBOLS

	Aut Association of Manter of Grand diverses
AAM	Art Association of Montreal <i>founded in 1860</i>
AANFM	Association des artistes non-figuratifs de Montréal
AAP	Association des arts plastiques
ACM	Arts Club of Montreal
AGA	Art Guild America
AGQ	Association des graveurs du Québec
AHSA	Art, Historical and Scientific Association of Vancouver
ALC	Arts and Letters Club
AOCA	Associate Ontario College of Art
ARCA	Associate Member Royal Canadian Academy of Arts
ASA	Alberta Society of Artists
ASPWC	American Society of Painters in Water Colors
ASQ	Association des sculpteurs du Québec
AUTO	Les Automatistes
AWCS	American Watercolor Society
BCSA	British Columbia Society of Artists
BCSFA	British Columbia Society of Fine Arts <i>founded in 1909</i>
BHG	Beaver Hall Group, Montreal 1920 – 1922 Canadian Art Club
CAC	
CAS	Contemporary Arts Society
CC	Companion of the Order of Canada
CGP	Canadian Group of Painters 1933–1969
СН	Companion of Honour Commonwealth
CPE	Canadian Painters-Etchers' Society
CSAA	Canadian Society of Applied Art Canadian Society of Graphic Artists <i>founded in 1905</i>
CSGA	
CSMA	Canadian Society of Marine Artists
CSPWC	Canadian Society of Painters in Water Colour <i>founded in 1925</i>
EGP	Eastern Group of Painters
FBA	Federation of British Artists
FCA	Federation of Canadian Artists
FRSA	Fellow of the Royal Society of Arts
G7	Group of Seven 1920 – 1933
G7 IAF	Institut des arts figuratifs
IWCA	Institute of Western Canadian Artists
LP	Les Plasticiens
MSA	Montreal Society of Arts
NAD	National Academy of Design
NEAC	New English Art Club
NSSA	Nova Scotia Society of Artists
OC	Order of Canada
OIP	Ontario Institute of Painters
ОМ	Order of Merit British
OSA	Ontario Society of Artists <i>founded in 1872</i>
P11	Painters Eleven 1953 – 1960
PDCC	Print and Drawing Council of Canada
PNIAI	Professional Native Indian Artists Incorporation
POSA	President Ontario Society of Artists
PPCM	Pen and Pencil Club, Montreal
PRCA	President Royal Canadian Academy of Arts
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PSA	Pastel Society of America
PSC	Pastel Society of Canada
PY	Prisme d'yeux
QMG	Quebec Modern Group
R5	Regina Five 1961 – 1964
RA	Royal Academy
RAAV	Regroupement des artistes en arts visuels du Québec
RAIC	Royal Architects Institute of Canada
RBA	Royal Society of British Artists
RCA	Royal Canadian Academy of Arts founded in 1880
RI	Royal Institute of Painters in Watercolour
RMS	Royal Miniature Society
ROI	Royal Institute of Oil Painters
RPS	Royal Photographic Society
RSA	Royal Scottish Academy
RSC	Royal Society of Canada
RSMA	Royal Society of Marine Artists
RSPP	Royal Society of Portrait Painters
RWS	Royal Watercolour Society
SAA	Society of American Artists
SAAVQ	Société des artistes en arts visuels du Québec
SAP	Société des arts plastiques
SAPQ	Société des artistes professionnels du Québec
SC	The Studio Club
SCA	Society of Canadian Artists 1867 – 1872
SCPEE	Society of Canadian Painters, Etchers and Engravers
SSC	Sculptors' Society of Canada
SWAA	Saskatchewan Women Artists' Association
TCC	Toronto Camera Club
TPG	Transcendental Painting Group 1938 - 1942
WAAC	Women's Art Association of Canada
WIAC	Women's International Art Club
WS	Woodlands School
YR	Young Romantics
	Denotes that additional information on this lot can be
	found on our website at www.heffel.com
φ	Indicates that Heffel owns an equity interest in the
	Lot or may have funded all or part of our interest with
	the help of a third party. Additionally Heffel may have
	entered into arrangements to provide a Consignor a
	guaranteed Reserve bid. A guaranteed Reserve bid may
	have funded all or part with a third-party guarantor.

# CATALOGUE TERMS

These catalogue terms are provided for your guidance:

#### CORNELIUS DAVID KRIEGHOFF

In our best judgment, a work by the artist.

