



FINE  
ART  
AUCTION  
HOUSE

**Heffel**

**CANADIAN,  
IMPRESSIONIST &  
MODERN ART**

**SALE** WEDNESDAY, NOVEMBER 21, 2018 · 7 PM · TORONTO









## **CANADIAN, IMPRESSIONIST & MODERN ART**

### **AUCTION**

**Wednesday, November 21, 2018**

**4 PM Post-War & Contemporary Art**

**7 PM Canadian, Impressionist & Modern Art**

Design Exchange

The Historic Trading Floor (2nd floor)

234 Bay Street, Toronto

Located within TD Centre

### **PREVIEWS**

**Heffel Gallery, Calgary**

888 4th Avenue SW, Unit 609

Friday, October 19 through

Saturday, October 20, 11 am to 6 pm

**Heffel Gallery, Vancouver**

2247 Granville Street

Saturday, October 27 through

Tuesday, October 30, 11 am to 6 pm

**Galerie Heffel, Montreal**

1840 rue Sherbrooke Ouest

Thursday, November 8 through

Saturday, November 10, 11 am to 6 pm

**Design Exchange, Toronto**

The Exhibition Hall (3rd floor), 234 Bay Street

Located within TD Centre

Saturday, November 17 through

Tuesday, November 20, 10 am to 6 pm

Wednesday, November 21, 10 am to noon

## Heffel Gallery Limited

Additionally herein referred to as “Heffel”  
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Printed in Canada by Friesens

ISBN: 978-1-927031-32-2

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# PREVIEW AND AUCTION LOCATION



## Preview and Auction Location

**DESIGN EXCHANGE**

Preview: The Exhibition Hall (3rd floor)

Auction: The Historic Trading Floor (2nd floor)

234 Bay Street, Toronto

Located within TD Centre

Saleroom Telephone 1-888-212-6505

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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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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.

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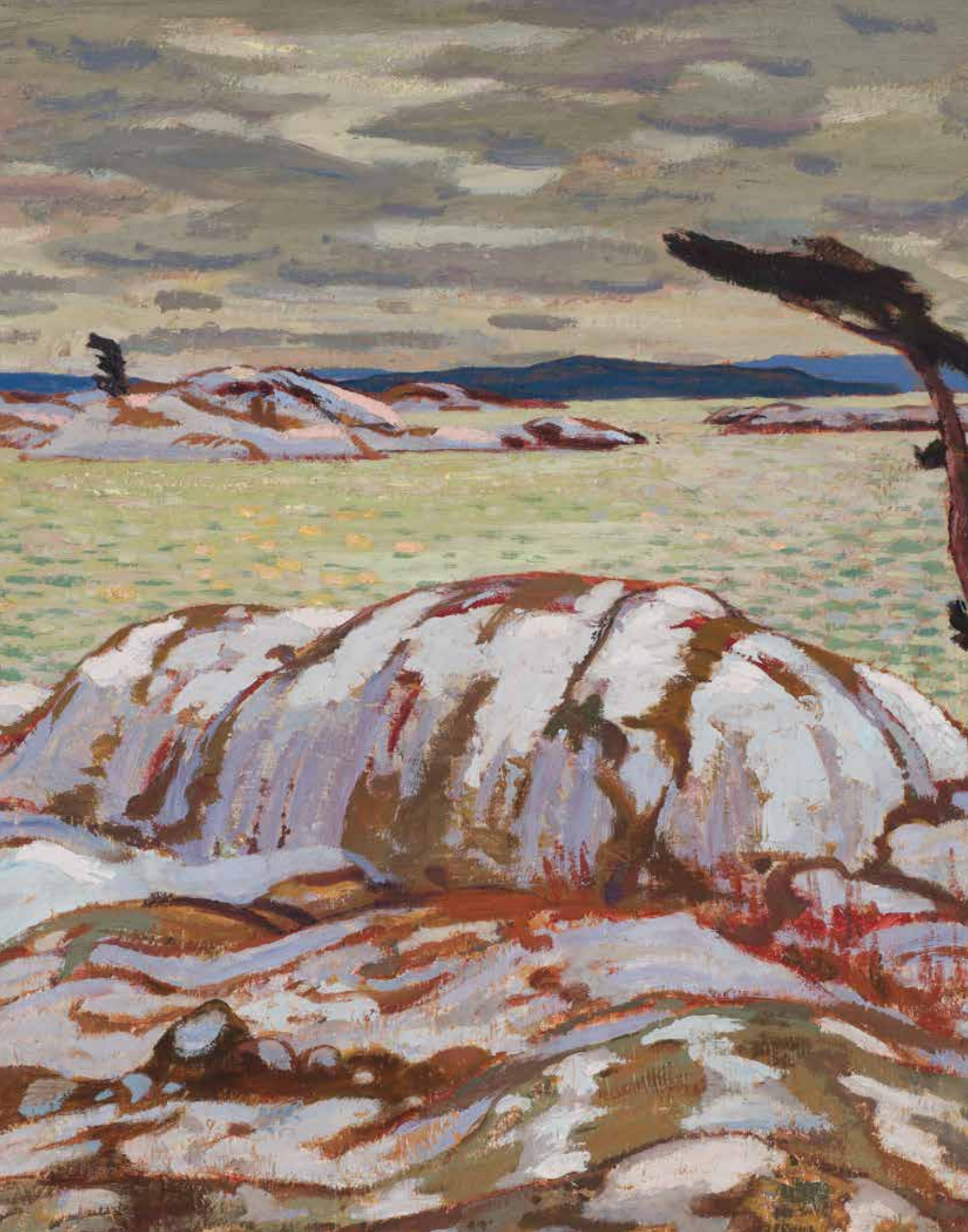
|                        |                 |
|------------------------|-----------------|
| \$50-\$300             | \$25 increments |
| \$300-500              | \$50            |
| \$500-2,000            | \$100           |
| \$2,000-5,000          | \$250           |
| \$5,000-10,000         | \$500           |
| \$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 115 and our *Terms and Conditions for Shipping* on page 116 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.

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**SALE** WEDNESDAY, NOVEMBER 21, 2018 · 7 PM · TORONTO

# CANADIAN, IMPRESSIONIST & MODERN ART CATALOGUE

**FEATURING WORKS FROM**

The Estate of Nancy Ryrie Birks Hale, Montreal

A Prominent Canadian Executive and Philanthropist

An Important Private Collection to Benefit a Charitable Foundation

A Private Collection to Benefit the Banting & Best Diabetes Centre

Schara Tzedek Synagogue, Vancouver

& other Important Private and Corporate Collections



## 101 Walter Joseph (W.J.) Phillips

ASA CPE CSPWC RCA 1884 – 1963

### Karlukwees, BC

colour woodcut on paper, signed and signed  
in the block, titled and editioned 36/100, 1929  
10 ½ x 12 ¾ in, 26.7 x 31.4 cm

#### PROVENANCE

Private Collection, Manitoba

#### LITERATURE

Duncan Campbell Scott, *Walter J. Phillips*, 1947, reproduced  
page 27

Carlyle Allison, *The Art of W.J. Phillips*, 1970, the 1927  
watercolour and graphite sketch entitled *Karlukwees, Village  
Island* and the woodcut reproduced, unpaginated

Michael J. Gribbon, *Walter J. Phillips: A Selection of His Works and  
Thoughts*, National Gallery of Canada, 1978, reproduced front  
cover, the 1927 watercolour and graphite sketch entitled  
*Karlukwees, BC* reproduced page 64, the larger finished  
watercolour reproduced page 65 and a photograph of Walter  
J. Phillips holding an impression of the woodcut page 62

Roger Boulet, *The Tranquility and the Turbulence*, 1981, page 101,  
the related 1926 watercolour *Myth of the Thunderbird  
(Karlukwees)* reproduced page 101, the 1927 watercolour  
and graphite sketch entitled *Karlukwees, Village Island*  
and the woodcut reproduced pages 125 and 126

Roger Boulet, *Walter J. Phillips: The Complete Graphic Works*,  
1981, reproduced page 319

#### EXHIBITED

National Gallery of Canada, Ottawa, *Walter J. Phillips*, 1978,  
same image

Art Gallery of Greater Victoria, *To the Totem Forests: Emily Carr  
and Contemporaries Interpret Coastal Villages*, August 5 –  
October 31, 1999, same image, catalogue #55.26.59

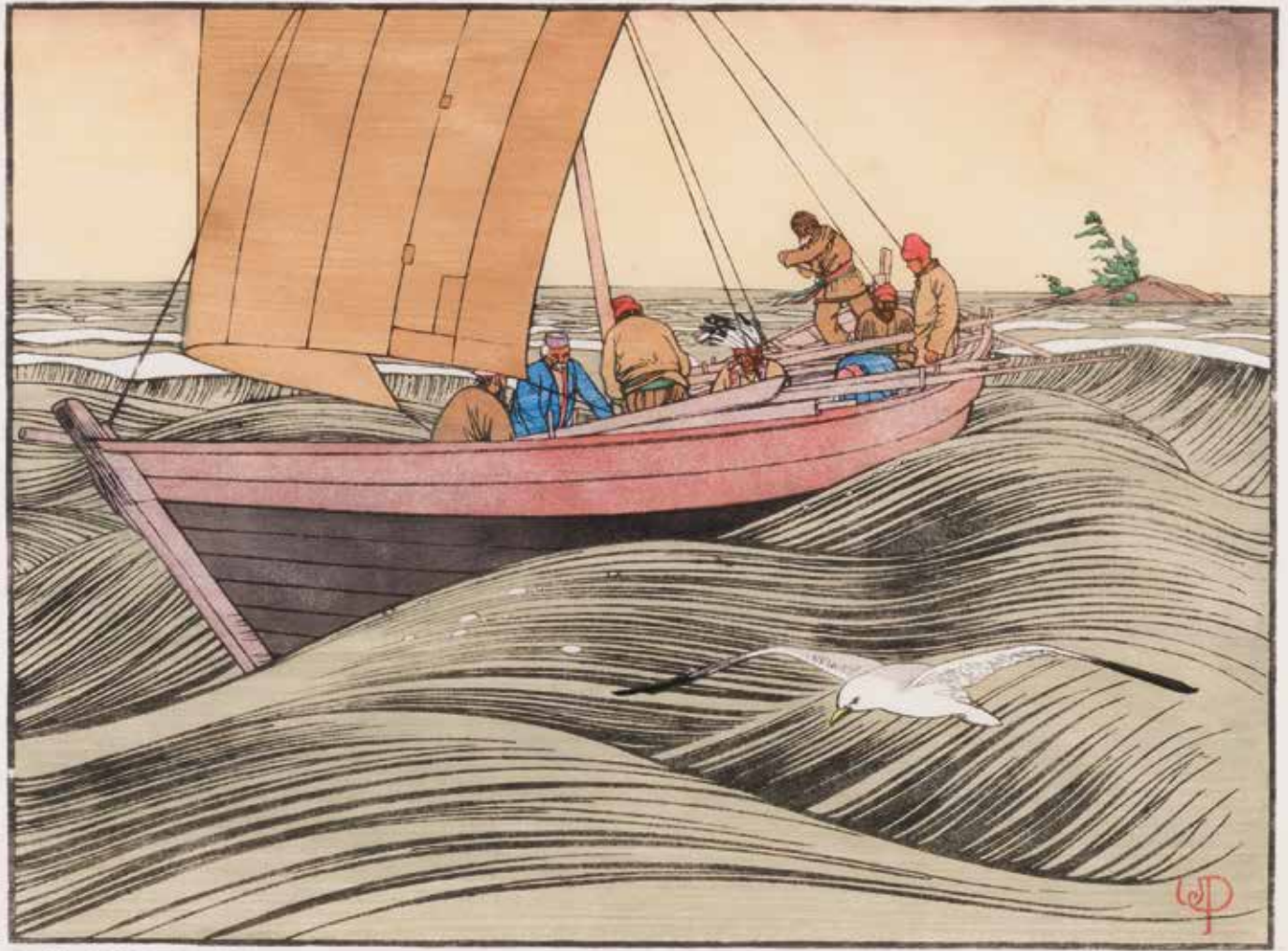
IN 1927, WALTER J. PHILLIPS took a sketching trip to the West Coast, visiting his sister at Alert Bay and then traveling by boat to the villages of Tsatsisnukomi, Mamalilicoola and Karlukwees, a small settlement on Village Island at the entrance to Knight Inlet. He wrote, “We found another village—Karlukwees—more interesting than the others. The clean white beach had borrowed its shape from the new moon . . . Karlukwees provided many subjects for painting. In fact, never have I seen a more delectable sketching ground. I regretted leaving the coast, and I long to return.” This exquisite woodcut is considered to be the finest in Phillips’s woodcut oeuvre. Technically superb, with a composition perfectly in balance, the delicate impression of falling snow cloaking the village in stillness creates an unforgettable atmosphere of peace. The woodcut is also a poignant record of the village, as little remains of it today. In 1929 *Karlukwees, BC* was awarded a gold medal for best colour woodcut by the Society of Arts and Crafts, Boston.

The National Gallery of Canada has two impressions of this woodcut in its collection.

**ESTIMATE: \$30,000 – 40,000**



W.J. Phillips holding up his famous colour woodcut *Karlukwees, BC*, circa 1942



## 102 **Walter Joseph (W.J.) Phillips**

ASA CPE CSPWC RCA 1884 – 1963

### **York Boat on Lake Winnipeg**

colour woodcut on paper, signed, titled,  
editioned 64/150 and monogrammed, 1930  
10 ¼ x 13 ¾ in, 26 x 34.9 cm

#### **PROVENANCE**

Loch Gallery, Winnipeg  
Private Collection, Manitoba

#### **LITERATURE**

Malvina Bolus, editor, *The Beaver: Magazine of the North*,  
Winter 1969, reproduced page 4  
Roger Boulet, *The Tranquility and the Turbulence*, 1981,  
reproduced page 133  
Roger Boulet, *Walter J. Phillips: The Complete Graphic Works*,  
1981, reproduced pages 10 and 335  
Maria Tippet and Douglas Cole, *Phillips in Print: The Selected  
Writings of Walter J. Phillips on Canadian Nature and Art*,  
Manitoba Record Society, 1982, page 49, reproduced  
unpaginated plate

FOR OVER A CENTURY, the York boat was an important way of transporting goods between inland trading posts and York Factory, at the mouth of the Hayes River on Hudson Bay. The construction of these sturdy boats was based on an old Orkney design derived from the Viking longship. With the advent of the railroad their use died out, but they are still celebrated in a summer festival. In 1928 Walter J. Phillips spent a week on the Lake Winnipeg steamboat *Wolverine* and reached Norway House, sketching buildings, figures and boats along the way. He wrote, "This northern route was taken by picturesque brigades of York boats—big open boats propelled by sweeps when the wind was insufficient to fill the square blanket sail. There are none left now. The last lay rotting on the banks of the Nelson; the sturdy frame that withstood the shocks of a passage of the rapids a thousand times, now yielding to the action of the weather." This dynamic and historic image is considered to be one of Phillips's finest woodcuts.

The National Gallery of Canada has two impressions of this woodcut in its collection.

**ESTIMATE: \$15,000 – 20,000**





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

ALC CGP G7 OSA RCA RSA 1882 – 1974

#### The Skeena River, BC / Autumn Landscape (verso)

double-sided oil on board, signed and on verso signed,  
titled, dated indistinctly on a label and inscribed  
25 Severn Street, Toronto, circa 1926  
8 ½ x 10 ½ in, 21.6 x 26.7 cm

#### PROVENANCE

Acquired directly from the Artist  
By descent to the present Private Collection, Toronto

#### LITERATURE

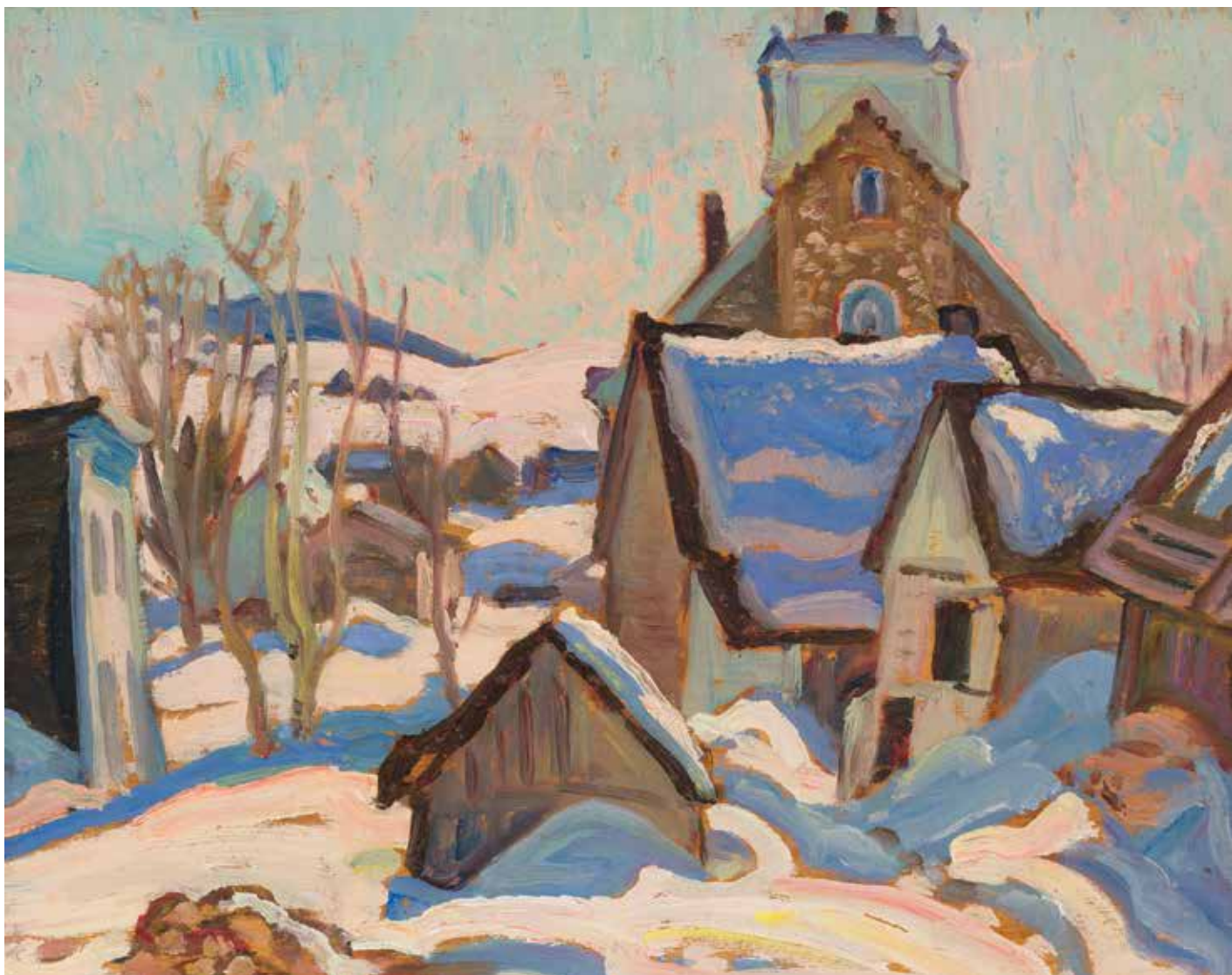
Wayne Larsen, *A.Y. Jackson: The Life of a Landscape Painter*,  
2009, page 130

IN 1926, A.Y. JACKSON traveled to the Skeena River area in British Columbia, in the company of fellow Group of Seven artist Edwin Holgate and anthropologist Marius Barbeau. There was intense interest in this remote area at that time, as the arrival of the Grand Trunk Pacific Railway in Prince Rupert and the gold rush in the Yukon were bringing changes that threatened the local First Nations culture. Barbeau was already well acquainted with the region from previous trips, but it was new to Jackson, who, although widely traveled, had not been that far west. Jackson stated, “It is a great country for painting. The Indian villages are almost as fine as the Quebec villages and the backgrounds more exciting.” Jackson painted on the Upper Skeena, depicting small Gitksan villages such as Gitwangak (Kitwanga), Gitsegukla and Kispiox as well as scenes along the broad Skeena River, such as this fine view, possibly at Port Essington, where sharp, pointed mountains rise. The fast-flowing river, the autumn colours on the far shore, the towering mountains and the dugout canoe make this an exhilarating Skeena composition.