#### ATTRIBUTED TO CORNELIUS DAVID KRIEGHOFF

In our best judgment, a work possibly executed in whole or in part by the named artist.

#### STUDIO OF CORNELIUS DAVID KRIEGHOFF

In our best judgment, a work by an unknown hand in the studio of the artist, possibly executed under the supervision of the named artist.

### CIRCLE OF CORNELIUS DAVID KRIEGHOFF

In our best judgment, a work of the period of the artist, closely related to the style of the named artist.

### MANNER OF CORNELIUS DAVID KRIEGHOFF

In our best judgment, a work in the style of the named artist and of a later date.

### AFTER CORNELIUS DAVID KRIEGHOFF

In our best judgment, a copy of a known work of the named artist.

### NATIONALITY

Unless otherwise noted, all artists are Canadian.

#### SIGNED / TITLED / DATED

In our best judgment, the work has been signed/titled/dated by the artist. If we state "dated 1856" then the artist has inscribed the date when the work was produced. If the artist has not inscribed the date and we state "1856", then it is known the work was produced in 1856, based on independent research. If the artist has not inscribed the date and there is no independent date reference, then the use of "circa" approximates the date based on style and period.

### BEARS SIGNATURE / BEARS DATE

In our best judgment, the signature/date is by a hand other than that of the artist.

### DIMENSIONS

Measurements are given height before width in both inches and centimetres.

#### PROVENANCE

Is intended to indicate previous collections or owners.

#### CERTIFICATES / LITERATURE / EXHIBITED

Any reference to certificates, literature or exhibition history represents the best judgment of the authority or authors named. Literature citations may be to references cited in our Lot essay. These references may also pertain to generic statements and may not be direct literary references to the Lot being sold.

### ESTIMATE

Our Estimates are intended as a statement of our best judgment only, and represent a conservative appraisal of the expected Hammer Price.

# HEFFEL'S CODE OF BUSINESS CONDUCT, ETHICS AND PRACTICES

HEFFEL TAKES GREAT pride in being the leader in the Canadian fine art auction industry and has an unparalleled track record. We are proud to have been the dominant auction house in the Canadian art market from 2004 to the present. Our firm's growth and success has been built on hard work and innovation, our commitment to our Clients and our deep respect for the fine art we offer. At Heffel we treat our consignments with great care and respect, and consider it an honour to have them pass through our hands. We are fully cognizant of the historical value of the works we handle and their place in art history.

Heffel, to further define its distinction in the Canadian art auction industry, has taken the following initiative. David and Robert Heffel, second-generation art dealers of the Company's founding Heffel family, have personally crafted the foundation documents (as published on our website www.heffel.com): *Heffel's Corporate Constitutional Values* and *Heffel's Code of Business Conduct, Ethics and Practices.* We believe the values and ethics set out in these documents will lay in stone our moral compass. Heffel has flourished through more than four decades of change, since 1978, proof that our hard work, commitment, philosophy, honour and ethics in all that we do serve our Clients well.

Heffel's Employees and Shareholders are committed to *Heffel's Code of Business Conduct, Ethics and Practices*, together with *Heffel's Corporate Constitutional Values*, our *Terms and Conditions of Business* and related corporate policies, all as amended from time to time, with respect to our Clients, and look forward to continued shared success in this auction season and ongoing.

HEFFEL GALLERY LIMITED

### David K.J. Heffel

President, Director and Shareholder (through Heffel Investments Ltd.)

### **Robert C.S. Heffel**

Vice-President, Director and Shareholder (through R.C.S.H. Investments Ltd.)

# ANNUAL SUBSCRIPTION FORM

# **COLLECTOR PROFILE FORM**

Please complete this Annual Subscription Form to receive our twice-yearly *Auction Catalogues* and *Auction Result Sheet*.