**ESTIMATE: \$30,000 – 50,000**



verso



**104 Alexander Young (A.Y.) Jackson**

ALC CGP G7 OSA RCA RSA 1882 – 1974

**The Church at St. Tite des Caps**

oil on board, on verso titled, circa 1928

8 ½ x 10 ½ in, 21.6 x 26.7 cm

**PROVENANCE**

Private Collection, Toronto

Sold sale of *Canadian Art*, Joyner Fine Art,

May 14, 2002, lot 501

Property from an Important Private Collection  
to Benefit a Charitable Foundation

**LITERATURE**

A.Y. Jackson, *A Painter's Country: The Autobiography  
of A.Y. Jackson*, 1958, pages 63 and 64

THROUGHOUT THE 1920S, in the early spring, A.Y. Jackson would set out on the “artist trails” that connected the villages on the north and south shores of the St. Lawrence River. Jackson reminisced, “One of the places we loved to paint was St. Tite des Caps on Cap Tourmente, a high plateau, forty miles below Quebec. It was not one of the old villages, but it lay in a hollow encircled by hills, and we could look down on it from several directions.” While there, Jackson stayed in a ramshackle old hotel, and he wrote approvingly of proprietor Madame Tremblay’s homemade meals. Jackson’s depictions of villages such as this are among his most beloved works. Often on snowshoes, he would set off into the cold air with his sketch box to paint his scenes *en plein air*. Here he captures the peaceful atmosphere of the weathered buildings and the stone church at the heart of the village. Sunlit and blue-shadowed, with luscious pastel highlights in the snow and sky, this is an exquisite Group of Seven-period work from this renowned part of Jackson’s oeuvre.

**ESTIMATE: \$30,000 – 40,000**



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

ALC CGP G7 OSA RCA RSA 1882 – 1974

### Near St. Joachim

oil on board, on verso titled, circa 1932

8 ½ x 10 ½ in, 21.6 x 26.7 cm

#### PROVENANCE

Private Collection, Toronto

Sold sale of *Canadian Art*, Joyner Fine Art,

May 14, 2002, lot 50H

Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Naomi Jackson Groves, *A.Y.'s Canada*, 1968, page 66

The stretch of eighty miles or so north-eastward from St. Joachim, either along the shoreline past Petite Rivière and Millard to Baie St. Paul, or up over the high plateau where St. Feréol and St. Tite des Caps are located in County

Montmorency with the magnificent Laurentians to the north, and eastward from there into County Charlevoix, encloses another favourite region for AY's winter-spring sketching expeditions during the years from 1923 onward.

—NAOMI JACKSON GROVES

A.Y. JACKSON HAD a great affection for rural Quebec and its people, and here he includes a figure striding through the snow-banks to the house. Rhythm suffuses this evocative sketch, from the drifts of snow curling around the houses to the rolling hills and the undulating waves of clouds above, creating a subtle sense of movement and energy. Jackson's colour is rich, with accents of peridot green around the door and windows of the house, pastel streaks in the snow, and a bright splash of orange in the object held by the figure. Winter scenes along the "artist trails" by the St. Lawrence are among the most sought-after images from Jackson's Group of Seven period.

**ESTIMATE: \$25,000 – 35,000**



## 106 James Williamson Galloway (Jock) Macdonald

ARCA BCSFA CGP OSA P11 1897 – 1960

### Castle Towers—Garibaldi Park, BC

oil on board, signed and dated 1943  
and on verso signed and titled  
12 x 14 7/8 in, 30.5 x 37.8 cm

#### PROVENANCE

Acquired directly from the Artist  
By descent to a Private Collection, Vancouver  
Sold sale of *Fine Canadian Art*, Heffel Fine Art  
Auction House, May 15, 2013, lot 103  
Private Collection, Vancouver

#### LITERATURE

Joyce Zemans, *Jock Macdonald: The Inner Landscape / A Retrospective Exhibition*, Art Gallery of Ontario, 1981, pages 101 and 104, the related 1943 canvas entitled *Castle Towers, Garibaldi Park*, in the collection of the Vancouver Art Gallery, reproduced page 103 and listed page 282  
Ian M. Thom, *Jock Macdonald: Evolving Form*, Vancouver Art Gallery, 2014, page 35, the 1943 canvas entitled *Castle Towers, Garibaldi Park*, in the collection of the Vancouver Art Gallery, reproduced page 36 and listed page 202

#### EXHIBITED

Art Gallery of Ontario, Toronto, *Jock Macdonald: The Inner Landscape / A Retrospective Exhibition*, 1981, traveling in 1981 – 1982 to the Art Gallery of Windsor, Edmonton Art Gallery, Winnipeg Art Gallery and Vancouver Art Gallery, the 1943 canvas entitled *Castle Towers, Garibaldi Park*, catalogue #30  
Vancouver Art Gallery, *Jock Macdonald: Evolving Form*, October 18, 2014 – January 4, 2015, traveling in 2015 to the Robert McLaughlin Gallery, Oshawa and the Art Gallery of Greater Victoria

JOCK MACDONALD TAUGHT at the Vancouver School of Decorative and Applied Arts until 1933, when he and Group of Seven painter Frederick Varley formed the British Columbia College of Arts. Both artists painted together at Garibaldi in 1929 and 1934. After their school closed, Macdonald spent several years living simply at Nootka Sound on Vancouver Island, before returning to Vancouver in 1936 to teach and paint. For the next decade, before he turned to abstraction, the landscape would dominate his work. In the early 1940s Lawren Harris moved to Vancouver, and Macdonald and Harris, who loved the mountains, went on sketching trips together and exchanged ideas about the Transcendental movement and theories from the leading proponents of spiritualism. Macdonald spent the summers of 1942 and 1943 in Garibaldi Park. All of these influences can be seen in stunning



#### JOCK MACDONALD

##### Castle Towers, Garibaldi Park

oil on canvas, 1943  
28 x 38 in, 71.3 x 96.7 cm  
Collection of the Vancouver Art Gallery, Acquisition Fund  
Photo: Rachel Topham, Vancouver Art Gallery

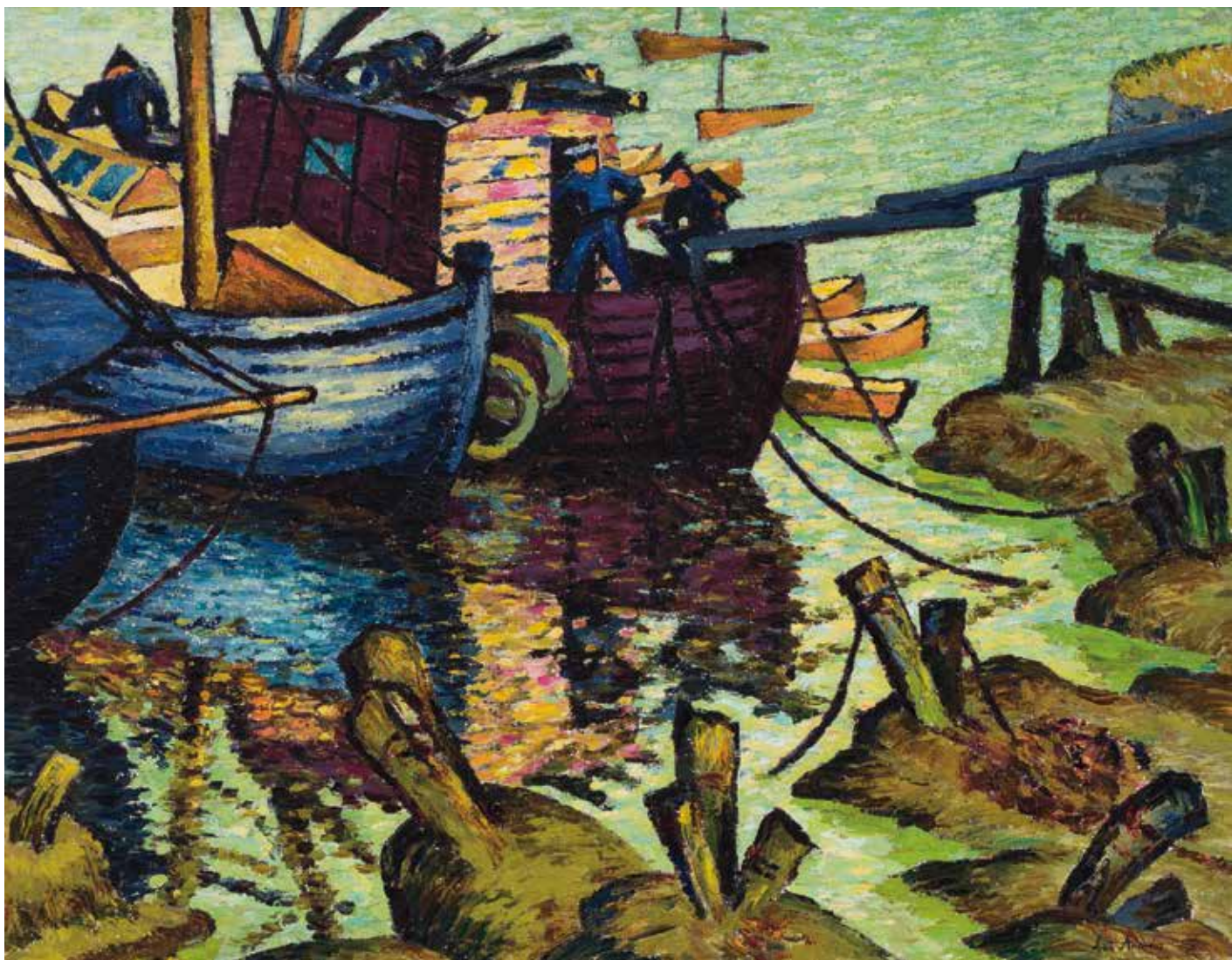
Not for sale with this lot

works such as this, in which the formal and spiritual merge in the magnificent mountain forms and glowing light. Macdonald exclaimed that the nearby Sphinx Glacier “was the most powerful force I have ever seen outside the mountainous waters of the open Pacific,” and here he found a cosmic oneness with nature.

In the catalogue for the Vancouver Art Gallery exhibition *Jock Macdonald: Evolving Form*, Ian Thom discussed Harris’s influence on Macdonald in reference to the 1943 canvas *Castle Towers, Garibaldi Park*, in the collection of the Vancouver Art Gallery. He wrote, “It is tempting to look at Macdonald’s mountain paintings from the forties through the lens of Harris’ influence. Certainly, there is a greater clarity and precision in works such as *Castle Towers, Garibaldi Park* (1943); the colour sense is quite distinct from that seen in earlier works such as *The Black Tusk*, which were so strongly influenced by Varley, but it remains Macdonald’s colour sense and not Harris’.”

The canvas in the collection of the Vancouver Art Gallery and this sketch are remarkably similar, with only slight differences in details. Both communicate the majesty of this scene, with its rugged, glaciated mountain range, transcendent layers of blue sky and crystalline atmosphere.

**ESTIMATE: \$25,000 – 35,000**



## 107 Sybil Andrews

CPE 1898 – 1992

### Boats at Dock

oil on canvas, signed and on verso stamped Winsor & Newton's, London, England, circa 1942 – 1945

22 x 27 in, 55.9 x 68.6 cm

#### PROVENANCE

Private Collection, Victoria

BORN IN BURY ST. EDMUNDS in Suffolk, England, Sybil Andrews became part of the Grosvenor School of artists working in linocut, and she built a fine body of work in this medium. One of Andrews's important themes was that of labour, and she depicted the strength and dignity of working people in

extraordinary prints such as *Bringing in the Boat* (1933) and *Mowers* (1937), to name a few. During World War II, starting in 1942, Andrews worked as a welder constructing warships in the shipyards of the British Power Boat Company at Hythe, near Southampton, and this work is from that time period. It was there that she met her husband, Walter Morgan; the couple immigrated to Canada in 1947.

This rare canvas by Andrews is a rich and striking image—her treatment of form is strong, and her palette bold. The dense detailing in *Boats at Dock*, with boats of various sizes and their fastenings to wooden supports on the shore, is made all the more interesting by the repetition of these shapes in the dappled water, reflecting Andrews's fascination with rhythm and pattern.

**ESTIMATE: \$20,000 – 30,000**



## 108 Arthur Lismer

AAM CGP CSGA CSPWC G7 OSA RCA 1885 – 1969

### Killick and Anchors, Cape Breton Island

oil on board, signed and dated 1945 and on verso

signed, titled, dated and inscribed variously

11 ¾ x 15 ¾ in, 29.8 x 40 cm

#### PROVENANCE

Sold sale of *Important Canadian Paintings, Drawings, Watercolours,*

*Books and Prints*, Sotheby's Canada, May 14, 1979, lot 162

Manuge Galleries Ltd., Halifax

Sold sale of *Canadian Art*, Joyner / Waddington's,

December 2, 2003, lot 99

Loch Gallery, Winnipeg

Private Collection, Manitoba

#### LITERATURE

Dennis Reid, *Canadian Jungle: The Later Work of Arthur Lismer*,

Art Gallery of Ontario, 1985, page 43

IN THE SUMMER of 1945, Group of Seven painter Arthur Lismer undertook a sketching trip to Nova Scotia's Cape Breton Island. He was attracted to the vibrant fishing culture there, and he produced maritime subjects including boats and fishermen's paraphernalia. Their killicks, ropes, chains, buoys and traps were fascinating to Lismer, and he often depicted these objects casually strewn on docks, entwined together in a dynamic tangle. Killicks are heavy stones used by small craft in lieu of a metal anchor, and their use has a long history—both in the Maritimes and in Britain. In *Killick and Anchors, Cape Breton Island*, Lismer handles his dock subject with exuberance—he plays with the shadows cast by the objects and includes a view through to the ocean vista beyond, letting in a sense of the freedom of the sea. Art historian Dennis Reid commented, “The work done on Cape Breton Island—strong, assured, often innovative—dominates the period following the middle of the decade.” This richly atmospheric scene, executed with bold brushwork, is a fine example from this part of Lismer's oeuvre.

ESTIMATE: \$20,000 – 30,000





## 109 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### The Village Mill

oil on canvas on board, signed and on verso signed, titled on the various labels, dated 1937 on the artist's label and the exhibition label and inscribed by the artist  
*The original sketch for the painting The Village Mill, 37" x 45", 1937 was made in the Village of Cheltenham. In the large painting I replaced the Cheltenham Mill that was in Meadowvale, which is now torn down. June 18 / 1977*  
37 x 45 in, 94 x 114.3 cm

#### PROVENANCE

Roberts Gallery, Toronto, stock #6557, price \$750  
Property of an Important Estate, Ontario

#### EXHIBITED

Art Gallery of Windsor, *A.J. Casson Retrospective*, May 14 – July 9, 1978, traveling to the Art Gallery of Ontario, Toronto, July 22 – August 27, 1978, catalogue #28

THIS IMPRESSIVE PAINTING was likely produced in A.J. Casson's home at 43 Rochester Avenue, in the Lawrence Park neighbourhood of Toronto. By 1931, the steady employment Casson had found as a designer with the commercial art firms of Rous & Mann Ltd. and Sampson Matthews Limited allowed him to have a Georgian-style home designed and built, complete with a studio on the upper floor. Casson had relative stability throughout the Great Depression—the Depression resulted in a quiet professional and social life, which allowed him the time and energy to paint. Although he rarely sold paintings during this period, the security of his trade allowed him the freedom to paint for his own enjoyment.

“Enjoyment” is an important word to use when describing a painting such as *The Village Mill*, as there are few more purely enjoyable paintings in Canadian art than Casson's depictions of small Ontario towns. Although the subject matter falls somewhere between Lawren Harris's Toronto street scenes and A.Y. Jackson's Charlevoix villages, the style of these works is entirely Casson's. In this example, the skill on display is formidable and would have drawn upon all his strengths as both an artist and a designer.

The rounded shapes of the trees and clouds hold both a palpable volume and an illustrative charm, and the long shadows reaching across the road neatly, but not obviously, balance the



detail



Gooderham Mill in Meadowvale, circa 1925



Gooderham Mill in Meadowvale, circa 1910

stretch of darker clouds at the top of the composition. The palette is expertly chosen, with the soft pinks of the mill offset against the various tones of blue in the sky, water and shade from the trees. The abundance of green, however, is a central aspect of not only this work, but of Casson's work as a whole. Regarding it as a difficult colour that easily overwhelms a composition, Jackson reportedly "hated" green, and complimented Casson on his dexterity with it. This hue is a touchstone of many of Casson's best works not only because of his skill, but also because of necessity—his professional obligations often relegated extended sketching trips to the summer, when many of his favourite areas of Ontario were at their most verdant.

Casson also distinguished himself from his peers by his finesse in depicting architecture. He began to engage with this theme in the late teens, and it was to become an especially Casson-esque motif within the Group of Seven, an association of artists so pointedly focused on landscape. The way Casson places humanity peacefully within nature and not pitted against its opposition or indifference is also in stark contrast to the *terre sauvage* ethos of much of the Group of Seven's efforts. Interestingly, as a further testament to their uniqueness within this period of Canadian painting, when placed on a broader spectrum of

artistic comparison, Casson's village paintings lean more towards Edward Hopper than they do to John Constable. While he was entirely capable of depicting the imposing grandeur of nature, especially in his stormy, angular skies, Casson was just as adept in placing his sympathies with people and community.

As was sometimes the case, this image is a composite of towns that Casson had visited. A note from the artist on the verso states that the original sketch for the painting was of the village of Cheltenham, but in this work the Cheltenham Mill was replaced with the Gooderham Mill, which was in Meadowvale. The artist also relayed to the previous owner of the work that the two children fishing in the foreground represent himself and his older brother, John, who died in 1922 from wounds suffered in World War I.

A major painting as well as a personally meaningful one, *The Village Mill* can be placed among Casson's best works for one additional reason—while its compositional harmony produces a genuine resonance in the eyes of the viewer, this painting also holds a beautiful calm. There is a gentleness to Casson's most exceptional works, and it brings to mind one word in particular: quietude.

**ESTIMATE: \$300,000 – 500,000**



**109a Sir Frederick Grant Banting**

1891 – 1941

**The Lab**

oil on board, on verso signed, titled, dated Feb. 1925  
and inscribed *Winter / 200 AM / 93*  
9 7/8 x 13 3/4 in, 25.1 x 34.6 cm

**PROVENANCE**

Acquired directly from the Artist by Sadie Gairns, Toronto  
Acquired as a gift from the above by Jean Orr (née Deas), Toronto  
By descent to the present Private Collection, Toronto

**EXHIBITED**

Hart House, University of Toronto, *Exhibition of Paintings by the  
Late Sir Frederick Banting*, February 13 – March 1, 1943

FAMOUS FOR HIS discovery of insulin in 1921, Sir Frederick Banting was also a keen artist, and this remarkable painting represents the synthesis of those two lives. During the same period as his diabetes research, Banting met Lawren Harris and

A.Y. Jackson, and joined Toronto's Arts and Letters Club, which cultivated his interest in painting. Here Banting depicts the laboratory where he and Charles Best made their discovery, located then at the University of Toronto. This work was painted *in situ*, and Banting notes on the frame it was executed on a late winter's night in February of 1925. Less than two years earlier, he, along with Best, had been awarded the Nobel Prize in Physiology or Medicine.