To order, return a copy of this form with a cheque payable to: Heffel Gallery Limited, 2247 Granville Street Vancouver, BC, Canada v6H 3G1

Tel 604-732-6505 · Fax 604-732-4245 · Toll free 1-888-818-6505 mail@heffel.com · www.heffel.com

### Catalogue Subscriptions-tax included

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One Year (four catalogues) Post-War & Contemporary	
Art/Canadian, Impressionist び Modern Art	\$80
□ Two Years (eight catalogues) Post-War & Contemporary	
Art/Canadian, Impressionist & Modern Art	\$130
DELIVERED TO THE UNITED STATES AND OVERSEAS	
One Year (four catalogues) Post-War & Contemporary	

One Year (four catalogues) Post-War & Contemporary	
Art/Canadian, Impressionist び Modern Art	\$90
□ Two Years (eight catalogues) Post-War & Contemporary	
Art/Canadian, Impressionist & Modern Art	\$150

### Price Database—tax included

Please contact Heffel Gallery Limited ("Heffel") to set up	
□ One Block of 25 Searches	\$50
□ One-Year Subscription (35 searches per month)	\$250
□ Two-Year Subscription (35 searches per month)	\$350

Please complete this Collector Profile Form to assist us in offering you our finest service.

### Artists of Particular Interest in Purchasing

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# **Billing Information**

NAME		
ADDRESS		
СІТҮ	POSTAL CODE	
E-MAIL ADDRESS		
RESIDENCE TELEPHONE	BUSINESS TELEPHONE	
CREDIT CARD NUMBER		
EXPIRY DATE	CVV NUMBER	
SIGNATURE	DATE	

The Client agrees to receive e-mails and  ${\tt SMS}$  notifications from Heffel.

### Artists of Particular Interest in Selling

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### **ABSENTEE BID FORM**

Heffel recommends submitting your absentee bid form via e-mail to bids@heffel.com for expedited service. Alternatively, please sign and return this form via fax to 1-888-732-6505.

SALE DATE	
BILLING NAME	
ADDRESS	
СІТҮ	PROVINCE/STATE, COUNTRY
POSTAL CODE	E-MAIL ADDRESS
DAYTIME TELEPHONE	EVENING TELEPHONE
FAX	CELLULAR

I request Heffel Gallery Limited ("Heffel") to enter bids on my behalf for the following Lots, up to the maximum Hammer Price I have indicated for each Lot. I understand that if my bid is successful, the purchase price shall be the Hammer Price plus the Buyer's Premium calculated at a rate of twenty-five percent (25%) of the Hammer Price of the Lot up to and including \$25,000; plus twenty percent (20%) on the part of the Hammer Price over \$25,000 and up to and including \$5,000,000; plus fifteen percent (15%) on the part of the Hammer Price over \$5,000,000, plus applicable Sales Tax. I understand that Heffel executes Absentee Bids as a convenience for its clients and is not responsible for inadvertently failing to execute bids or for errors relating to their execution of my bids. On my behalf, Heffel will try to purchase these Lots for the lowest possible price, taking into account the Reserve and other bids. If identical Absentee Bids are received, Heffel will give precedence to the Absentee Bid Form received first. I understand and acknowledge all successful bids are subject to the Terms and Conditions of Business printed in the Heffel catalogue.

SIGNATURE

DATE

DATE RECEIVED (FOR OFFICE USE ONLY)

CONFIRMED (FOR OFFICE USE ONLY)

### DIGITAL COMMUNICATION CONSENT

The Client agrees to receive e-mails and SMS notifications from Heffel.

Please view our General Bidding Increments as published by Heffel.

Lot Number numerical order	Lot Description artist	<b>Maximum Bid</b> Hammer Price \$ CAD (excluding Buyer's Premium)
1		
2		
3		
4		
5		
6		

To be sure that bids will be accepted and delivery of Lots not delayed, bidders not yet known to Heffel must supply a bank reference letter at least 48 hours before the time of the auction. All Absentee Bidders must supply a valid Visa, Mastercard or Union Pay number, expiry date and CVV number.

NAME OF BANK	BRANCH LOCATION	
NAME OF ACCOUNT OFFICER	TELEPHONE	
E-MAIL ADDRESS OF ACCOUNT O	FFICER	
CREDIT CARD NUMBER		
EXPIRY DATE	CVV NUMBER	
Louthorizo the above francial	institution to volcess informat	tion

I authorize the above financial institution to release information to Heffel and to discuss with them particulars of my financial condition and typical transactions conducted.

SIGNATURE

DATE

To allow time for processing, Absentee Bids should be received at least 24 hours before the sale begins. Heffel will confirm by telephone or e-mail all bids received. If you have not received our confirmation within one business day, please re-submit your bids or contact us at:

### HEFFEL GALLERY LIMITED

13 Hazelton Avenue, Toronto, ON, Canada M5R 2E1 Tel 416-961-6505 · Fax 416-961-4245 bids@heffel.com · www.heffel.com

### **TELEPHONE BID FORM**

Heffel recommends submitting your telephone bid form via e-mail to bids@heffel.com for expedited service. Alternatively, please sign and return this form via fax to 1-888-732-6505.

SALE DATE	
BILLING NAME	
ADDRESS	
СІТҮ	PROVINCE/STATE, COUNTRY
POSTAL CODE	FAX
E-MAIL ADDRESS	
TELEPHONE NO. TO CALL	

BACK-UP TELEPHONE NO.

I request Heffel Gallery Limited ("Heffel") to enter bids on my behalf for the following Lots, up to the maximum Hammer Price I have indicated for each Lot. I understand that if my bid is successful, the purchase price shall be the Hammer Price plus the Buyer's Premium calculated at a rate of twenty-five percent (25%) of the Hammer Price of the Lot up to and including \$25,000; plus twenty percent (20%) on the part of the Hammer Price over \$25,000 and up to and including \$5,000,000; plus fifteen percent (15%) on the part of the Hammer Price over \$5,000,000, plus applicable Sales Tax. I understand that Heffel executes Telephone/Absentee Bids as a convenience for its clients and is not responsible for inadvertently failing to execute bids or for errors relating to their execution of my bids. On my behalf, Heffel will try to purchase these Lots for the lowest possible price, taking into account the Reserve and other bids. I am aware that all telephone bid lines may be recorded. I understand and acknowledge all successful bids are subject to the Terms and Conditions of Business printed in the Heffel catalogue.

SIGNATURE

DATE

DATE RECEIVED (FOR OFFICE USE ONLY)

CONFIRMED (FOR OFFICE USE ONLY)

### DIGITAL COMMUNICATION CONSENT

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Please view our General Bidding Increments as published by Heffel.

Lot Number numerical order	Lot Description artist	<b>Maximum Bid</b> Hammer Price \$ CAD (excluding Buyer's Premium)
1		
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6		

To be sure that bids will be accepted and delivery of Lots not delayed, bidders not yet known to Heffel must supply a bank reference letter at least 48 hours before the time of the auction. All Telephone Bidders must supply a valid Visa, Mastercard or Union Pay number, expiry date and CVV number.

NAME OF BANK	BRANCH LOCATION	
NAME OF ACCOUNT OFFICER	TELEPHONE	
E-MAIL ADDRESS OF ACCOUNT O	FFICER	
CREDIT CARD NUMBER		
EXPIRY DATE	CVV NUMBER	

I authorize the above financial institution to release information to Heffel and to discuss with them particulars of my financial condition and typical transactions conducted.

SIGNATURE

DATE

To allow time for processing, Telephone/Absentee Bids should be received at least 24 hours before the sale begins. Heffel will confirm by telephone or e-mail all bids received. If you have not received our confirmation within one business day, please resubmit your bids or contact us at:

#### HEFFEL GALLERY LIMITED

13 Hazelton Avenue, Toronto, ON, Canada M5R 2E1 Tel 416-961-6505 · Fax 416-961-4245 bids@heffel.com · www.heffel.com

# DIGITAL SALEROOM REGISTRATION FORM

Heffel recommends submitting your Digital Saleroom Registration Form via e-mail to bids@heffel.com for expedited service.

	Live Auc	Live Auction Paddle # (for office use only)	
SALE DATE			
CLIENT BILLING NAME	PLEASE PRINT		
ADDRESS	DEALER'S BILLING NAME & ADDRESS SHO	ULD MATCH THE PROVINCIAL SALES TAX EXEMPTION CERTIFICATE	
CITY	PROVINCE/STATE, COUNTRY	POSTAL CODE	
DAYTIME TELEPHONE	EVENING TELEPHONE	FAX	
E-MAIL ADDRESS	ONTARIO TAX NUMBER (IF APPLICABLE)		

. .

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### □ EXISTING HEFFEL.COM USERS

#### EXISTING ONLINE PADDLE NUMBER

Once approved, those who have previously bid in Heffel's online auctions will log on to Heffel.com with their existing online paddle number and password in order to access the digital saleroom for the live auction.