The original owner of this exceptional piece of Canadian history was Sadie Gairns, one of Banting's laboratory assistants. Later, it was gifted to her close friend and fellow Banting lab assistant Jean Orr.

The Buyer's Premium for this Lot will be donated by Heffel to the Banting & Best Diabetes Centre, an extra-departmental unit of the Faculty of Medicine, University of Toronto, whose primary objective is advancing diabetes research, education and patient care.

**ESTIMATE: \$20,000 – 30,000**



## 110 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### The Village Church at Barry's Bay

oil on board, signed and on verso signed, titled  
and inscribed \$60, circa 1955  
12 x 15 in, 30.5 x 38.1 cm

#### PROVENANCE

Roberts Gallery, Toronto  
Galerie Walter Klinkhoff Inc., Montreal  
Private Collection, Vancouver  
Sold sale of *Fine Canadian Art*, Heffel Fine Art  
Auction House, May 10, 2000, lot 169  
Canadian Fine Arts, Toronto  
Private Collection, Toronto

THE ONTARIO VILLAGE was A.J. Casson's central theme from his Group of Seven period and throughout his life. Rural architecture was of great interest to him, including churches, which were

important centres of life in small towns and villages. Outstanding examples of Casson's depiction of this subject are the 1940 canvas *Country Crisis* (sold by Heffel in fall 2016 for the artist's record), which prominently features a church, and the 1933 canvas *Anglican Church at Magnetawan*, in the collection of the National Gallery of Canada. In 1949 and 1950, one of Casson's principal painting places was Barry's Bay, a community in the township of Madawaska Valley, where he captured this peaceful church. Its white and grey walls and roof glow in the afternoon sun, which casts its light over the village and surrounding hills. The atmosphere is bucolic—a hush has fallen over the scene, in which no one walks the streets, the landscape is windless, and a light ruffle of clouds indicates benign weather. *The Village Church at Barry's Bay* is a superb example of Casson's sensitive interpretation of the mood of his subject, captured on the spot, immersed in the fresh atmosphere of the outdoors.

**ESTIMATE: \$30,000 – 40,000**



## 111 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### Golden Pool, Redstone River

oil on board, signed and on verso signed, titled, dated 1937 on the artist's label and inscribed *Redstone River / D / 24 / 3987H* (crossed out) and *84515*  
 9 ½ x 11 ¾ in, 24.1 x 28.9 cm

#### PROVENANCE

Roberts Gallery, Toronto  
 Private Collection, Colorado

#### LITERATURE

Paul Duval, *A.J. Casson*, Roberts Gallery, 1975, page 103

ALTHOUGH THE 1930S were hard times due to the Depression, A.J. Casson was fortunate to have a stable job at the commercial art firm of Sampson Matthews Limited. He explored the Ontario countryside in sketching trips on weekends and holidays, and his

output was considerable during this decade. Art historian Paul Duval singled out his “brilliant series of autumn sketches done during ... 1937 around Redstone Lake” as outstanding. Casson’s oil sketches during this period were characterized by glowing colour and strong design; Duval praised them as “well realized and intensely rendered little paintings, executed by an artist in sure command of his medium and creative powers.” This description certainly applies to this exquisite panel, with its rich autumn colours suffusing the hills and reflected in the water. The birch trunks with their bright patches of white provide a fine decorative screen through which to view the scene.

Casson exhibited widely in the 1930s, with the Ontario Society of Arts, the Royal Canadian Academy of Arts and the Canadian Group of Painters; he also showed his work internationally—at the Tate Gallery (1930) and the *Coronation Exhibition* (1937) in London, and the New York World’s Fair (1939).

**ESTIMATE: \$20,000 – 30,000**



## 112 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### Afterglow

oil on board, signed and on verso signed,  
titled and dated 1965 on the artist's label  
24 x 28 in, 61 x 71.1 cm

#### PROVENANCE

Roberts Gallery, Toronto  
Private Collection, Toronto  
Masters Gallery Ltd., Calgary  
Canadian Fine Arts, Toronto  
Private Collection, Toronto

#### LITERATURE

Joan Murray, *A.J. Casson Retrospective*, Art Gallery of Windsor,  
1978, listed page 23  
Paul Duval, *A.J. Casson, His Life and Works: A Tribute*, 1980,  
reproduced, unpaginated

#### EXHIBITED

Art Gallery of Windsor, *A.J. Casson Retrospective*, May 14 –  
July 9, 1978, traveling to the Art Gallery of Ontario,  
Toronto, July 22 – August 27, 1978, catalogue #67

BY 1965, GROUP OF SEVEN painter A.J. Casson, although already a renowned artist, was enjoying renewed appreciation of his work. In 1957, he had retired from his position as vice-president of the commercial art firm Sampson Matthews Limited, after 32 years with the company. Now all of his energy surged into his artistic career. He was exploring the Ontario countryside on his sketching trips without time restrictions and was painting with vigour. His first solo commercial exhibition occurred in 1959 with Roberts Gallery in Toronto, and by the mid-1960s his shows were selling out—Group members were like national treasures, and collectors were focused on acquiring his work. Casson was deluged with honorary degrees from universities, and a lake and a township were named after him.

In a 1984 letter, Casson pinpointed the location of his original sketch for this work as Moose Lake, a mile north of Pointe au Baril, in the Georgian Bay region. However, he explained that while working on this painting in the studio, he discarded the foreground from the original sketch, deeming it “not suitable for a large painting, as it was merely a clutter of small bushes.” Instead, he used the near shore from another *plein air* sketch, of the Madawaska River, near the town of Madawaska. The broken stumps and branches were a result of the damming of the river. This work is an outstanding example of Casson’s fine eye for visual effects and of his selective process to create a strong image.

In *Afterglow*, Casson’s chosen foreground resulted in a clear view to the far shore, which in contrast is treed with evergreens, whose wind-shaped tops are emphasized by back lighting. Casson’s sense of mood and atmosphere, expressed through his sensitive use of colour and understanding of light, is extraordinary. The most noteworthy feature of this exceptional large painting is the sunset sky, which illuminates the edges of the clouds, sets a subtle radiation in the clear firmament above, and reflects back in the still lake, painted in a darker palette of pastel hues. The open sky, tinged by the setting sun, moves in soft gradient layers from gold to mauve-grey to blue. In dramatic contrast, the land is dark, although close examination reveals rocky outcroppings in the foreground rendered in green, highlighted with slivers of orange. His shoreline is dark purple, and strokes of green and purple run through the bark of the shattered stumps and branches. In *Afterglow*, Casson created a scene of natural drama, inspiring our contemplation of the beauty of this quiet land.

Casson’s original 1984 letter accompanies this lot.

**ESTIMATE: \$70,000 – 90,000**



### 113 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

#### Little Church at Kilmar, Quebec

oil on board, signed and on verso signed, titled and dated 1971  
20 x 24 in, 50.8 x 61 cm

#### PROVENANCE

Roberts Gallery, Toronto

Private Collection, Toronto

Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 49  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

KILMAR IS NORTH of Grenville, Quebec, a favoured painting location for A.J. Casson beginning in 1966 and continuing until 1972. From Grenville, where he was based at the home of the

Putnam family, Casson would drive up into the Laurentians, and there he found many fine subjects, such as this humble and peaceful church. This larger work would have been based on his on-the-spot sketch, and while producing this painting in his studio, Casson polished and refined his subject. His keen eye for composition is fully evident here. The immediate impression is the tranquility of the church's setting, with its lush vegetation and a hill glowing with autumn colours. On closer consideration, what stands out is Casson's treatment of the geometric shapes of shadows raking across the bright white of the sunlit church facade. Casson's affinity for atmospheric effects shows in the wisps of mist swirling around the hill, which carry the eye up into the vertical movement of the clouds. Small towns and rural scenes carried great significance for Casson, and *Little Church at Kilmar, Quebec* is a finely crafted work from this part of his oeuvre.

**ESTIMATE: \$40,000 – 60,000**





## 114 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### Farm Near Whitney

oil on board, signed and on verso signed and titled, circa 1944  
9 1/4 x 11 1/4 in, 23.5 x 28.6 cm

#### PROVENANCE

Alex Fraser Galleries, Vancouver  
Private Collection, Vancouver, 1960  
Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, February 25, 2002, lot 175  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

ONTARIO VILLAGES AND their rural surrounds were enduring themes for Group of Seven painter A.J. Casson. Paul Duval noted in his 1975 book on the artist that Whitney, located in the

South Algonquin township, was one of Casson's prime painting places in 1944 and 1945. During the 1940s Casson was working as a designer at the commercial art firm of Sampson Matthews Limited. On weekends and holidays he extensively explored central southern Ontario, and views such as this of weathered farms tucked against the side of rounded hills, particularly in autumn, were favoured compositions. This sun-washed scene is bright with deciduous trees turning gold and orange, which, interwoven with the dark evergreens, form interesting patterns and reflect Casson's fine eye for design. The winding rutted road beside the buildings and the rock formations following the contours of the hill build a sense of rhythm in the image. The presence of inhabitants, although unseen, conveys a subtle warmth amid the rustic tranquility of this assured and atmospheric on-the-spot sketch.

**ESTIMATE: \$20,000 – 30,000**

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

ALC CGP G7 OSA RCA RSA 1882 – 1974

### Mining Camp, Contact Lake, NWT

oil on canvas, signed and on verso titled, circa 1958

20 x 25 in, 50.8 x 63.5 cm

#### PROVENANCE

Samuel Borenstein, Montreal

R. Fraser Elliott, Toronto

Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 108  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Naomi Jackson Groves, *A.Y.'s Canada*, 1968, page 208

Pierre B. Landry, editor, *Catalogue of the National Gallery of  
Canada, Canadian Art, Volume 2 / G-K*, National Gallery of  
Canada, 1994, the 1938 graphite drawing *Contact Lake, Near  
Great Bear Lake* reproduced page 258, catalogue #17782r

IN AUGUST OF 1938, A.Y. Jackson took his first long-distance flight to the North, to the Great Bear Lake region on the Eldorado Mine company plane, invited by prospector and mine owner Gilbert LaBine. About ten years earlier, LaBine had spotted cobalt bloom during a plane flight, and subsequently established Eldorado Mine, which extracted silver and uranium. Jackson became well known for his many explorations across Canada, from the painter's trails up the St. Lawrence River in winter to the vast Barren Lands of the Northwest Territories (now Nunavut).

After viewing this open country dotted with innumerable lakes during his 1938 flight (they flew low enough to have a good view of the topography), Jackson landed at Port Radium, on the eastern end of Great Bear Lake. In his autobiography Jackson enthused, "It was a grand trip...Saw five hundred thousand lakes this morning. You just couldn't keep looking at them, hour after hour. Great Bear is surrounded by big rocky hills, open patches of spruce in places, but no farm land." These lakes had been formed during the retreat of the polar ice cap 10,000 years ago.

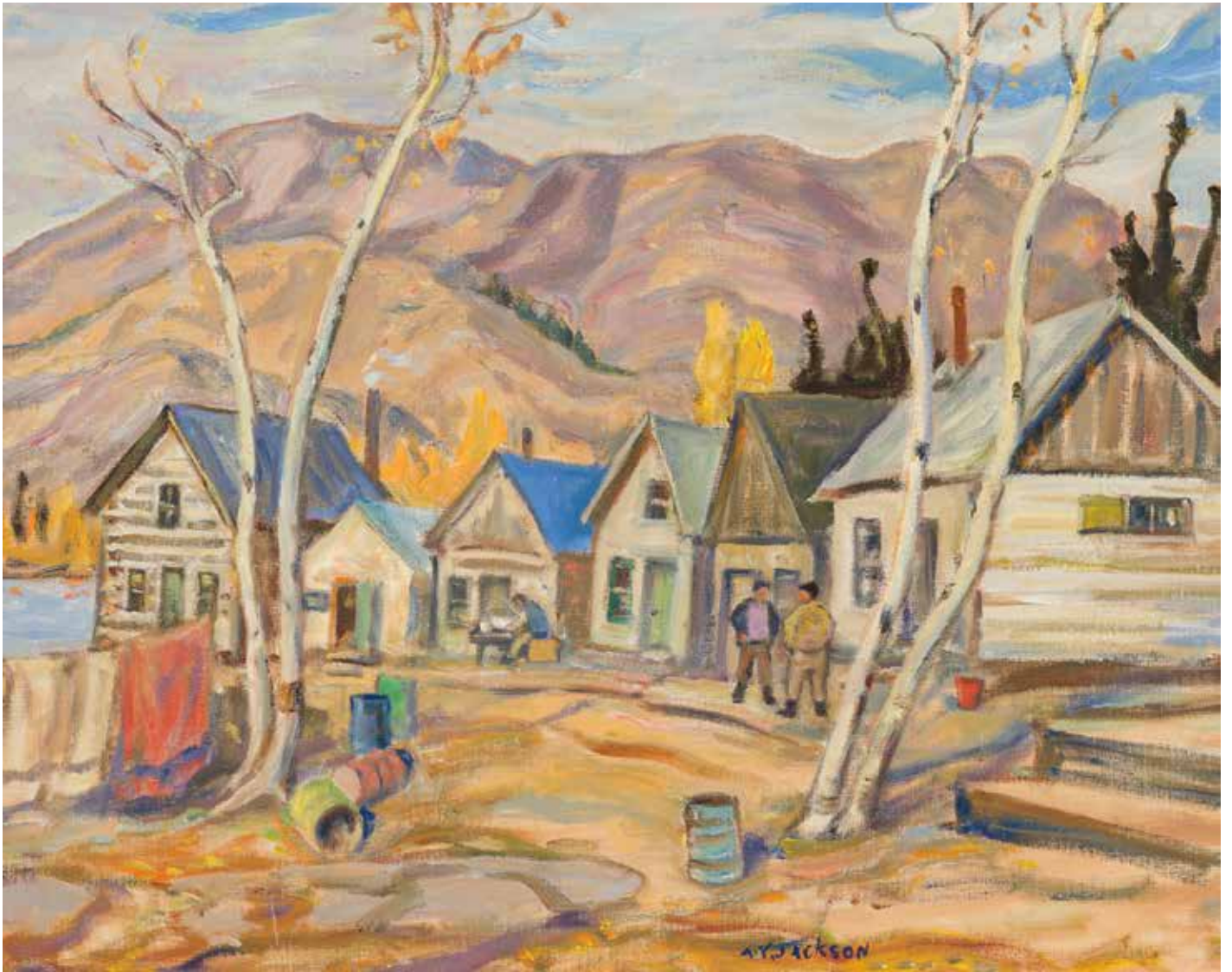
On this 1938 trip Jackson stayed for six weeks. He wandered over the rocky hills, dotted with patches of spruce and birch,

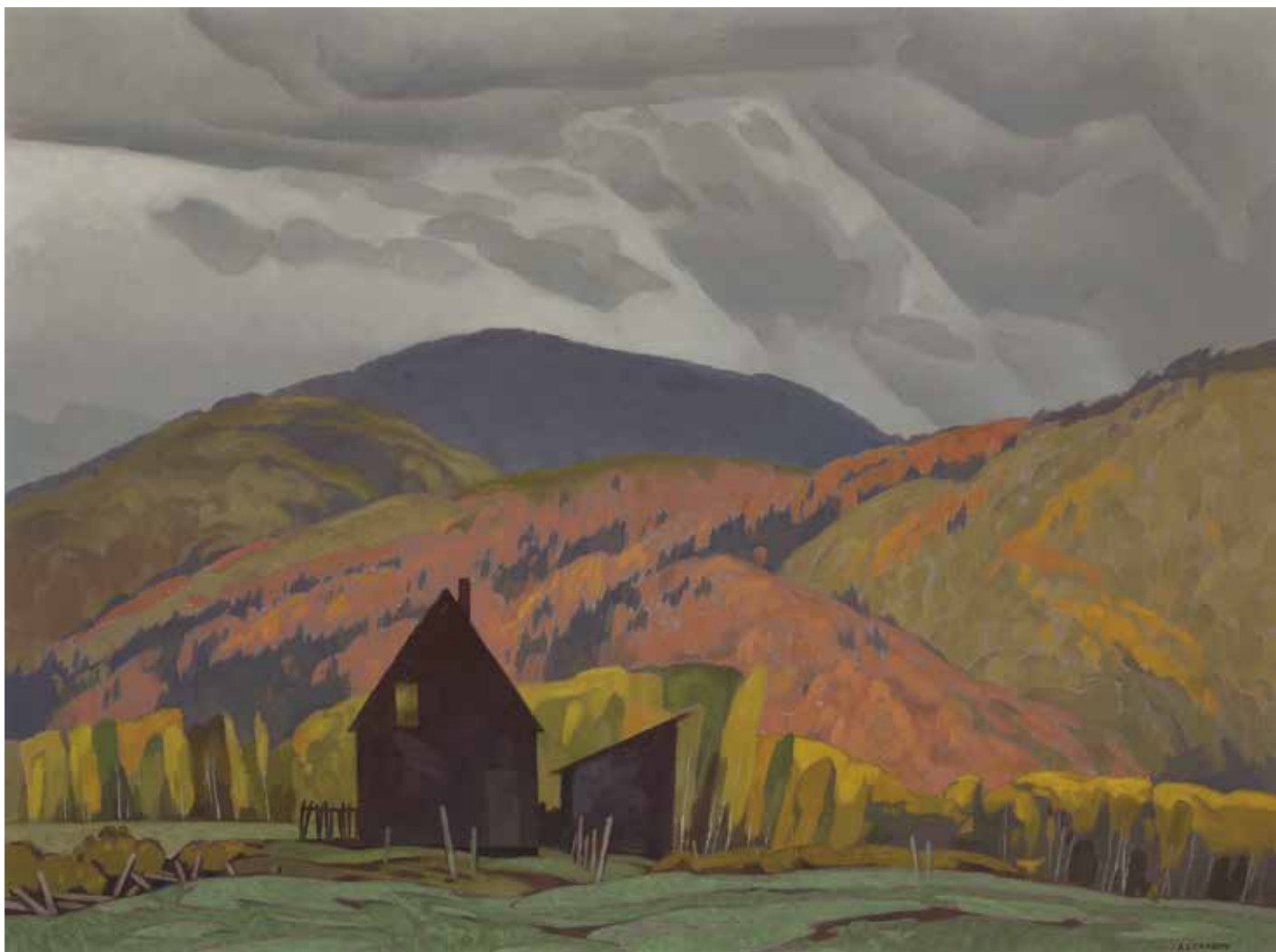
interspersed with muskeg lakes, sketching the unique landscape. One of the places he visited was Contact Lake, the site of a silver and uranium mine and a small settlement. The mine was located in the Echo Bay region of Great Bear Lake, 15 kilometres southeast of LaBine Point (at Port Radium), on the north side of Contact Lake. A mill operated here from 1936 to 1938, then shut down until 1946. Jackson made graphite drawings here—including the drawing *Contact Lake, Near Great Bear*, in the collection of the National Gallery of Canada, which was the study for this fine canvas. In a letter to collector R. Fraser Elliott, who once owned this work, Jackson's niece Naomi Jackson Groves noted that Jackson made a canvas from this drawing and sold it to the Montreal artist Samuel Borenstein, and that the canvas was painted in the late 1950s or early 1960s, not at the time of the drawing.

In this engaging painting, Jackson captures the everyday life of the mining camp, showing men at leisure outside their cabins, sitting or conversing. Jackson was an amiable and social man, able to mix with all strata of society, whether artists, scientists, engineers or the miners, some of whom came from other countries, such as Finland. Jackson had a keen grasp of atmosphere in this scene, which portrays quotidian details such as the washing hanging on the line. The lake appears at the end of the row of houses, suggesting the men had a fine view. Jackson used a rich palette of colour everywhere, whether in man-made objects such as the hot orange blanket on the line and the scattered orange, green and blue barrels on the ground, or in the natural landscape, such as the bright gold of fall trees and the azure sky slicing through the clouds. In the clouds and the mountains, Jackson includes many subtle pastel tints, from pink and plum to blue and green, reflecting his interest in Impressionism early in his career.

Jackson noted that by mid-September the trees were bare, but winter did not set in before he flew out early in October. During this first visit Jackson had felt the mystique of the North, and it drew him to return many times. He stated, "I guess I'm like a compass, always heading north. I really do belong to the caribou country."

**ESTIMATE: \$100,000 – 150,000**





## 116 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### Abandoned Farm, Halfway Lake

oil on board, signed and on verso signed on the artist's label, titled, and inscribed *This was painted in 1962 from the road between Combermere and Barry's Bay originally put through by the early settlers. This area is known as the Madawaska Valley. The hills are the furthest western extension of the Laurentian Mountain Range.*, 1962

28 x 36 in, 71.1 x 91.4 cm

#### PROVENANCE

Roberts Gallery, Toronto

Private Collection, London, England

Sold sale of *Important Canadian Art*, Sotheby's Canada in association with Ritchie's, February 25, 2002, lot 69  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Ted Herriott, *Sunday Morning with Cass: Conversations with A.J. Casson*, 1993, pages 130 and 132

GROUP OF SEVEN member A.J. Casson succinctly stated, "There aren't many places in Ontario that Margaret [his wife] and I didn't hit." It would be fascinating to have a map of Casson's explorations on his driving trips across Ontario in search of new painting places. Sometimes he made these trips on primitive roads (he noted the roads north from Barry's Bay were "terrible"). As well as depicting established towns still in existence today, he sought out remote farms and tiny settlements. Some had formed around mines and the lumber industry, and many no longer exist. In the book *Sunday Morning with Cass*, he describes his explorations around Combermere and Barry's Bay in the Madawaska Valley, noting that he also found "a whole bunch of little hamlets. They weren't villages—just a few houses." Like his Group compatriot A.Y. Jackson, Casson was attracted to old farm buildings such as these abandoned structures, their darkness dramatically contrasted against the hillside aflame with gorgeous fall colours of gold, orange and coral. The moody sky is typical of Casson—its clouds, depicted in layered planes shaded from light to dark, suggest the fresh coolness of impending rain.

**ESTIMATE: \$80,000 – 120,000**



## 117 Alfred Joseph (A.J.) Casson

CGP CSPWC G7 OC POSA PRCA 1898 – 1992

### Farm Near Grenville, Quebec

oil on canvas, signed and on verso signed,  
titled and dated 1968 on the artist's label  
24 x 30 in, 61 x 76.2 cm

#### PROVENANCE

Roberts Gallery, Toronto  
Private Collection, Toronto  
Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 169  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Paul Duval, *A.J. Casson, His Life and Works: A Tribute*, 1980,  
reproduced, unpaginated

AFTER JOINING THE Group of Seven in 1926, A.J. Casson soon defined his unique identity in the Group through his depictions of Ontario's villages and countryside. Although fellow Group member A.Y. Jackson had tried to persuade him to paint in Quebec in the 1920s, Casson considered that province to be Jackson's territory. In 1966 Jackson finally convinced Casson to accompany him on a sketching trip to the town of Grenville in Quebec, a half-French, half-English community, and he showed Casson choice painting places in the area. Casson returned to Grenville every year until 1972, producing at least 150 oil sketches there. In this fine, large studio-produced canvas, Casson exhibits the same ability to crystallize the mood of a singular moment and place that he was renowned for in his Ontario scenes. The farm buildings with their weathered surfaces harmonize with the landscape, and though no people are visible, their suggested presence warms the scene. The flame-like shapes of trees glow with autumn colours, and soft golds and oranges drift through the hills. The clouds suggest impending weather, adding a note of brooding atmosphere to this peaceful scene.

**ESTIMATE: \$80,000 – 120,000**



## 118 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885 – 1970

### Mountain Sketch xc

oil on board, signed and on verso signed, titled and inscribed  
*Not for Sale / To Ira with all best wishes from Bess and  
Lawren / 25 Severn St., Toronto / L.P. and with the  
Doris Mills inventory #7/90, circa 1926*  
12 x 15 in, 30.5 x 38.1 cm

#### PROVENANCE

A gift from the Artist to Ira Dilworth  
By descent through the family to the present  
Private Collection, Ontario

#### LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Group 7, Rocky Mountain Sketches, listed and a drawing of this work illustrated by Hans Jensen, catalogue #90, location noted as the Studio Building Bess Harris and R.G.P. Colgrove, editors, *Lawren Harris*, 1969, pages 76 and 91

#### EXHIBITED

National Gallery of Canada, Ottawa, Canadian Collection  
(Room A109), December 18, 2006 – September 25, 2008

THIS STRIKING SKETCH, which the artist gave to his friend Ira Dilworth, his colleague in the Emily Carr Trust, is an important reminder of what the Rockies meant to Lawren Harris. For him, the mountains were a place of deep spirituality and wonder, a part of the world where humanity could reach for a higher self. The title of the work is revealing of Harris's intentions. He is not interested in making a portrait of a specific mountain—hence the generic title. To know that this is a specific mountain would be to tie down both the image and you as the viewer to something too quotidian. As Harris wrote: "An artist... would in one painting endeavour to achieve a combination of moods, rhythms, character and spirit that would be an expressive synthesis of many mountain experiences. The result, if successful, would be an extension of experience beyond the range of realistic painting." So, for Harris, the upward striving of the peak, the cerebral coolness of the colours and the remoteness of this unidentified summit all provide the viewer with a means to make a spiritual rather than a physical journey.

Harris made his first trip to the Rockies with A.Y. Jackson, in the summer of 1924. He returned in 1926, in 1927, and made a final painting trip in 1929, although he continued to visit the Rockies after his return from the United States in 1940. It was on one of these trips, during World War II, that he was joined by his friend Dilworth (as seen in the accompanying image). This work was, however, done many years before Harris met Dilworth. Dilworth, who served as Emily Carr's literary editor and executor, would have been aware of Harris's profound influence on the life of the British Columbia painter and, as noted above, he was a fellow trustee in dealing with Carr's estate after her death in 1945. In short, he was a valued and trusted friend of Harris's, and therefore the significance of the provenance of this work cannot be overstated. The inscription on the verso, in Harris's hand, reads, "To Ira with all best wishes from Bess [Harris] and Lawren." This was a highly personal gift from Harris to an individual whom he knew would appreciate the spirituality of this image—what Harris called the "uplifted feeling within us."



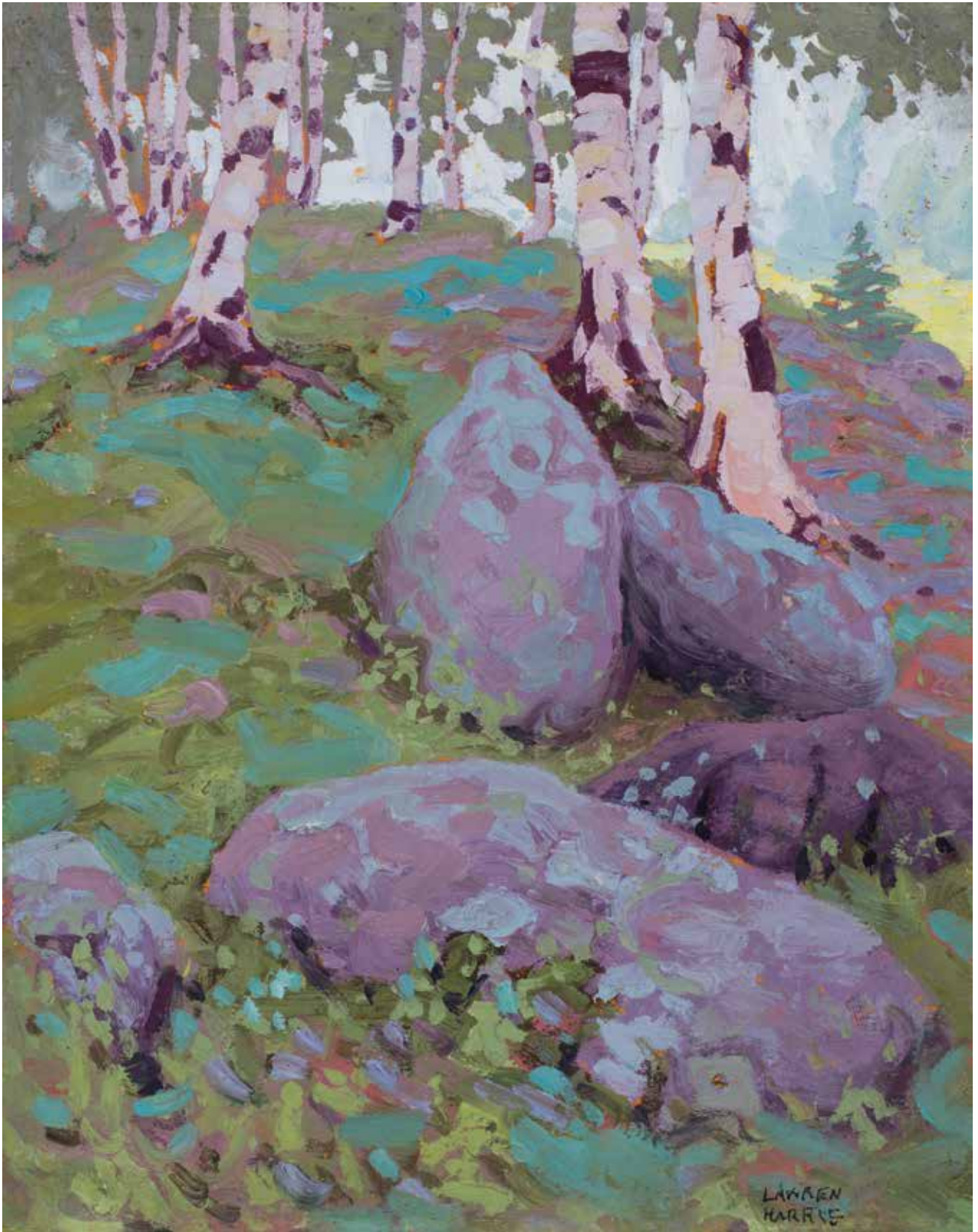
Lawren S. Harris and Ira Dilworth hiking in the Canadian Rockies, circa 1940  
Courtesy of the family of Lawren S. Harris

The work is austere but astonishingly beautiful. Grounded in, but not tied to, nature, it contains the experience Harris had in the Rockies—an experience that provided him, and us as viewers, with a portal into a higher spiritual realm. The entire structure of the composition is designed to take your eye and mind upward to the peak of the mountain, silhouetted against the deep blue of the heavens. The placement of the peak to the right of centre gives the whole composition dynamism, and the fact that the peak rises so serenely above the glacier and distant mountains is not happenstance. The upper reaches of the composition are only sky and the peak—a world divorced from the humdrum events of daily life and devoted to the spirit. It is a world that is timeless and pure, and within Canadian painting, it is a world that is uniquely Harris's.

We thank Ian M. Thom, senior curator at the Vancouver Art Gallery from 1988 to 2018, and author of *Lawren Stewart Harris: A Painter's Progress*, the catalogue for the Americas Society exhibition in 2000, for contributing the above essay.

This painting was exhibited at the National Gallery of Canada, where it was installed next to one of Harris's most well-known paintings, *North Shore, Lake Superior*.

**ESTIMATE: \$700,000 – 900,000**





## 119 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885 – 1970

### Birches

oil on board, signed and on verso signed, titled, and incorrectly titled *Maligne Lake* on the Thielsen Gallery label, dated 1912 and inscribed *S. / 1097A / BHC-9 No. 62 (circled) / S (circled) / 31 / 79*  
13 3/8 x 10 3/8 in, 34 x 27 cm

#### PROVENANCE

Bess Harris Collection, Vancouver  
By descent to Lawren P. Harris, the Artist's son  
Roberts Gallery, Toronto  
Thielsen Gallery, London  
Private Collection, Windsor

#### LITERATURE

Jeremy Adamson, *Lawren S. Harris: Urban Scenes and Wilderness Landscapes, 1906 – 1930*, Art Gallery of Ontario, 1978, reproduced page 66

THIS STRIKING EARLY work from 1912 by Lawren Harris was completed during a time of foundational importance for painting in Canada. Less than a year prior, Harris had met J.E.H. MacDonald, and in just over a year, A.Y. Jackson would arrive in Toronto. In November of 1911, MacDonald held an exhibition at the Arts and Letters Club of small oil sketches done in and around High Park. Harris viewed the exhibition with Dr. James MacCallum and soon sought out a meeting with the artist. It is easy to imagine that Harris recognized in MacDonald's small paintings the aesthetic he was also searching for—one capable of expressing the essence of the Canadian landscape. Prior to that meeting, Harris first found his full voice as an artist with his depictions of Toronto street scenes in the early 1910s, full of vivid colour and Post-Impressionist texture.

With its luscious pastels, soft atmosphere and interest in patterning, *Birches* shows Harris at his most romantic. The rocky yet gentle hillside fills the painting plane nearly to its top, creating an engaging vibrancy in its patterning and in the harmonious palette of the soft violet and periwinkle of the boulders against the grassy undergrowth of emerald and mint. Finally, the upsweep of the titular birches rendered in a blushing pink against a powder blue light glowing in the background at the top completes the striking use of the vertical composition. The brushwork of this piece is also notable. It shows an elegant handling of paint, with a palpable but restrained use of the textures that would eventually leave his work as his style became increasingly spiritual and idealized. The clarity of light in this painting, however, is a hallmark of all of Harris's best work.

The date of 1912 is key to understanding many other important aspects of this painting. Though Harris and MacDonald had taken sketching trips in the spring of 1912 as far north as

Timiskaming and Mattawa, the season depicted suggests that this work was completed at Woodend, the Harris family summer home on Lake Simcoe's Kempenfelt Bay. The calm enchantment of this painting, however, reflects a style in Harris's output that would soon change.

Harris's journey with MacDonald to the Albright-Knox Gallery in Buffalo, New York in January 1913 to view the highly influential *Exhibition of Contemporary Scandinavian Art* led to a series of studio explorations of winter landscapes, as well as bold stylistic experiments such as *Laurentian Landscape* (1913–1914), completed in a studio he shared with Jackson following his arrival in Toronto. Sketching trips like those to Woodend were soon interrupted by Harris's enlistment in the Canadian Armed Forces in 1916. The following deaths of Tom Thomson in July 1917 and Lawren's brother Howard Harris, killed in action in February 1918, resulted in personal turmoil.

After Harris's recovery and the continuation of his Post-Impressionist style through his celebrated Algoma period, his style from 1920 onwards would undergo radical changes. Underpinned by metaphysical and theoretical urgencies, his increasingly idealized depictions of Lake Superior, the Rocky Mountains and icebergs in the Far North eventually resulted in his abstractions from the mid-1930s onwards. While he was on his transformative journey from Post-Impressionism to abstraction, Harris, MacDonald, Jackson and the rest of the Group of Seven would become some of the most celebrated artists in Canadian history, and would change painting in Canada forever. Produced at the outset of that journey, *Birches* stands as an exquisite example from one of the most painterly and picturesque periods of Harris's multi-faceted career.

**ESTIMATE: \$100,000 – 150,000**

## 120 Franklin Carmichael

CSPWC G7 OSA RCA 1890 – 1945

### Rolling Hills, Autumn Hillside

oil on board, on verso titled and dated 1918 on a label  
and stamped Estate of Franklin Carmichael, Inventory #35  
9 ¾ x 11 ¾ in, 24.8 x 29.8 cm

#### PROVENANCE

Estate of the Artist  
Galerie Dresdnere, Toronto  
Sold sale of *Important Canadian Paintings, Drawings, Watercolours,  
Books and Prints*, Sotheby's Canada, October 18, 1976, lot 29  
Masters Gallery Ltd., Calgary  
Private Collection, Vancouver

#### LITERATURE

Peter Mellen, *The Group of Seven*, 1970, the 1916 panel *Autumn  
Birches* by Tom Thomson, in the McMichael Canadian Art  
Collection, reproduced page 53  
Megan Bice, *Light and Shadow: The Work of Franklin Carmichael*,  
McMichael Canadian Art Collection, 1990, pages 18 and 25  
Catharine M. Mastin, *Portrait of a Spiritualist: Franklin  
Carmichael and the National Gallery of Canada Collection*,  
National Gallery of Canada, 2001, page 3

FRANKLIN CARMICHAEL WAS the youngest member of the Group of Seven, and he was very much a part of their beginning stages. As early as 1911, he met future Group members Arthur Lismer, Frederick Varley and J.E.H. MacDonald while working at the commercial art firm Grip Ltd. in Toronto. In 1913, following in the footsteps of Lismer and Varley, Carmichael traveled to Antwerp to study at the Académie royale des beaux-arts, but in 1914, the onset of war brought him back to Canada.

Carmichael also met Group associate Tom Thomson at Grip Ltd., and in 1914 Carmichael moved into the Studio Building in Toronto and shared a studio with Thomson over the winter. Carmichael had a great admiration for his work, and, inspired by Thomson's passion for Algonquin Park, he accompanied him there in 1915. Megan Bice wrote that "for Carmichael, Thomson and the other artists in their circle, life in the wild was an integral part of their visual expression of the landscape, and Thomson's close relationship with the wilderness deeply impressed Carmichael."

In 1915, Carmichael married Ada Went and his life changed—he was no longer so free to travel, and in 1916 moved to Thornhill, where family life and his work at the commercial art firm Rous & Mann Ltd. dictated his movements. For a time, other than a honeymoon in 1916 to Dr. James MacCallum's cottage on Georgian Bay, his sketching trips were taken on holidays in southern Ontario—rather than on Group trips such as those to Algoma. He would not be part of a Group trip until 1925, when he went to the north shore of Lake Superior with Lawren Harris.

During the years preceding the first Group exhibition in 1920, Carmichael solidified his vision. Regarding Group members, he later stated, "There's a characteristic common to all of them. They took what they had, gave what they had in themselves and produced a result that has far outlived their own particular time." Carmichael gravitated to the landscapes of Ontario—first in southern Ontario and later the La Cloche region, in northern Ontario. At the time he painted this exquisite oil panel, he was focusing on sketches of this dimension and seems to have had a great attraction to autumn hillside subjects such as this.

From 1910 to 1916, Carmichael was reading about American Transcendentalism and theosophy. Although he never considered himself a theosophist, it was part of his quest for spiritual meaning, and Catharine Mastin notes that "he studied eternity, cosmology, astrology, reincarnation and the afterlife." His views on nature were also influenced by Ralph Waldo Emerson, who believed that we belong to a greater whole, and that the spirit world is alive in nature.

Thus Carmichael found harmony and beauty in landscapes such as this striking panorama. The view is grounded in the strong foreground rock formations, then glides out over a tapestry woven from a richly coloured profusion of growth. The brushwork has a bold, visceral approach that is reminiscent of Thomson's work, such as his 1916 oil on panel *Autumn Birches*, in the McMichael Canadian Art Collection. Carmichael's fine awareness of composition shows in elements such as the central orange tree that takes the viewer's eye directly up into the blue sky, where floating cloud formations are illuminated around their edges. *Rolling Hills, Autumn Hillside* shows the great sensitivity to landscape that drew Carmichael to the Group. The alliance of their individual and passionate visions of the Canadian landscape, resulting in stunning works such as this, ensured that their work still inspires us today.