#### □ NEW HEFFEL.COM REGISTRANTS

DESIRED PASSWORD (MINIMUM OF 8 CHARACTERS AND A COMBINATION OF NUMBERS, UPPERCASE, LOWERCASE AND SPECIAL CHARACTERS)

ONLINE PADDLE NUMBER (TO BE SUPPLIED BY HEFFEL UPON APPROVAL)

If my bid is successful, the purchase price shall be the Hammer Price plus a Buyer's Premium of twenty-five percent (25%) of the Hammer Price of the Lot up to and including \$25,000; plus twenty percent (20%) on the part of the Hammer Price over \$25,000 and up to and including \$5,000,000; plus fifteen percent (15%) on the part of the Hammer Price over \$5,000,000, plus applicable Sales Tax. I understand and acknowledge that all successful bids are subject to the *Terms and Conditions of Business* as printed in the Heffel catalogues.

CLIENT SIGNATURE	DATE
DRIVER'S LICENCE NUMBER	EXPIRY DATE
VISA, MASTERCARD OR UNION PAY #	EXPIRY DATE AND CVV NUMBER

To be sure that bids will be accepted and delivery of lots not delayed, bidders not yet known to Heffel should supply a bank reference.

NAME OF BANK	BRANCH	ADDRESS OF BANK
NAME OF ACCOUNT OFFICER	TELEPHONE	E-MAIL ADDRESS OF ACCOUNT OFFICER

□ I authorize the above financial institution to release information to Heffel and to discuss with them particulars of my financial condition and typical transactions conducted.

### DIGITAL COMMUNICATION CONSENT

The Client agrees to receive e-mails and SMS notifications from Heffel.

# SHIPPING AUTHORIZATION FORM FOR PROPERTY

Heffel recommends submitting shipping authorization and payment by logging in at heffel.com for expedited service. Alternatively, please sign and return this form via e-mail to shipping@heffel.com or via fax to 1-888-685-6505. Please contact the Shipping Department at 1-888-818-6505 for questions.

### SHIPPING METHOD (CHOOSE OPTION A, B OR C)

### **PROPERTY INFORMATION**

Option A Consolidated ground shipment (when available) to destination Heffel Gallery:	
<ul> <li>☐ Heffel Vancouver</li> <li>☐ Heffel Montreal</li> </ul>	□ Heffel Calgary □ Heffel Toronto
<b>PACKING METHOD</b> Soft packed (Cardboard)	□ Hard packed (Custom crate)

#### **Option B**

Direct shipment to address below via Heffel approved third-party carrier:

RECIPIENT'S NAME

ADDRESS

CITY

POSTAL CODE

E-MAIL ADDRESS

PROVINCE/STATE, COUNTRY

EVENING TELEPHONE

DAYTIME TELEPHONE

TAX ID (FOR U.S. SHIPMENTS ONLY)

PACKING METHOD □ Soft packed (Cardboard) □ Hard packed (Custom crate)

Heffel's insurance does not cover Fedex shipments with glass. Framed works will be shipped without glass.

### **Option C**

I do not require packing/shipping services provided by Heffel. I have reviewed Section B.4 of Heffel's *Terms and Conditions of Business* and accept all consumer tax liabilities. I authorize for my Property to be retrieved on my behalf by:

AUTHORIZED THIRD PARTY'S FULL NAME

Lot Number	<b>Property Description</b>
in numerical order	artist / title
I	
2	

3

#### OPTIONAL LOSS AND DAMAGE LIABILITY COVERAGE

Your Property will be insured under Heffel's insurance policy at a rate of 1.5% of the value. Heffel does not insure ceramics, frames or glass. Please review Section 3 of Heffel's *Terms and Conditions for Shipping* for further information regarding insurance coverage.

□ Please **DO NOT** insure my Property while in transit. I accept full responsibility for any loss or damage to my Property while in transit.

### **PAYMENT INFORMATION**

CREDIT CARD NUMBER (VISA, MASTERCARD OR UNION PAY)

EXPIRY DATE

CVV NUMBER

Shipping costs will be provided for approval prior to shipment unless authorized below to proceed.

□ No shipping quotation necessary, please forward my Property as indicated above

### SIGNATURE

Signed with agreement to the above, Heffel's Terms and Conditions of Business and Heffel's Terms and Conditions for Shipping.

PROPERTY OWNER'S NAME

SIGNATURE

DATE

### HEFFEL GALLERY LIMITED

13 Hazelton Avenue, Toronto, ON, Canada M5R 2E1 Tel 416-961-6505 · Fax 416-961-4245 shipping@heffel.com · www.heffel.com

# TERMS AND CONDITIONS FOR SHIPPING

Heffel Gallery Limited ("Heffel" or "Auction House") provides professional guidance and assistance to have Property packed, insured and forwarded at the Property Owner's expense and risk pursuant to Heffel's *Terms and Conditions of Business* and *Property Collection Notice*, as published in the auction sale catalogue and online. The Property Owner is aware and accepts that Heffel does not operate a full-service fine art packing business and shall provide such assistance for the convenience only of the Property Owner.