**ESTIMATE: \$100,000 – 150,000**





## 121 Kathleen Moir Morris

AAM ARCA BHG 1893 – 1986

### Market Day, Ottawa

oil on board, signed and on verso titled, dated 1935

on the gallery label and inscribed 183

10 ¼ x 13 ¾ in, 26 x 35.6 cm

#### PROVENANCE

Galerie Walter Klinkhoff Inc., Montreal

Private Collection, Montreal

Sold sale of *Fine Canadian Art*, Heffel Fine Art

Auction House, May 25, 2005, lot 5

Property from an Important Private Collection to

Benefit a Charitable Foundation

#### LITERATURE

Barbara Meadowcroft, *Painting Friends*, 1999, page 86

Dorota Kozinska, *Kathleen Morris: Retrospective Exhibition*,

Galerie Walter Klinkhoff Inc., 2003, page 5

#### EXHIBITED

Galerie Walter Klinkhoff Inc., Montreal, *Kathleen Morris, RCA*,

*Loan Exhibition*, June 13 – 27, 1976, catalogue #38

KATHLEEN MORRIS LIVED in Ottawa from 1923 to 1929 with her mother, Eliza. Morris had a nervous ailment that impaired her speech, but she was nevertheless very confident due to, as Barbara Meadowcroft writes, “the intelligent support and boundless love given her by her mother and brothers. Mrs. Morris devoted her life to her.” Eric Brown, director of the National Gallery in Ottawa during that time, was a supporter, and the National Gallery of Canada acquired one of her works. Brown was instrumental in including many Canadian artists in the important Wembley exhibition in England in 1924 to 1925, and Morris was one of them.

An aspect of beauty in this painting is its luscious colour. Dorota Kozinska writes of Morris, “Her art can be compared to the work of the Nabis, a group of mainly French painters active in the 1890s, whose works were influenced by Gauguin’s expressive use of colour and rhythmic pattern. Like them, Morris translated her surroundings in an intuitive manner, guided by colour more than form.” Scenes like this capture a world no longer with us—the picturesque outdoor market with horse-drawn carriages—and Morris paints it with great feeling.

**ESTIMATE: \$40,000 – 60,000**



## 122 Peter Clapham Sheppard

ARCA OSA 1882 – 1965

### Bonsecours Market

oil on canvas, signed  
24 ¼ x 30 ¼ in, 61.6 x 76.8 cm

#### PROVENANCE

Private Collection, Toronto  
Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 145  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Ross King, *Defiant Spirits: The Modernist Revolution of the Group of Seven*, McMichael Canadian Art Collection, 2010, page 383

PETER CLAPHAM SHEPPARD trained at the Central Ontario School of Art and Design and the Ontario College of Art under George Agnew Reid, John William Beatty and William

Cruikshank. He was a member of the Ontario Society of Artists and an associate of the Royal Canadian Academy of Arts, and he exhibited internationally, most notably at the British Empire Exhibition at Wembley in 1924 to 1925, *L'Exposition d'art canadien* in Paris in 1927 and the World's Fair in New York in 1939. In 2010, Sheppard's works were featured in the exhibition *Defiant Spirits: The Modernist Revolution of the Group of Seven*, at the McMichael Canadian Art Collection. Curator Ross King lauded these paintings, writing that "works like *The Building of the Bloor Street Viaduct* (1916) and *The Arrival of the Circus* (1919) marked him out as a rare talent, well versed in modern painterly techniques and possessed of a visionary approach to the urban landscape." This colourful depiction of the historic Bonsecours public market in Old Montreal is an outstanding example of Sheppard's urban scenes—he captures the action between the market's vendors and buyers with vivacity, using bold brushstrokes and strong interlocking shapes.

**ESTIMATE: \$25,000 – 35,000**

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

ALC CGP G7 OSA RCA RSA 1882 – 1974

### Ste-Cecile de Masham, Quebec

oil on canvas, signed and on verso signed,  
titled and dated 1949  
21 x 25 in, 53.3 x 63.5 cm

#### PROVENANCE

Private Collection, Toronto  
Sold sale of *Canadian Art*, Joyner / Waddington's,  
May 29, 2007, lot 77  
Masters Gallery Ltd., Calgary  
Private Collection, Vancouver

#### LITERATURE

A.Y. Jackson, *A Painter's Country: The Autobiography  
of A.Y. Jackson*, 1958, page 15

IN 1949, THE YEAR he painted this large and impressive studio canvas, A.Y. Jackson was still based in the legendary Studio Building, on Severn Street in Toronto. It had been the home that he had returned to after his many sketching trips for decades—it was comfortable and centrally located. The late 1940s was a time when Jackson was enjoying the fame he had garnered as a Group of Seven member, and a few years later, in 1953, a major retrospective of his work took place at the Art Gallery of Toronto. This was a tribute Jackson found gratifying, and it put him back into the national spotlight. However, a change was coming to the circumstances of Jackson's life because, in 1948, his fellow Group member Lawren Harris had sold the Studio Building, and the new owner did not make him feel welcome. As a result, Jackson began to develop new "painter's trails" in the Gatineau area, and he planned to build a home and studio in Manotick.

*Ste-Cecile de Masham, Quebec* is a quintessential Jackson image. Situated in the Outaouais region (which includes the town of Gatineau) northwest of Ottawa, Sainte-Cécile-de-Masham is a peaceful rural village with the kind of comfortable, unpretentious buildings casually scattered across the bumps and hollows of the landscape that Jackson loved to paint. The rugged log supports

on the stream banks for the bridge and the simple snake fences emerging from the snow record the natural, hand-built nature of the village structures. The inclusion of the horse and sleigh is an iconic element in Jackson's work, particularly interesting in this case as it is about to glide across the small bridge. Falling snow adds a dreamy atmosphere to the wintery scene.

Jackson's awareness of colour and light had been influenced early in his career in Montreal by French Impressionism, at first in the work of Canadian painters espousing the new movement. "It was through [Maurice] 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; and it was their influence that weakened the respect of the younger generations for the stuffy traditions that prevailed in that city," he explained. In 1905, Jackson took his first trip to Paris, returning to that vital centre of art on a number of trips up until 1912. He sketched in the city and around the French countryside, employing the practices of the Impressionists by painting *en plein air* and using light-filled pastel hues. On returning to Canada, Jackson shared his knowledge with his fellow artists, including Tom Thomson. He thus contributed to a new vision of the landscape that cleared away the slavish following of old European traditions and created a new freedom and awareness of Canadian identity, rooted in the vitality of the land.

Decades later, in this work Jackson's colour palette still shows his absorption of Impressionism. The refreshing teal green of the far right house, echoed in related tones in the river, is the most dominant hue. As well, on close examination of this painting, we see that the scene is infused with the many pastel shades that Jackson perceived and heightened for effect. Particularly luscious are the milky green, pink and mauve tints in the snow, and the plum in the sky. *Ste-Cecile de Masham, Quebec* embodies Jackson's mastery of his palette, his skilful composition, and, most importantly, his deep understanding of and empathy for the unique character of Quebec's rural communities.

**ESTIMATE: \$125,000 – 175,000**



## 124 Clarence Alphonse Gagnon

CAC RCA 1881 – 1942

### Late Afternoon Sun (House and Brook)

oil on canvas, signed, circa 1908 – 1913

20 x 26 in, 50.8 x 66 cm

#### PROVENANCE

Watson Art Galleries, Montreal

Hugh Mackay and Elizabeth Greenshields, Montreal

Robert Mackay, Montreal

A gift from the above to a Private Collector, Florida

By descent to the present Private Collection, Colorado

#### LITERATURE

Hélène Sicotte and Michèle Grandbois, *Clarence Gagnon, 1881 – 1942: Dreaming the Landscape*, Musée national des beaux-arts du Québec, 2006, page 206

REGARDING BAIE-SAINT-PAUL, Clarence Gagnon stated, “My memories of the bay ... were probably the happiest days of my life.” He wrote this on his fiftieth birthday, after a distinguished career that began in Paris at the turn of the century and spread to London, New York, Montreal and Toronto. Though he developed his talent in the “City of Light” during the revolutionary avant-garde era, the Canadian painter owed his success to works inspired by farming villages nestled in the snow of the mountainous Charlevoix region. His northern exoticism was sought out in the art capitals of the world, due to his depiction of another era in a time of industrialization and modernization.

Gagnon settled in Paris in 1904. He was first esteemed as an engraver in the salons, starting in 1906. In 1911 he began exhibiting Canadian winter landscapes there, and in November and December of 1913, the prestigious Galerie A.M. Reitlinger at 12 rue La Boétie in the 8th arrondissement staged an exhibition of his work. Gagnon was only 32 years old, and *Paysages d’hiver dans les montagnes des Laurentides au Canada* (Winter Landscapes of the Laurentian Mountains in Canada) would be the only solo exhibition of his lifetime. The show consisted of 54 paintings and *pochades* inspired by Charlevoix landscapes. The painter completed the *pochades* on site. He also brought back many sketches and photographs from his first two sojourns in Canada, from 1908 to 1910 and from 1912 to 1913. These trips gave him the material to create paintings back in his Parisian studio on rue Falguière.

During these visits, Gagnon explored the full expressive power of the bright and vibrant colours that suffused the Laurentian landscapes, which were especially attractive in winter. Sensitive for a time to the fleeting impressions of light on snow, he soon began translating the effects of winter “by the contradictory sensations of warm light blazing on snowy ground,” as Léon de Saint-Valéry wonderingly described it in the *Revue des beaux-arts* in May 1912. Gagnon’s painting evolved from capturing atmospheric effects towards a synthetism that bore witness to his familiarity with the work of Paul Gauguin. It then continued towards a decorative stability, favouring the interplay of arabesques and sinuous lines while contrasting warm colours with cool.

Gagnon’s exhibition at Galerie Reitlinger crystallized his principles, of which *Late Afternoon Sun (House and Brook)* is a fine example. Likely completed between 1908 and 1913, the composition shows a farmhouse and outbuildings on the hills in the area of Baie-Saint-Paul. Everything is bathed in the sunlight of a late afternoon in March. The nuanced range of pink, yellow and blue extends across the blanket of snow covering three-quarters of the canvas surface, leaving a thin section to the turquoise sky and the forest glowing red and orange at the top of the mountains. Vivacity is created by the brilliance of the yellow house and dairy, the red and green accents on the farm buildings, the violet undulation of the stream and path, as well as the upward sweep in the fine marks in the snowy fields pricked by fences and trees.

*Late Afternoon Sun (House and Brook)* was kept from public view for close to a century. Its existence was suspected because of rare mentions made by Gagnon and his dealers in 1914 and 1926. Gagnon gave it its title in a letter he wrote from Paris to William Watson on July 4, 1926, granting him the sale of the painting that he himself had left with the gallery Colnaghi & Obach of London on June 14, 1914, where it had remained unsold for over a decade. It was at Watson Art Galleries that Montreal lawyer Hugh Mackay acquired it. The painting remained in the family of Hugh Mackay and his wife Elizabeth Greenshields for several decades until Robert Mackay, who passed away in 1983, gave it to the grandmother of the current owner.

We thank Michèle Grandbois, co-author of *Clarence Gagnon, 1881 – 1942: Dreaming the Landscape*, for contributing the above essay.

**ESTIMATE: \$150,000 – 250,000**







## 125 Clarence Alphonse Gagnon

CAC RCA 1881 – 1942

### Jour de boucherie

gouache on paper, stamped Atelier Gagnon and on verso titled on the inventory and exhibition labels and certified by Walter Klinkhoff on the Gagnon inventory label #1009  
5 x 5 1/4 in, 12.7 x 13 cm

#### PROVENANCE

By descent to the present Private Collection, Calgary

#### LITERATURE

Louis Hémon, *Maria Chapdelaine*, 1933, the related illustration from this drawing reproduced page 95  
Hélène Sicotte and Michèle Grandbois, *Clarence Gagnon, 1881 – 1942: Dreaming the Landscape*, Musée national des beaux-arts du Québec, 2006, page 207

#### EXHIBITED

Glenbow Museum, Calgary, *20th Century Art from the Permanent Collection*, May 25 – November 18, 1991

BOTH *JOUR DE BOUCHERIE* and *Trapper* (lot 126 in this sale) are studies for Clarence Gagnon's illustrations for Louis Hémon's book *Maria Chapdelaine*, published in 1933 by Éditions Mornay. Hémon, a French writer, traveled to rural Quebec to gather ideas for a novel. He supported himself by working on a farm and, distilling various stories from area residents, wrote a romantic novel set in the Quebec village of Péribonka, basing the heroine on a young woman he had met. Completed in 1913, it was a chronicle of the rugged life of early French-Canadian colonists.

In 1928, Éditions Mornay offered the project of producing illustrations for the novel to Gagnon. He was given free rein over the conception and technical production of the images and also retained ownership of the original drawings. Gagnon produced his illustrations using the technique of oil monotype, and they



have an exquisite sense of colour. He also executed preparatory drawings for some of the images, such as these two charming works, to establish colour and composition. The project consumed Gagnon exclusively from 1931 until the book's completion in 1933.

Gagnon had never seen *Péribonka*, but instead chose to base his images on the Quebec village of Baie-Saint-Paul in the county of Charlevoix, where he had lived from 1912 to 1924, a period in which he went back and forth from France to Quebec (in 1936 he returned to Canada and Baie-Saint-Paul permanently). These illustrations were a loving tribute to the happy days he had spent in the peaceful and harmonious village and its surrounds. In a letter to Dr. Euloge Tremblay, a doctor who had treated him like a son when he lived in the village, he testified that Baie-Saint-Paul had given him a “wealth of unforgettable memories that were invaluable when I did the illustrations for *Maria Chapdelaine*.”

**ESTIMATE: \$15,000 – 25,000**

## 126 Clarence Alphonse Gagnon

CAC RCA 1881 – 1942

### Trapper

gouache on paper, stamped Atelier Gagnon and on verso titled on the inventory and exhibition labels and certified by Walter Klinkhoff on the Gagnon inventory label #1008  
4 x 5 in, 10.2 x 12.7 cm

#### PROVENANCE

By descent to the present Private Collection, Calgary

#### LITERATURE

Louis Hémon, *Maria Chapdelaine*, 1933, the illustration from this drawing reproduced page 38

#### EXHIBITED

Glenbow Museum, Calgary, *20th Century Art from the Permanent Collection*, May 25 – November 18, 1991

**ESTIMATE: \$8,000 – 12,000**



## 127 Clarence Alphonse Gagnon

CAC RCA 1881 – 1942

### Street Scene, Moonlight, Dinan

oil on canvas, signed and dated 1910

and on verso titled

21 x 26 in, 53.3 x 66 cm

#### PROVENANCE

Private Collection, Toronto

A wedding gift to Andrew and Isabelle Glenny, circa 1923

By descent to the present Private Collection, Ontario

#### EXHIBITED

Art Gallery of Toronto, *Fourth Annual Exhibition of the Canadian*

*Art Club*, March 3 – 25, 1911, catalogue #22

CLARENCE GAGNON WENT to France in 1904 to study, and in the spring of 1907 left Paris to travel through Île-de-France, Brittany, the coast of Picardy and Normandy. He spent the summer in Brittany at Saint-Malo, Dinard and Dinan, a picturesque medieval citadel with thirteenth-century ramparts and fifteenth-century half-timbered houses. Gagnon produced a fine group of etchings in 1907 and 1908 of Dinan street scenes. Gagnon's time in France transformed his work beyond its earlier traditional influences from the Barbizon and Hague schools into a brighter palette and the use of fresh, *en plein air* effects. This striking studio painting of Dinan in the moonlight shows Gagnon's absorption of Impressionism in its beautiful atmospheric effects. His use of blues—darkest in the starry sky, then a tone lighter in the shadows, and the overall bright bluish-white cast to the scene—is exquisite. The brilliant full moon can be imagined behind the artist, its light so strong that it reveals the colours of the houses. Gagnon further shows his mastery of ambience by including lights glowing in the windows to indicate the warmth of human presence in this traditional village.

We thank Michèle Grandbois, co-author of *Clarence Gagnon, 1881 – 1942: Dreaming the Landscape*, for her assistance in cataloguing this work.

**ESTIMATE: \$70,000 – 90,000**



**128 Clarence Alphonse Gagnon**

CAC RCA 1881 - 1942

**Early Morning Mist, Château Gaillard  
Les Andelys on the Seine**

oil on canvas, signed and on verso signed, titled  
on the exhibition labels, inscribed 1647 and stamped  
Clarence Gagnon three times, circa 1910  
20 x 24 in, 50.8 x 61 cm

**PROVENANCE**

Johnson and Copping, Montreal  
Private Collection, Quebec

**LITERATURE**

Hélène Sicotte and Michèle Grandbois, *Clarence Gagnon,  
1881 - 1942: Dreaming the Landscape*, Musée national des  
beaux-arts du Québec, 2006, listed pages 396 and 403

**EXHIBITED**

National Gallery of Canada, Ottawa, Canadian Academy of Arts, *34th Exhibition of the RCA*, beginning November 23, 1912, catalogue #91  
 Art Association of Montreal, *30th Spring Exhibition*, March 26 – April 16, 1913  
*Sixth Annual Exhibition of the Canadian Art Club*, Toronto, April 29 – May 31, 1913  
 Montreal Museum of Fine Arts, *Memorial Exhibition of Paintings, Sketches, Etchings, etc. by Clarence Gagnon*, August 7 – September 30, 1942, catalogue #45a  
 Art Gallery of Toronto, *Memorial Exhibitions of the Work of Clarence Gagnon, RCA, J.W. Beatty, RCA, OSA*, October – November 1942, catalogue #10  
 National Gallery of Canada, Ottawa, *Memorial Exhibition: Clarence Gagnon, 1881 – 1942*, November 1942 – January 1943, catalogue #50  
 Cercle universitaire de Montréal, April 1943

NORMANDY CAST ITS spell on the young Clarence Gagnon from the first year he settled in Paris, in 1904, as it did for many foreign artists training in the capital. For several weeks at the end of the summer, the Canadian made an annual escape from the bustle of modern life in Paris to immerse himself in the peaceful rural landscapes and thousand-year-old heritage of the Rouen region. He marvelled at its cathedral and its narrow streets lined with medieval and Renaissance facades, as well as the architecture of the old corbelled houses with their oriel windows in the picturesque villages of Caudebec-en-Caux and Pont-de-l'Arche. The subjects he drew from his Norman travels, in painting and engraving, began to be exhibited in 1905, in Paris and Canada. Starting in 1907, Gagnon suspended his Norman escapes to migrate towards other sites also favoured by artists and tourists, who traveled in ever greater numbers to Breton beaches in Saint-Malo and Dinard. The light of the sea and the beaches, enlivened by the vivid colours of umbrellas, parasols and striped, multicoloured bathing huts, brightened the palette of the painter, who, from that point on, valued lighter tints.

It was not until the autumn of 1910, after his first sojourn in Canada, that Gagnon reconnected with Normandy, living there for a couple of months to paint at Les-Andelys-sur-Seine, not far from Pont-de-l'Arche, where he used to stay. The Andelys owes its reputation to the panoramic landscapes of the Seine Valley, overlooked by the ruins of Château Gaillard (1196), site of the victory of King Philip Augustus against the formidable Anglo-Norman fortress of Richard the Lionheart (1204). In his compositions, Gagnon endeavours to evoke from a distance the remnants of the castle perched high above the limestone cliff, overlooking a bend in the river; at times, the banks of the Seine harbour a few dwellings, but more often they are densely planted with stands of trees. Thus it is in this depiction of the Andelys—veiled in early morning mist, with clumps of poplars bordering the meandering river, from the right of which a willow bows to the surface of the water.