Heffel agrees to ship your Property (the "Property"), as described by sale and Lot number or such other designation on the front side of this *Shipping Authorization Form for Property*, subject to the following terms and conditions:

- If the Property has been purchased at an auction or private sale conducted by Heffel, Heffel will not pack and ship, or release the Property, until payment in full of the purchase price for the Property, including the Buyer's Premium and any applicable sales tax has been received in funds cleared by Heffel.
- 2. All packing and shipping services offered by Heffel must be preceded by a completed and signed Shipping Authorization Form for Property which releases Heffel from any liability that may result from damage sustained by the Property during packing and shipping.
- The Property Owner agrees that Heffel's liability for any loss or damage to the Property shall be limited according to the following terms:
- a) Lots are only covered by insurance under the Terms and Conditions of the Fine Arts Insurance Policy provided to Heffel if the Property Owner so authorizes;
- b) The rate of the insurance premium payable by the Property Owner is \$15 per \$1,000 (1.5% of the value). The value of insurance is determined by the High Estimate value, or Purchase Price, or Appraised Value or for the alternative amount as listed and defined under Insured Value while in transit as specified in the *Shipping Authorization Form for Property*. Heffel will charge a flat rate fee of \$40 should the value be less than \$2,500;
- c) The value for which a Lot is insured under the Fine Arts Insurance Policy provided to Heffel in accordance with Condition 3.b above shall be the total amount due to the Property Owner in the event of a successful claim being made against the Auction House;
- d) With regard to loss or damage, however caused, not covered by Heffel's Insurance Underwriters, the Property Owner hereby releases Heffel, its employees, agents and contractors with respect to such damage;
- e) Heffel does not accept responsibility for Lots damaged by changes in atmospheric conditions and Heffel shall not be liable for such damage nor for any other damage to picture frames or to glass in picture frames;
- f) In no event will Heffel be liable for damage to glass, frames or ceramics;
- g) If your Property is damaged in transit, please contact the Shipping Department promptly and provide photographs of the damage, retain the shipping box and materials and gather all relevant information;
- h) If the Property Owner instructs Heffel not to insure a Lot, it shall at all times remain at the risk of the Property Owner, who hereby undertakes to:
- Indemnify Heffel against all claims made or proceedings brought against Heffel in respect of loss or damage to the Lot of whatever nature, howsoever and wheresoever occurred, and in any circumstances even where negligence is alleged or proven;
- (ii) Reimburse Heffel for all Expenses incurred by Heffel. Any payment which Heffel shall make in respect of such loss or damage or Expenses shall be binding upon the Property Owner and shall be accepted by the Property Owner as conclusive evidence that Heffel was liable to make such payment; and
- (iii) Notify any insurer of the existence of the indemnity contained in these *Terms and Conditions for Shipping.*

- 4. All such works are packed at the Property Owner's risk and then must be transported by a Heffel approved third-party carrier. Prior to export, works may be subject to the *Cultural Property Export and Import Act (Canada)*, and compliance with the provisions of the said act is the sole responsibility of the Property Owner.
- Heffel shall have the right to subcontract other parties in order to fulfill its obligation under these *Terms and Conditions for Shipping*.
- 6. As per section B.4 of Heffel's *Terms and Conditions of Business*, all or part of the Sales Tax may be exempt in certain circumstances if the Lot is delivered outside of the jurisdiction of sale of the Lot. Shipments out of the jurisdiction of sale of the Lot(s) shall only be eligible for exemption from Sales Tax if shipped directly from the Auction House with shipping contracted by the Auction House. All claims for Sales Tax exemption must be made prior to or at the time of payment of the Purchase Price. Sales Tax will not be refunded once the Auction House has released the Lot. The Buyer agrees and shall fully indemnify the Auction House for any amount claimed by any taxing authority due as Sales Tax upon the sale of the Lot, including any related costs, legal fees, interest and penalties.

### PACKING OPTIONS

#### Soft packed

Works will be glass taped, plastic wrapped, cardboard wrapped and labeled. All fees are exclusive of applicable taxes.