**CLARENCE ALPHONSE GAGNON**  
**Misty Morning, Château-Gaillard**  
 oil on panel, circa 1910  
 6 3/8 x 9 1/4 in, 16.2 x 23.5 cm  
 Private Collection

Not for sale with this lot

*Early Morning Mist, Château Gaillard Les Andelys on the Seine* continues on the model of the *pochade Misty Morning, Château-Gaillard*, put up for auction 10 years ago at Heffel (November 19, 2008, lot 196). Although, with concern for composition, the painter has added the clump of trees to the right in the middle ground to augment the effect of the distance of the imposing promontory, the final depiction is undoubtedly the most minimalist of those inspired by this setting. The sharpness of the trees in the foreground is but fleeting against such a symphony in blue, pulsing to the rhythm of the fine touches of paint on the veiled surface of the water, the headland and the sky. The painter used the softness of the same colour palette to depict another misty morning landscape in Normandy, in his 1909 oil *Pont-de-l'Arche* (collection of the New Brunswick Museum).

After this painting's three exhibitions in 1912 and 1913, the Canadian public was privileged to enjoy the magnificent *Early Morning Mist, Château Gaillard Les Andelys on the Seine* 30 years later, in 1942 and 1943, at the commemorative exhibition on the death of Clarence Gagnon. There was one more chance to admire it, at the tribute paid to the artist by the Cercle universitaire de Montréal in April 1943, before the work was removed from public view, only to surface again today, to the great interest of enthusiasts and specialists of Canadian art.

We thank Michèle Grandbois, co-author of *Clarence Gagnon, 1881 – 1942: Dreaming the Landscape*, for contributing the above essay.

**ESTIMATE: \$40,000 – 60,000**



## 129 Henrietta Mabel May

ARCA BCSA BHG CGP 1877 – 1971

### Farmhouse and Snow Shadows

oil on canvas on board

18 x 22 in, 45.7 x 55.9 cm

#### PROVENANCE

Private Collection, Quebec

Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 71  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

MABEL MAY WAS a founding member of Montreal's Beaver Hall Group, which had a core group of women artists whose importance has been increasingly recognized in recent years. May's early travels in Europe brought exposure to French

Impressionism, and that influence can be seen here in her use of pastel highlights. May kept a studio in Montreal, and she painted in the summers at the family cottage in nearby Hudson. After the cottage was sold, she taught art and painted in Quebec's Eastern Townships. *Farmhouse and Snow Shadows* shows the influence of the Group of Seven—May was a friend of A.Y. Jackson and Edwin Holgate, and she participated in Group shows in 1928, 1930 and 1931. The motif of a screen of bare trees in front of the houses recalls compositions by A.J. Casson and the urban scenes of Lawren Harris. It is a superb canvas—May's brushwork is bold, and her forms are solid and well defined. Her refined sense of rhythm in the smooth contours of the snow and the graceful arching of the bare branches and their shadows makes this a particularly fine composition by this important early modernist.

**ESTIMATE: \$30,000 – 40,000**





### 130 Anne Douglas Savage

BHG CGP 1896 – 1971

#### Children Playing, Métis, Quebec

oil on board, signed and on verso dated 1940s and inscribed *Metis*  
12 x 14 in, 30.5 x 35.6 cm

#### PROVENANCE

Acquired from the Artist's family  
By descent to a Private Collection  
Sold sale of *Canadian Art*, Joyner Fine Art,  
November 23, 1993, lot 55  
Roberts Gallery, Toronto  
Waddington & Gorce Inc., Toronto  
Galerie Valentin, Quebec  
Masters Gallery Ltd., Calgary  
Private Collection, Vancouver

#### LITERATURE

Anne McDougall, *Anne Savage: The Story of a Canadian Painter*,  
1977, page 81

ANNE SAVAGE WAS one of the founding members of the Beaver Hall Group, which coalesced in Montreal from 1920 to 1922. Savage was one of the core women artists of this group who continued to exhibit together. She was also one of the founders of the Canadian Group of Painters and was a close friend of Group of Seven painter A.Y. Jackson. Métis, a charming resort village on the St. Lawrence River, was often visited by Savage. As a child she spent summers there with her family, and she later returned on summer holidays to paint the village and its surrounding countryside while staying with her sister, Mrs. Earl Birks. Savage recalled, "I think I only did about six big canvases of Métis but I kept a reference library of twenty good sketches to make into paintings." The groups of children are the charming focus of this fine oil sketch, which also features the distinctive village church and a pocket view of the St. Lawrence River, its whitecaps indicating a fresh breeze. Bold brush-strokes define the elements of the scene with a robust sense of volume, and vivid colour adds vibrancy.

**ESTIMATE: \$12,000 – 16,000**



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

ALC CGP G7 OSA RCA RSA 1882 – 1974

#### The Green House

oil on board, signed and on verso titled, circa 1929  
8 ½ x 10 ½ in, 21.6 x 26.7 cm

#### PROVENANCE

Loch Mayberry Fine Art Inc., Winnipeg  
Private Collection, Manitoba

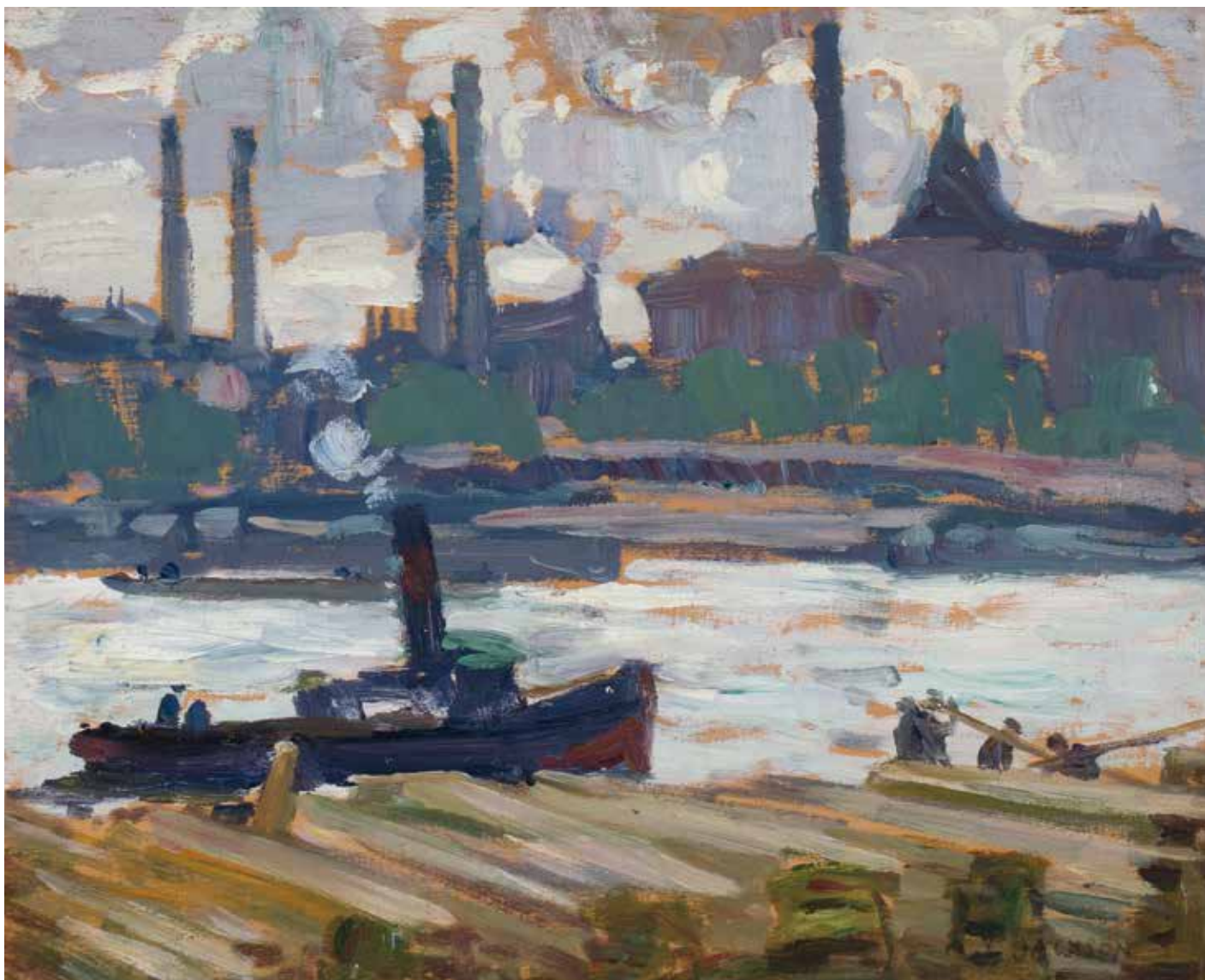
#### LITERATURE

Wayne Larsen, *A.Y. Jackson: The Life of a Landscape Painter*,  
2009, page 113

FROM 1921 THROUGH the 1930s, A.Y. Jackson headed to the Quebec villages on the south and north shore of the St. Lawrence River in late winter/early spring. Here he created some of his most iconic works, of the charming small towns and their

surrounds, painted directly on the spot. Sometimes he traveled alone, sometimes with artist friends, and he boarded with families or at small hotels. He was welcomed by the people, who were predominantly Roman Catholic, spoke little English and often did not have much contact with the world outside their communities. He was nicknamed Père Raquette (Father Snowshoe) by his fellow artist Edwin Holgate, for his method of traversing the countryside. A lifelong friend was the French-Canadian folklorist and anthropologist Marius Barbeau, who pointed out that this nickname “symbolized Jackson’s closeness to his fellow Quebecers and his understanding of the rural culture in that province.” This classic Group of Seven sketch has all the desirable elements of Jackson’s Quebec scenes: a crisp, sunlit winter day with clear atmosphere and blue-shadowed snow, the characteristic rustic houses, and his emblematic horse and sleigh.

**ESTIMATE: \$25,000 – 35,000**



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

ALC CGP G7 OSA RCA RSA 1882 – 1974

#### On the Seine

oil on panel, signed and on verso titled and inscribed  
with the Naomi Jackson Groves Inventory #1617, circa 1911  
8 ½ x 10 ½ in, 21.6 x 26.7 cm

#### PROVENANCE

A Prominent Toronto Collection  
John Hampton Hale, Montreal, 1995  
By descent to the Estate of Nancy Ryrie Birks Hale, Montreal

#### LITERATURE

Wayne Larsen, *A.Y. Jackson: The Life of a Landscape Painter*,  
2009, page 27

A.Y. JACKSON PROFESSED that “all right-minded Montreal artists aspired to go to Paris and most of them wanted to study at

the Académie Julian.” Thus in September 1907, Jackson arrived in Paris and began his training at this popular art school. He was there at an exciting time, when the Impressionists were shaking up the art world. He traveled to Italy, to Bruges, Belgium and small French towns, but by the end of 1908, he was back in Paris. He spent most of that year in France, exhibiting in the Paris *Salon*, and was also there in 1911 (with Albert Robinson) and from 1912 to 1913. From 1916 to 1918, he was in northern France on and off during World War I, as a soldier and a war artist.

*On the Seine* is a bright and vigorous work from his time in Paris. Painted on the spot, the scene reflects the Impressionists’ fascination with atmosphere with its billowing cumulus clouds glowing at the edges and light reflected in the river water. Jackson built this strong image with broad, vigorous brush-strokes, deftly capturing the bustle of trade and transport on the French dock.

**ESTIMATE: \$15,000 – 25,000**

## 133 Emily Carr

BCSFA CGP 1871 – 1945

### Spring Wave

oil on canvas, signed and on verso titled  
on the gallery labels, circa 1935  
16 x 22 in, 40.6 x 55.9 cm

#### PROVENANCE

Collection of Mrs. W.H. (Irene) Clarke, Toronto  
The Roberts Art Gallery, Toronto, label on verso  
with the 29 Grenville Street address  
Scandia Developments, Vancouver  
Central Guaranty Trust Company of Canada  
Sold sale of *Important Canadian Art*, Sotheby's  
Canada, May 19, 1993, lot 241  
Acquired from the above by John Hampton Hale, Montreal  
By descent to the Estate of Nancy Ryrie Birks Hale, Montreal

#### LITERATURE

Emily Carr, *Hundreds and Thousands: The Journals of Emily Carr*,  
2006, pages 256 and 257

EMILY CARR WAS acutely aware of her surroundings when on sketching trips—not just the appearance of the landscape details she was depicting, but the patterns of energy she sensed in nature. While camping in her van *The Elephant* at Albert Head, near Victoria, in 1935 she wrote, “This is a place of high skies, blue and deep and seldom cloudless... Everything is eternally on the quiver with wind. It runs on the short dry grass and sluices it as if the earth were a jelly.” In *Spring Wave*, Carr’s brush-strokes create a rolling, diagonal movement in the grass, while the sky swoops across horizontally. The small clusters of trees on the grassy hill rustle at different rates, reflecting the nature of wind, which shifts its intensity as it whirls through the landscape and encounters objects of varying resistance. The evergreen farther down the hill on the left seems to energetically swirl its foliage like skirts, while the three trees on the hilltop are a unified trio, bending to the right in harmony. Down the crest to the right, the two trees are paler, more delicate. Carr had a propensity to give the trees in her paintings personalities, as she revealed in her descriptions of her tree subjects in the book *Hundreds and Thousands*.

Previously, Carr had immersed herself in the forest, but then became inspired to depict more open, airy landscapes. As she wrote, “Now I know that the sky is just as important as the earth and the sea in working out the thought.” Two locations were of particular interest in her new fascination with skies—the cliffs of Beacon Hill Park and Dallas Road near her home in Victoria, and the gravel pits of Metchosin, west of Victoria. Her “thought” was

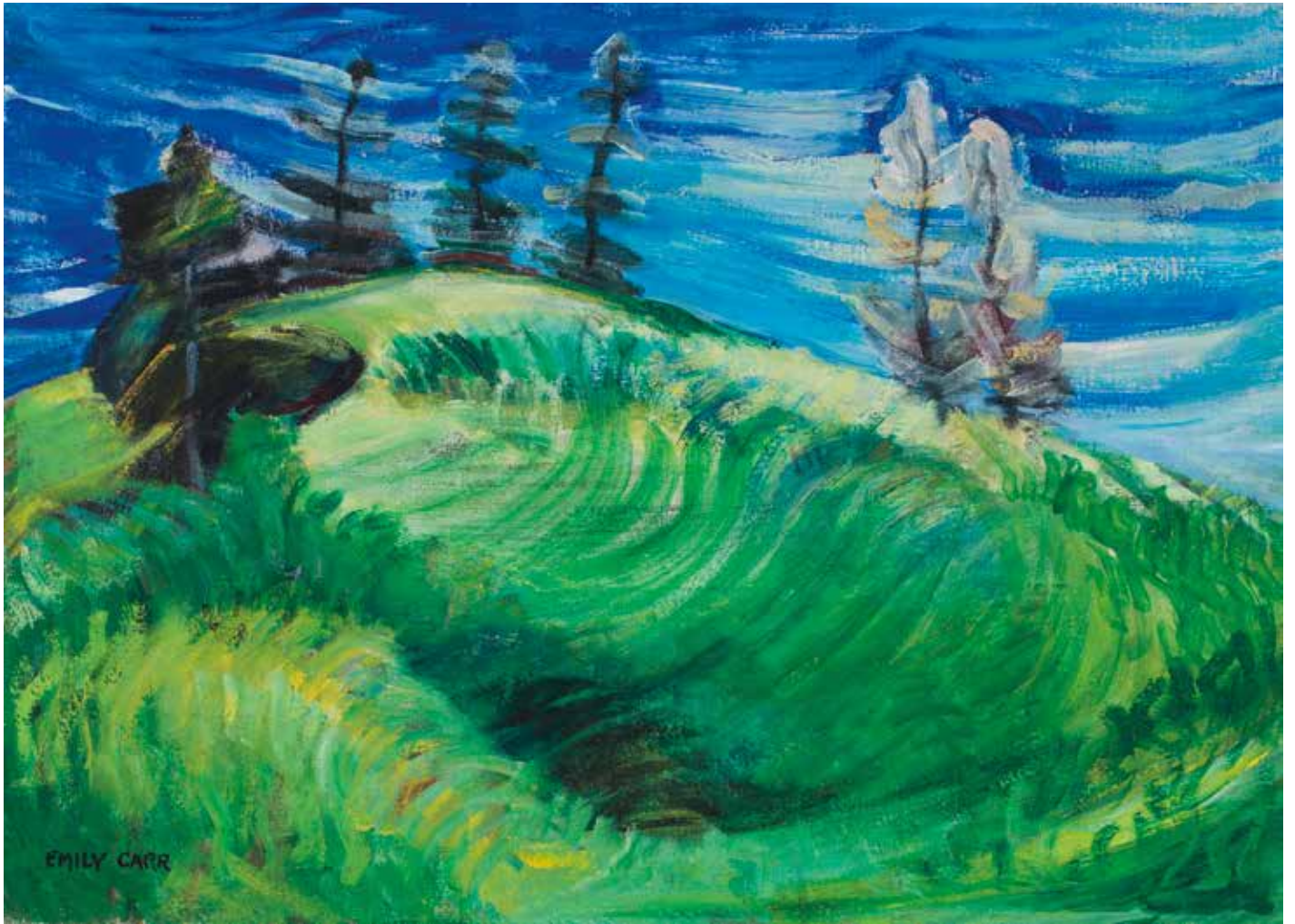
always on the manifestation of energy in her works, one great movement that swept through all the parts of her painting. Her use of oil on paper in the 1930s was highly conducive to the kind of sweeping, more transparent brush-strokes that captured that momentum. This strong and richly coloured canvas captures that same energy through a more densely painted approach. The blue of the sky pools in a deep cobalt in the upper left, then transforms to turquoise and streaks of bluish green clouds as it moves to the right. Her greens, too, move from a deeper hue in the hollow of the hill to gold and pale bleached highlights on the knolls.

For Carr, the sky was a life-giving firmament and the earth a generative force that she felt a deep spiritual connection with. Every part of *Spring Wave* expresses Carr’s ecstatic vision of the power and splendour of nature on the West Coast.

A previous collector of this work, Mrs. W.H. (Irene) Clarke, was the wife of William H. Clarke. William was co-founder of the publisher Clarke, Irwin & Company Limited, and Irene was active in editorial work. In 1940 Ira Dilworth (Carr’s friend and later, literary executor) met with William and Irene regarding Carr’s writing. The couple were so enthusiastic about her stories that they undertook to publish *Klee Wyck* in 1941 and *Hundreds and Thousands: The Journals of Emily Carr* in 1966. The Clarkes became friends with Carr and exchanged many letters with her about their efforts on her behalf. They also visited her in her home, making plans for future publications. Subsequently they produced *The Book of Small*, *The House of All Sorts*, *Growing Pains*, *Pause: A Sketchbook* and *The Heart of a Peacock*.

This work and lot 132 are from the Estate of Nancy Birks Hale. Nancy Birks was a Delta Gamma at McGill, obtained a Master’s of Education and served in the Canadian Red Cross in the Korean War. She had a colourful career that included teaching and working for the CBC. She arranged media interviews and book signings for top Canadian authors for the publishers McClelland & Stewart, and she served as director of public relations at the Montreal General Hospital. Her second husband John Hale, a graduate of Eton and Harvard, was chief financial officer at Alcan. Upon retirement, he was recruited by Pearson International to turn the family empire around, which he did successfully (at the time this included Royal Doulton china, the *Financial Times* and *The Economist*). Hale served on the boards of the Bank of Montreal and the Singer Corporation. These responsibilities resulted in Nancy and John traveling the world and entertaining on a grand scale. They cherished the collection of Canadian paintings, first edition books and important maps that they acquired.

**ESTIMATE: \$300,000 – 500,000**





## 134 Constantin Brancusi

1876 – 1957 Romanian

### Tête de femme

tempera and gouache on paper on paperboard, signed and on verso inscribed *WCA 2370* and *CEU Canada* on an Arthur Lenars & Cie, Paris shipping label, circa 1918  
25 1/8 x 21 in, 63.8 x 53.3 cm

#### PROVENANCE

M. Knoedler & Co., New York

Galerie Europe, Paris

Acquired from the above by the present Important

Private Collection, Montreal, then California, 1968

#### LITERATURE

Sidney Geist, *Brancusi: A Study of the Sculpture*, 1968, page 180

Sidney Geist, *Constantin Brancusi, 1876–1957: A Retrospective Exhibition*, Solomon R. Guggenheim Museum, 1969, pages 136 and 137, a work of the same subject entitled *Portrait of a Woman*, circa 1918, reproduced page 136

Pontus Hulten et al., *Brancusi*, 1987, page 8, the similar works *Standing Woman in Blue*, 1917, reproduced page 111 and *Portrait of a Woman*, 1917, reproduced page 114

CONSTANTIN BRANCUSI'S WORK is unequivocally connected to a new language of sculpture in the twentieth century, yet it draws from diverse historical, cultural and vernacular sources, including his native Romania. In 1904, to continue his studies, he moved from Bucharest to Paris, where he remained. Brancusi's Paris milieu was the modernist vanguard, which included artists such as Marcel Duchamp, Fernand Léger, Henri Matisse, Henri Rousseau and Amedeo Modigliani, American photographer Edward Steichen (who lived in Paris intermittently between 1900 and 1924, and photographed Brancusi in his studio in 1925), writers Guillaume Apollinaire, Jean Cocteau, James Joyce, Ezra Pound and Tristan Tzara, as well as composer Erik Satie.

Brancusi's work attracted American collectors early on, among them John Quinn and Katherine Dreier, for her Société Anonyme collection (the bulk was donated to the Yale University Art Gallery), which established his reputation first in New York. He was included in the landmark 1913 *Armory Show*, and his first solo exhibition was at Alfred Steiglitz's 291 gallery in 1914. Dreier included Brancusi in *The International Exhibition of Modern Art* in 1927 that was shown at the Brooklyn Museum, then the Albright Art Gallery and the Anderson Galleries in Buffalo, and then the Art Gallery of Toronto, from April 1 to 24, 1927, through the "orchestration" of Canadian artist Lawren Harris. Brancusi's polished brass sculpture *Mlle Pogany*, 1920, was exhibited in Toronto.

Brancusi had considerable impact and influence in his time. He brought Modigliani to carving (they shared an interest in Egyptian sculpture), and Isamu Noguchi apprenticed with him from 1927 to 1929. His influence continued for contemporary artists, such as the American minimalists Carl Andre, Dan Flavin, Richard Serra and Frank Stella, as well as Claes Oldenburg, and every artist since who has taken on the *leitmotif* of Brancusi's

"endless column." Consequently, much has been written on his contribution to sculpture, but little attention paid to his work on paper (beyond his photography), in part because Brancusi did not produce a large body of such work. As Sidney Geist wrote for the 1968 Guggenheim retrospective, this work on paper was not Brancusi's habit or studio practice, and with the exception of sketches for (and after) sculpture, the majority of his works on paper appear to be independent. In Geist's words, "Rationality may inform the sculptures; an undisguised lyricism pervades his drawings."

Within this modest production of about 100 works, water-colour and gouache works are rare, and thus must be considered of consequence, given Brancusi's methodical rigour and practice of returning to subjects and forms that were important to him. There are three other versions of *Tête de femme*, with comparable dimensions, all with the same three-quarter composition of a female sitter wearing a red dress. As well, there are two other gouaches of the same sitter. While *Tête de femme* is independent of any sculpture, there is a strong resonance with works of the period, such as *Head of a Girl* (stone, 1907, whereabouts unknown) and the versions of *Mlle [Margit] Pogany*—the first was done in 1912—with a focus on form rather than portrait-physiognomy, as Brancusi did for his variations of "resting" ovoid heads. Pontus Hulten wrote that Brancusi had a "visceral need for truth." For Geist, Brancusi's modernity "was a sense of the new, the hopeful ... His optimism is frank, uncomplicated, and ultimately purposive [serving a useful purpose], and projects a rare message of joy in which there is no trace of *Angst*."

The sitter has been previously described as unidentified, but the four versions suggest a close association. Based on the biographical record and period photographs, one possibility is the Hungarian artist Margit Pogány (1879–1964), who was Brancusi's muse for numerous works; the other is the Romanian sculptor Milita Petrascu (1892–1976), who studied with Brancusi in Paris from 1919 to 1923.

We thank Ihor Holubizky, an art historian currently based in Canada, for contributing the above essay. Holubizky is a senior curator at the McMaster Museum of Art and an adjunct assistant professor at McMaster University.

This lot is accompanied by a photo-certificate of authenticity dated March 19, 1986 and signed by Paul Haim, an expert from the Douanes Françaises and Cour d'Appel in Paris and a member of the Compagnie Nationale des Experts.

A major exhibition of the artist's work, *Constantin Brancusi Sculpture*, is currently on view at the Museum of Modern Art in New York, from July 22, 2018 until February 18, 2019.

**ESTIMATE: \$150,000 – 250,000**



## 135 Emily Carr

BCSFA CGP 1871 – 1945

### Billy

oil on paper on board, signed and on verso  
titled and inscribed 6B/ 6160 / Mrs. D'Hont,  
circa 1931 – 1932

33 ¾ x 22 ½ in, 85.7 x 56.2 cm

### PROVENANCE

Dominion Gallery, Montreal  
Acquired from the above by Grete  
D'Hont, March 1945  
Robertson Galleries, Ottawa  
Private Collection, Ontario

### LITERATURE

Doris Shadbolt, *The Art of Emily Carr*,  
1979, page 180

THROUGHOUT HER LIFE, Emily Carr sometimes depicted people in her paintings—caricatures of individuals she observed on her trips, sensitive portraits of her native friends such as Sophie Frank, First Nations people in their villages and penetrating self-portraits. During the winter months of 1931 to 1932, Carr made a concerted effort in this subject, working with fellow artist Edythe Hembroff-Schleicher, “thinking it would get a little green out of my eye,” as she said. In her book *Emily Carr: The Untold Story*, Hembroff-Schleicher related that they worked on self-portraits, plus portraits of each other and of pupils sent over from the school that Carr’s sister Alice ran. In Carr’s journal *Hundreds and Thousands*, she mentioned one of Alice’s students named Billy.

This sensitive depiction was painted using Carr’s technique of oil thinned with turpentine on paper, which facilitated the sweeping brush-strokes she used to convey a sensation of energy moving around the child. Deeper tones of turquoise and darker blue where the oil is thicker lend a soothing aura to the boy. *Billy* is a rare portrait of this innocent and almost beatific young student.

**ESTIMATE: \$90,000 – 120,000**





## 136 Emily Carr

BCSFA CGP 1871 – 1945

### By the Canal, Crécy-en-Brie

oil on canvas, signed and on verso inscribed on a label  
*French River Scene with Cottages and Figures* and with  
 notes on the provenance, 1911  
 15 x 18 in, 38.1 x 45.7 cm

#### PROVENANCE

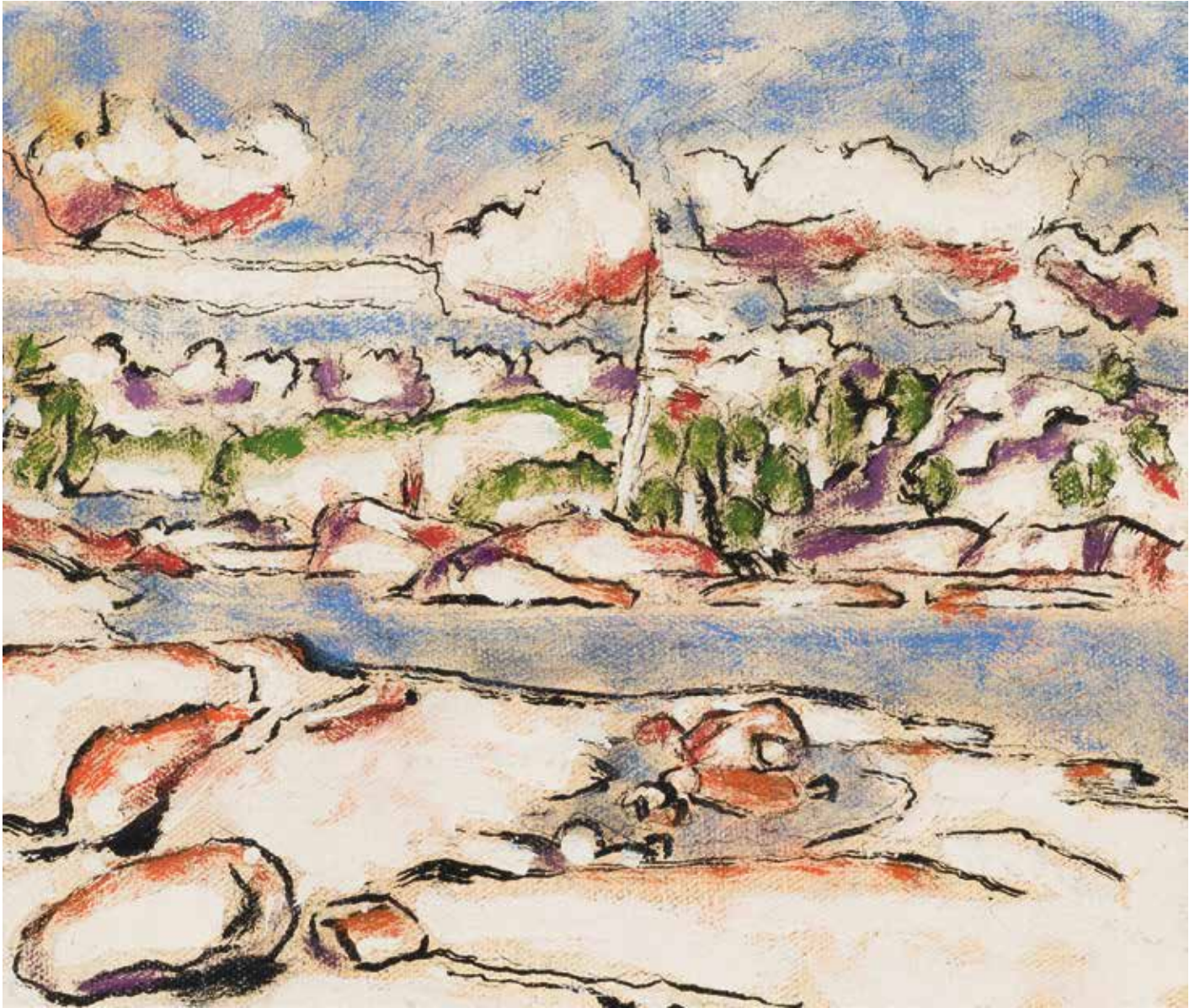
Collection of the Artist  
 Alice Carr (sister of the Artist)  
 A gift from Alice Carr to Mrs. Clara L. Rae (niece  
 of Emily Carr, the daughter of Mrs. John Nicholles,  
 Emily Carr's sister Clara)  
 Private Collection, Vancouver

#### LITERATURE

Ian M. Thom, *Emily Carr in France*, Vancouver Art Gallery,  
 1991, page 16

EMILY CARR'S TRIP to France in 1910 changed the course of her work. In Paris, the innovations of the avant-garde, such as the Fauves and the Cubists, challenged and excited her. She attended various schools, but her aversion to cities soon emerged, and in spring of 1911, she followed teacher Harry Phelan Gibb to take his landscape classes in Crécy-en-Brie. Carr was delighted with this small village and its surrounding rolling countryside. She painted *en plein air*; and her colour sense, encouraged by Gibb, expanded. Here, Carr stated, her "colors were not matched, they mixed with air." With assured brush-strokes, she captured white houses glowing in the sunlight, contrasted with rich greens and blues, and accented by purple, orange and red. With great authenticity, she depicted the small landings characteristic of everyday life by the canal, where water was drawn and laundry done. In this outstanding painting, Carr showcased the new, fresh approach to colour and atmosphere that established her as a modernist artist.

**ESTIMATE: \$80,000 – 120,000**



## 137 David Brown Milne

CGP CSGA CSPWC 1882 – 1953

### Rock Pool, Six Mile Lake, Muskoka, Ontario

oil on canvas, circa 1933

12 x 14 in, 30.5 x 35.6 cm

#### PROVENANCE

Milne sale to Vincent Massey, 1934

Gift to Lady Aiken, London, England, circa 1936

Sold sale of *Important Canadian Art*, Sotheby's

Toronto, October 1974, titled as *Landscape*

George Wade, Montreal, 1974

Masters Gallery Ltd., Calgary

Acquired from the above by the present

Private Collection, Calgary, 1976

#### LITERATURE

David Milne Jr. and David P. Silcox, *David B. Milne: Catalogue Raisonné of the Paintings, Volume 2: 1929 – 1953*, 1998, page 575, reproduced page 575, catalogue #303.15

Painting material at Six Mile Lake is mostly rocks, worn and whitened by the water, bleached driftwood, and in the channels, chutes and rapids and pools. Very fine, and I can get something out [of] it if I work long enough at it. The plan I have been working on is to use a colour where I usually use a value—in this case I used a blue in the water and sky areas, and black and white values with detail in colour in the rock and land areas.

—DAVID MILNE TO JAMES ALFRED CLARKE,  
AUGUST 1933

THE CATALOGUE RAISONNÉ notes, “The description in Milne’s letter to James Clarke cannot be tied to this painting absolutely, but the painting is of the right period and the theme applies in general if not in particular. The rock pool is possibly in Six Mile Channel, just below Six Mile Lake dam. Pretty Channel is also a possible site ... Milne also painted the shore beyond this pool on its own or reflected in the water; however, the painting has never been found and only the drawings for it remain.”

**ESTIMATE: \$40,000 – 60,000**



Map of Six Mile Lake



## 138 Arthur Lismer

AAM CGP CSGA CSPWC G7 OSA RCA 1885 - 1969

### Tugs and Troop Carrier, Halifax Harbour, Nova Scotia

oil on canvas, signed and dated 1921

40 x 50 in, 101.6 x 127 cm

#### PROVENANCE

Collection of the Artist

Laing Galleries, Toronto, 1955

Montreal Museum of Fine Arts, acquired with the A. Sidney

Dawes Fund for Canadian paintings, 1955

Acquired from the above by Laing Galleries, Toronto, 1959,

in exchange for *Cathedral Mountain* by Arthur Lismer

Acquired from the above by a Prominent Canadian

Executive and Philanthropist, Toronto, January 2, 1962

#### LITERATURE

Augustus Bridle, "Unusual Art Cult Breaks Loose Again,"

*The Toronto Daily Star*, May 7, 1921

*The Montreal Museum of Fine Arts Annual Report*, 1956, page 17

Norah McCullough, *The Arthur Lismer Catalogue of Paintings:*

1970 - 1972, Library & Archives, National Gallery of Canada,

dated 1919, catalogue #105

Gemey Kelly, *Arthur Lismer: Nova Scotia, 1916 - 1919*,

Dalhousie Art Gallery, 1982

#### EXHIBITED

Art Gallery of Toronto, *The Group of Seven*, May 7 - 29, 1921,

titled as *Tugs, Halifax Harbour, N.S.* (listed as \$750),

catalogue #36

Canadian National Exhibition, Toronto, August 27 -

September 10, 1921, titled as *Tugs, Halifax Harbour, N.S.*,

catalogue #201, listed as \$600

ARTHUR LISMER IMMIGRATED to Toronto from Sheffield, England, in 1911. He first worked as a graphic designer at Grip Ltd., where he met Tom Thomson, J.E.H. MacDonald and the other artists who would form the Group of Seven in 1920. The declaration of war in August 1914 would pose numerous challenges for the burgeoning Toronto art movement. Design work and commissions for illustrations dried up; A.Y. Jackson returned to Montreal and then enlisted. In an April 23, 1915 letter to Dr. James MacCallum he observed, "The MacDonalds and Lismer must be running pretty close to the wind." In September Lismer moved his family to Thornhill, north of Toronto, where he attempted to farm with MacDonald.

In September 1916 Lismer was appointed principal of the Victoria School of Art and Design in Halifax; he settled in Bedford, at the north end of Halifax Harbour. War had transformed Halifax, as it became the principal centre for troop movements, the shipping of supplies to England and Europe, and the formation of convoys for self-protection. Submarine nets were installed to prevent submarines from entering Halifax Harbour and Bedford Basin, where the convoys assembled.

Lismer's first winter in Halifax was devoted to reorganizing the school, teaching, and re-establishing the Nova Scotia Museum of Fine Arts. He was able to paint around Bedford and the Sackville River, but sketching the military activities around the port



TOP: **ARTHUR LISMER**  
**Camouflaged, Bedford Basin**  
oil on board, 1918  
15 ½ x 22 ½ in, 39.2 x 56.9 cm  
Private Collection

Not for sale with this lot

BOTTOM: **ARTHUR LISMER**  
**Halifax Harbour—Time of War**  
oil on canvas, circa 1917  
40 ¾ x 51 ¼ in, 102.5 x 130.0 cm  
Dalhousie Art Gallery permanent collection, gift of the artist, 1955

Not for sale with this lot





**ARTHUR LISMER**

Decoration for the Green Lantern Restaurant, Halifax

Summer 1917 (destroyed)

Photo: Library & Archives of the National Gallery of Canada,

Norah McCullough fonds

Not for sale with this lot

resulted in his arrest as a possible spy. Nonetheless, his commission in the summer of 1917 for 12 nine-foot-wide decorative panels for the new Green Lantern restaurant included a panoramic view of Bedford Basin with its heavy ship traffic and tugs.

As Lismer wrote to Eric Brown, director of the National Gallery of Canada, on October 5, 1917, “Halifax is intensely interesting just now to a painter & if one had the privilege of going about with a sketch book some valuable material could be gathered. The harbour is full of transports with American troops, & the inner basin with neutral shipping. The coming & going of these make good subjects.”

But on December 6, 1917, the outgoing Belgian relief ship *Imo* collided with the incoming French freighter *Mont-Blanc*, which was loaded with tons of armament chemicals and TNT, at the Halifax Narrows. The resulting explosion destroyed the Richmond area of the city, killing about 2,000, injuring 9,000 (including 200 people blinded), leaving over 20,000 homeless, and wrecking the interior of the art school. “My school is full of coffins now,” Lismer wrote to Edward Greig at the Art Museum of Toronto, “and all boarded up. I don’t know yet how many of my students have suffered ... The word is now that no schools will open for 6 months.”

The unexpected school closure did provide Lismer with more time to paint, but he still required the necessary permits from the military authorities. On January 12, 1918, he wrote to Brown expressing his frustration, “More than any other city perhaps in the Dominion, Halifax is of vital interest as a war city and there is a tremendous amount of activity that I’d like to record—the departure & arrival of troopships, convoys, hospital ships, troopships from Australia & New Zealand & the States—camouflaged men of war of different nationalities—it’s intensely interesting & graphic & no one is painting it. It is absolutely impossible to make sketches. It is forbidden strictly & almost useless to apply for permission or access to the piers etc. & all this material full of interest to a painter is unrecorded.”

Nonetheless, he sent three canvases of Halifax Harbour and a lithograph of a transport to the combined exhibition of the Royal

Canadian Academy of Arts and the Ontario Society of Artists that opened the new Art Museum of Toronto (now the Art Gallery of Ontario) in April 1918. The largest, *Halifax Harbour, Time of War*, recalls the Green Lantern commission with its carefully positioned ships and tugs viewed from the same position. *Winter Camouflage* (acquired by the National Gallery of Canada) is principally a landscape with a harbour backdrop. But both canvases now depicted the ocean liners converted into troopships painted in the remarkable dazzle patterns, camouflage designed to create a visual confusion against the threat of enemy submarines at sea.