- Works up to 40 united inches (height + width + depth = united inches) \$30 per work
- Works 41 to 75 united inches \$50 per work
- Works 76 to 150 united inches \$100 per work
- Works 151 to 250 united inches minimum \$150 per work

### Hard packed (Custom Crate)

Custom crates are available when required or upon request. Works will be glass taped, plastic wrapped, cardboard wrapped, or divided foam packed in a custom wooden crate and labeled. All fees are exclusive of applicable taxes.

- Works up to 40 united inches (height + width + depth = united inches) \$150 per crate
- Works 41 to 75 united inches \$300 \$500 per crate
- Works 76 to 150 united inches \$500 \$750 per crate
- Works 151 to 250 united inches minimum \$750 per crate

International shipments as per international wooden packing restrictions may require ISPM 15 rules certified crating material to be used. Additional minimum \$200 per crate.

### SHIPPING TRANSPORTATION CARRIER OPTIONS

Heffel may periodically offer consolidated ground shipments between Heffel's offices in Vancouver, Calgary, Toronto and Montreal.

Consolidated rates, in addition to the Packing Options outlined above, between our offices are as follows. All fees are exclusive of applicable taxes.

#### Regional (maximum range of two provinces)

- Works up to 40 united inches (height + width + depth = united inches) \$35 per work
- Works 41 to 75 united inches \$50 per work
- Works 76 to 150 united inches \$100 per work
- Works 151 to 250 united inches minimum \$150 per work

#### National

- Works up to 40 united inches (height + width + depth = united inches) \$35 per work
- Works 41 to 75 united inches \$75 per work
- Works 76 to 150 united inches \$150 per work
- Works 151 to 250 united inches minimum \$250 per work

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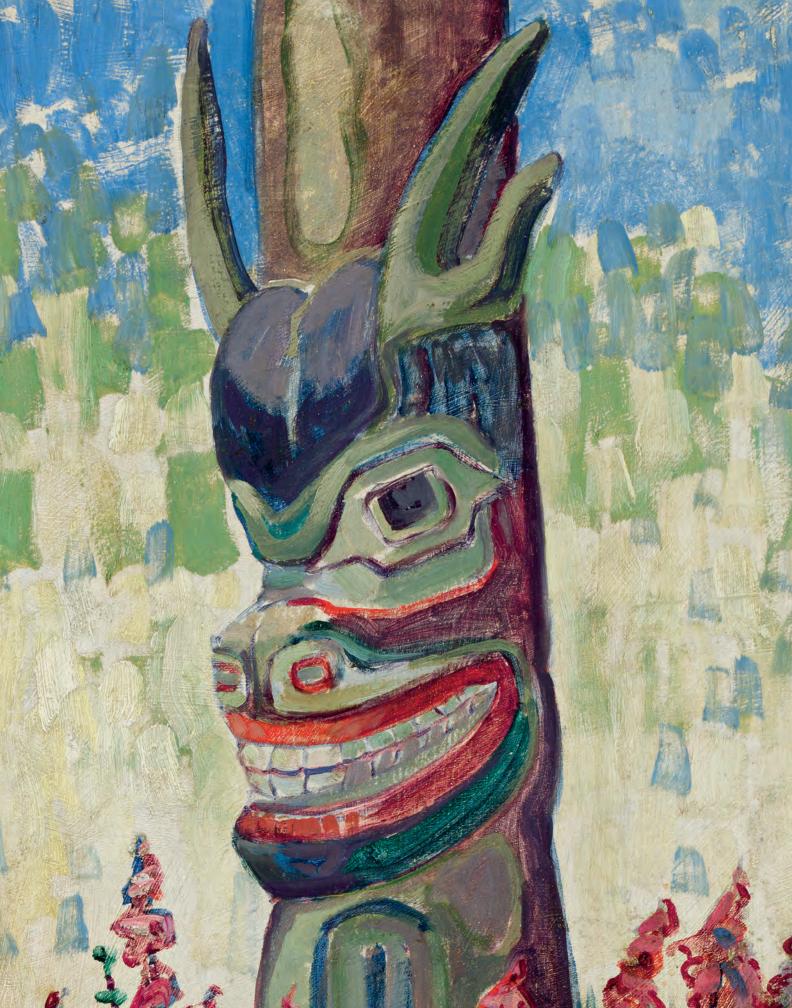
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FINE ART AUCTION HOUSE