In June 1918, the Canadian War Records Office, initiated by Lord Beaverbrook in London and administered in Canada by Brown and Sir Edmund Walker, chair of the National Gallery’s board, asked Lismer to prepare studies of Halifax in wartime for possible purchase by the war art program. Most importantly, the request got Lismer the necessary permits to sketch, yet by the time he obtained them in August 1918, he wrote to Brown:

Activities have quieted down until, for many weeks, there has been absolutely nothing happening here. Transports have ceased to come & go. Convoys have not left for a long time & the submarine menace I suppose is responsible in some measure ... I have of course collected quite a lot of useful material ... The military & naval people are very decent in regard to my work but the public make it a little unpleasant occasionally ... One of the local papers is lashing up an argument against landscape painters having access to docks etc. & I have been frequently reported as a suitable subject for internment ... There is a lot of spy talk in Halifax just now in the press.

Lismer was able to draw the ships and harbour activities, but was prevented from making many oil sketches due to the poor weather conditions. The influenza epidemic in October closed the art school temporarily, giving him more time to sketch, but on November 11, 1918, the Armistice was declared, and his attention quickly turned to the ships bringing the soldiers home. The recently returned Lieutenant A.Y. Jackson joined Lismer in



**ARTHUR LISMER**

**Tugs in Halifax Harbour**

black conté on wove paper, 1918

10 x 7 ¾ in, 25.3 x 19.9 cm

Beaverbrook Collection of War Art, Canadian War Museum,

CWM 19720256-096

Photo: National Gallery of Canada, Ottawa

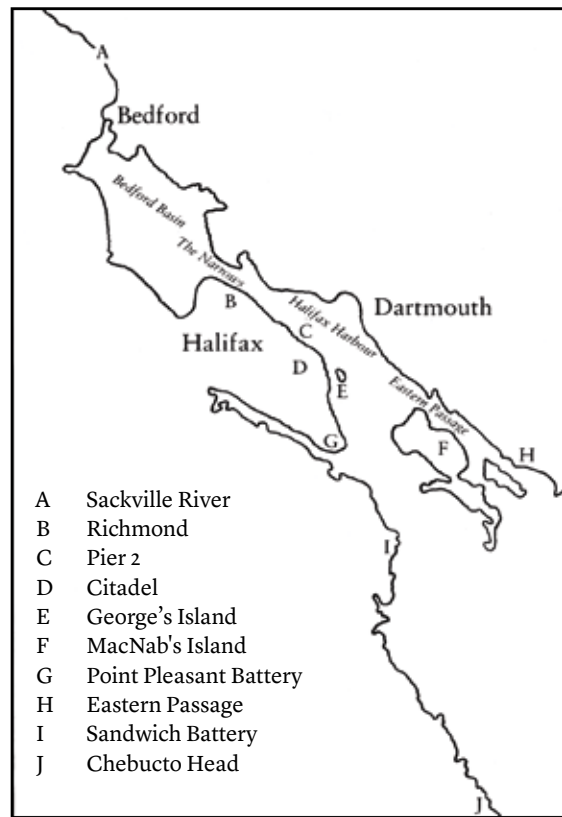
Not for sale with this lot

Halifax and wrote to Brown on February 24, 1919, “The camouflage has almost disappeared and the big liners have been withdrawn.”

Lismer left Halifax in September 1919, returning to Toronto to teach at the Ontario College of Art. The Canadian War Records Office eventually purchased three large Halifax canvases, and a fourth was commissioned by the Regina Boat Club, but *Halifax Harbour—Time of War* remained with the artist and was included in the first exhibition of the Group of Seven, in 1920.

Lismer’s work in Halifax has been superbly documented by Gemey Kelly in the exhibition *Arthur Lismer: Nova Scotia, 1916–1919* at Dalhousie Art Gallery in 1982, but *Tugs and Troop Carrier, Halifax Harbour, Nova Scotia*, dated 1921, was not included.

Almost a year and a half after leaving the city, Lismer returned to his Halifax subject matter. Included in the May 1921 Group of Seven exhibition as *Tugs, Halifax Harbour, N.S.*, this painting was characteristically praised by Augustus Bridle in the *Toronto Daily Star*, who stated “Arthur Lismer... has one of war boats in a perfect high-keyed hullabaloo of wind, blue water and bluer sky.” Lismer had not returned to Halifax, but based his composition on the 1918 oil sketch *Camouflaged, Bedford Basin*, stripping the ship of its dazzle pattern. While he has demilitarized the harbour,



Map of Bedford and Halifax Harbour

he has animated the waters with tugs based on his 1918 drawing. The canvas is painted in a higher key, with bolder brushwork and a more structured treatment of form, as seen in the foreground waves and clouds. *Tugs and Troop Carrier, Halifax Harbour, Nova Scotia* is a wartime image translated into an image of peace, full of joy and life.

Lismer’s and Jackson’s letters to Brown are in the National Gallery of Canada, the letters to Greig are in the Art Gallery of Ontario, and Jackson’s letter to Dr. MacCallum is in the Naomi Jackson Groves fonds, Library & Archives Canada, Ottawa.

The exhibition *Masterpiece in Focus: Halifax Harbour 1918* is on display at the National Gallery of Canada from October 12, 2018 to March 17, 2019.

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.

This work and lots 139 and 140 in this sale are from a prominent Canadian executive and philanthropist who served in the Royal Navy in World War II.

**ESTIMATE: \$700,000 – 900,000**



**139 Alexander Young (A.Y.) Jackson**

ALC CGP G7 OSA RCA RSA 1882 – 1974

**November, Georgian Bay**

oil on canvas, signed and on verso titled  
and dated circa 1920 on the Roberts Gallery label  
25 x 32 in, 63.5 x 81.3 cm

**PROVENANCE**

On loan from the Artist to Central Neighbourhood House,  
Toronto, 1920s – 1961  
Acquired from the Artist by Paul Duval, Toronto, June 27, 1961  
Roberts Gallery, Toronto  
A Prominent Canadian Executive and Philanthropist,  
Toronto, circa 1962

**LITERATURE**

St. George Burgoyne, “R.C.A. Show Opened with Private View,”  
*The Gazette* (Montreal), November 22, 1929  
A.Y. Jackson, *A Painter’s Country: The Autobiography of A.Y. Jackson*,  
1967, page 74

**EXHIBITED**

Edmonton Museum of Arts, *Loan Exhibition*, October 21 – 23,  
1926, catalogue #24  
Art Gallery of Toronto, *Exhibition of Paintings by the Group of  
Seven*, February 1928, catalogue #37, listed as \$250  
Art Association of Montreal, *Royal Canadian Academy of Arts*,  
November 21 – December 22, 1929, catalogue #111



THE MONTREAL ARTIST A.Y. Jackson first visited Georgian Bay in the summer of 1910. His first canvases of the bay, like those by J.E.H. MacDonald and Arthur Lismer, were characterized by broad, expansive skies over a low horizon. Yet his response to the Georgian Bay landscape was largely negative. “I have done very little sketching—the country does not lend itself to it,” he wrote to his mother in early July. “It’s a great country to have a holiday in...but it’s nothing but little islands covered with scrub and pine trees and not quite paintable.”

When Jackson returned to Georgian Bay in the fall of 1913, the broad expanse of sky so characteristic of the Georgian Bay landscape was replaced in his work by rocky islands and windblown pines silhouetted against the sky, as seen in the 1913 canvas *Night, Georgian Bay*, originally entitled *Land of the Leaning Pine* (in the collection of the National Gallery of Canada, #1697). The precursor of such outstanding classics as Arthur Lismer’s *September Gale* and Fred Varley’s *Stormy Weather, Georgian Bay*, this was a subject Jackson would reinterpret in many superb canvases over the next three decades.

Jackson spent part of the summer of 1919 on Georgian Bay after his return from military duties in France and England, but his most productive stay on the bay was in February and March 1920. Six major canvases resulted from this trip, four of which were included in the first Group of Seven exhibition, in 1920. The paintings are notable for their variety of treatment and experimentation, from the calm horizontality of *Cognashene Lake* (in the collection of the Art Gallery of Windsor, #76.11) to the volcanic clouds of *March Storm, Georgian Bay*, originally titled *Storm Over a Frozen Lake* (in the collection of the National Gallery of Canada, #5051) and the decorative, almost Japanese, vertical arrangement of rocks, ice, water and windblown pines of *Freddy Channel*, originally titled *March Snow* (in a private collection). In the latter two, snow-covered rocks define the right foreground, and the low, pine-crowned rocky islands recede vertically into the distance, a composition Jackson would reinterpret in *November, Georgian Bay*.

In November 1921, and not 1922 as he wrote in *A Painter’s Country*, Jackson was at Georgian Bay once again. “In November... I went to the Bay with Dr. MacCallum. He stopped with a friend, Wilton Morse, to do some duck shooting, while I, in a small boat, went farther north and camped on an island. I put up my tent between the shore and a small lake. During the night it got very cold and I had only a single blanket, I was nearly frozen. I got up at daybreak to make a fire, and found an inch of ice on the lake. It was here that I made the studies for a canvas, ‘November, Georgian Bay,’ now in Hart House.” This was the only time Jackson painted on the bay in November.

That same month, the Victoria architect Samuel Maclure wrote to Eric Brown of the National Gallery of Canada, asking him to select a Canadian painting for a presentation by the Victoria Chamber of Commerce. Of the three untitled Jacksons selected for Brown by Lawren Harris, the “best,” *First Snow, Georgian Bay* (Harris’s title and our painting being offered here), had been

“painted this autumn after a snow flurry...with a rocky foreground and two bands of beautiful colour behind.” It measured 25 x 32 inches and would cost \$350.

Four canvases resulted from this November trip. *Georgian Bay, November* was exhibited with the Ontario Society of Artists in March 1922 priced at \$350 and was purchased by Hart House at the University of Toronto in May. *November Moonlight* (unlocated) and *November, Georgian Bay* (later titled *Tadenac, November*) were exhibited with the Group of Seven in May 1922 and priced at \$1,000.

Of the three known November canvases, both the Hart House painting and our painting, *November, Georgian Bay*, measure 25 x 32 inches, but only our painting *November, Georgian Bay* shows evidence of the first snowfall and must be the painting offered to Victoria in November 1921.

In the 1920s, unable to sell his canvases, Jackson loaned *November, Georgian Bay* to the Central Neighbourhood House, an agency that assisted poor children who lived in Toronto’s Ward district. There it was spotted by the art writer and dealer Paul Duval. In his account book for 1961, Jackson noted the sale of an “old canvas *November, Georgian Bay*” to Paul Duval on June 27, 1961, for \$160.

*November, Georgian Bay* is an outstanding canvas from a key period in Jackson’s development as an artist and in the history of the Group of Seven. A classic Jacksonian subject, the rolling rhythms of the snow-covered rocks in the foreground counter the windblown pine at the right and are echoed by the silhouettes of the islands in the distance. The palette is restrained, highlighted by the reds and browns of the rocks and the yellow light of the sun on the water. When it was exhibited in 1929, the *Montreal Gazette*’s art writer, St. George Burgoyne, often a severe critic of Jackson, admired the painting, stating, “A.Y. Jackson, R.C.A., not very cheering in color, shows three oils, the most engaging being ‘November, Georgian Bay,’ with ruddy rocks, wind-bent pines and water.”

Jackson’s letter to his mother and his account books are in the Naomi Jackson Groves fonds at Library & Archives Canada, Ottawa, and the correspondence between Brown and Maclure is at the National Gallery of Canada.

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.

**ESTIMATE: \$400,000 – 600,000**



## 140 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885 – 1970

### Mount Unwin and Charlton—Maligne Lake, Jasper

oil on board, on verso signed, titled and inscribed with the artist's symbol and *Bess Harris collection / 2 (circled) / 11 / Rogers [?] / 210 King St. W. / Reserve, Mr. Brebner, New York* and variously, circa 1924  
10 ½ x 13 ¾ in, 26.7 x 34.9 cm

#### PROVENANCE

Collection of the Artist  
Bess Harris Collection, Sante Fe, New Mexico, 1938,  
then Vancouver  
A Prominent Canadian Executive and Philanthropist,  
Toronto, circa 1962

#### LITERATURE

A.Y. Jackson, "Artists in the Mountains," *The Canadian Forum*,  
January 1925

Lawren Harris, *Abstract Painting: A Disquisition*, 1954, page 11  
Pierre B. Landry, editor, *Catalogue of the National Gallery of  
Canada, Canadian Art, Volume Two / G-K*, National Gallery  
of Canada, 1994, the 1924 canvas *Maligne Lake, Jasper Park*,  
#3541, reproduced page 93, and the circa 1950 canvas *Nature  
Rhythms*, #17160, reproduced page 100

Lisa Christensen, *A Hiker's Guide to the Rocky Mountain Art of  
Lawren Harris*, 2000, the 1924 canvas *Maligne Lake, Jasper  
Park* reproduced page 45, and the circa 1951 canvas entitled  
*Mountain, Maligne Lake*, collection of the Vancouver Art Gallery,  
reproduced page 47

THE TRIP Lawren Harris and A.Y. Jackson made to the Rocky  
Mountains in 1924 was a natural extension of their ongoing  
exploration of Canada's many landscapes. Jackson had painted  
near Mount Robson for the Canadian Northern Railway in 1914,  
and in 1924 he was not any more enthused about the moun-  
tains than he had been then. But for Harris the trip was a first

encounter with the mountains—a subject and experience he would paint and interpret over three decades.

The artists spent August and early September sketching in Jasper Park, walking from Jasper Lodge to Maligne Lake. “We camped at the south end of Maligne Lake on a wide delta of gravel,” Jackson wrote in the January 1925 issue of *The Canadian Forum*. “Round about were vast piles of crumbling mountains that crowded in the cold green, silt-coloured water of the lake.”

Harris painted a number of sketches on and around Maligne Lake on this trip. These sketches measured approximately 10 ½ x 14 inches. Later, in 1925, Harris started painting on panels approximately 12 x 15 inches. As in the sketch for the 1924 canvas *Maligne Lake, Jasper Park* (in the collection of the National Gallery of Canada, #3541), Harris has situated himself at one end of the lake looking across the water to the mountains. But *Mount Unwin and Charlton—Maligne Lake, Jasper* does not provide a characteristic foreground footing for the viewer. The centralized composition is dominated by the mountains that float in the middle of the panel, their forms reflected in the calm waters. The light is clear though overcast, the forms sharp. The flowing rhythms swoop up to the central peak and into the clouds above.

From the mid-1930s, the bulk of Harris’s output consisted of abstractions, yet he also painted landscapes following his move to Vancouver in 1940. Most are painted on Masonite and were based on oil sketches painted between 1918 and 1931. *Mount Unwin and Charlton* was worked up in a canvas entitled *Mountain, Maligne Lake*, in the collection of the Vancouver Art Gallery, that Harris exhibited with the British Columbia Society of Fine Arts in April 1951. The canvas is largely faithful to the sketch, though the clouds are more stylized, and the colour contrasts less sharp and more flat. As Lisa Christensen has noted, the still waters of the sketch have been stirred by a soft breeze in the canvas.

If Harris’s landscapes of the 1940s and 1950s seem at odds with his abstracts, a circa 1949 drawing entitled *Study for Mountain, Maligne Lake*, in the collection of the Vancouver Art Gallery (#85.19), after *Mount Unwin and Charlton* and not for *Mountain, Maligne Lake*, shows how, in fact, the two were intimately connected. In the drawing Harris delineated the silhouettes of Mount Unwin and Charlton, the sloping hills that enter the composition centre left and right, and the line of the clouds skirting the tops of the peaks, but curving lines in the water create a whole new rhythm that he would develop in *Nature Rhythms* (in the collection of the National Gallery of Canada, #17160), which Harris was working on at the same time. The artist described *Nature Rhythms* in his 1954 publication *Abstract Painting: A Disquisition* as an abstract painting “in which the forces of nature work together in a continuous movement of harmonious formation”—the perfect caption for *Mount Unwin and Charlton—Maligne Lake, Jasper*.

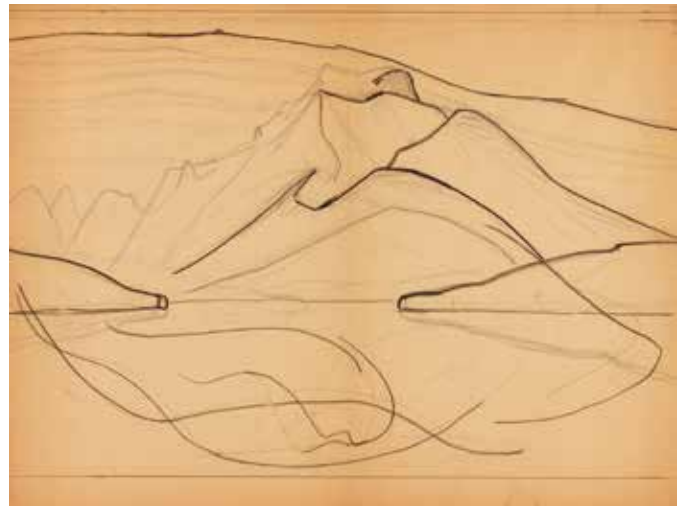
We thank Charles C. Hill, former curator of Canadian art from 1980 to 2014 at the National Gallery of Canada and author of *The Group of Seven: Art for a Nation*, for contributing the above essay.

**ESTIMATE: \$200,000 – 300,000**



**TOP: LAWREN S. HARRIS**  
**Mountain, Maligne Lake**  
oil on canvas, circa 1951  
33 ¾ x 50 ¼ in, 86 x 127.5 cm  
Collection of the Vancouver Art Gallery, #95.45.8  
Gift of Dr. Abraham and Mrs. Naomi Greenberg

Not for sale with this lot



**BOTTOM: LAWREN S. HARRIS**  
**Study for Mountain, Maligne Lake**  
graphite and charcoal on paper, circa 1949  
18 x 23 ¾ in, 45.6 x 60.5 cm  
Collection of the Vancouver Art Gallery, #85.19  
Gift of Mrs. Margaret H. Knox  
Photo: Trevor Mills, Vancouver Art Gallery

Not for sale with this lot

## 141 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885 – 1970

### Lake Superior Country

oil on board, signed and on verso signed, titled and inscribed  
with the Doris Mills inventory #4/30 / H / 80-5, 1922  
12 x 15 in, 30.5 x 38.1 cm

#### PROVENANCE

The Art Emporium, Vancouver

Acquired from the above by Geraldine Biely, Vancouver, 1973

A gift from the above to the Schara Tzedek Synagogue,  
Vancouver, 2015

#### LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Lake Superior Sketches,  
Group 4, listed and a drawing of this work illustrated by Hans  
Jensen, catalogue #30, location noted as the Studio Building  
A.Y. Jackson, *A Painter's Country: The Autobiography of A.Y. Jackson*,  
1958, page 46

Bess Harris and R.G.P. Colgrove, editors, *Lawren Harris*, 1969,  
reproduced page 116

James King, *Inward Journey: The Life of Lawren Harris*, 2012,  
pages 145 – 148

THE NORTHERN SHORE of Lake Superior was a location of enormous significance for the artists who made up the Group of Seven. For instance, A.Y. Jackson wrote in his autobiography: “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 range of hills, and headlands that push out into the lake.” The artist most intensely impacted by this “sublime order,” however, was Lawren Harris.

Beginning in 1918, while still recovering from the personal collapse brought on by the losses within a year of Tom Thomson and his brother Howard (killed in action in World War 1), Harris traveled to the area of Algoma, Ontario. The lush beauty of this area would inspire him to create many vivid and exceptional paintings. While the locale was ideal for many Group members who participated in the celebrated boxcar trips there, J.E.H. MacDonald and Frank Johnston especially, Harris’s response to the north shore of

Superior was even more significant. Prior to his first visit to Superior with Jackson in 1921, a forest fire had recently moved through the area. What remained was a recovering land, punctuated by stark tree trunks and pared down to its essential forms. Judging by the marked change in Harris’s style in this period, this extreme, unalloyed landscape may have been what he sought imaginatively and spiritually as he slowly emerged from crisis.

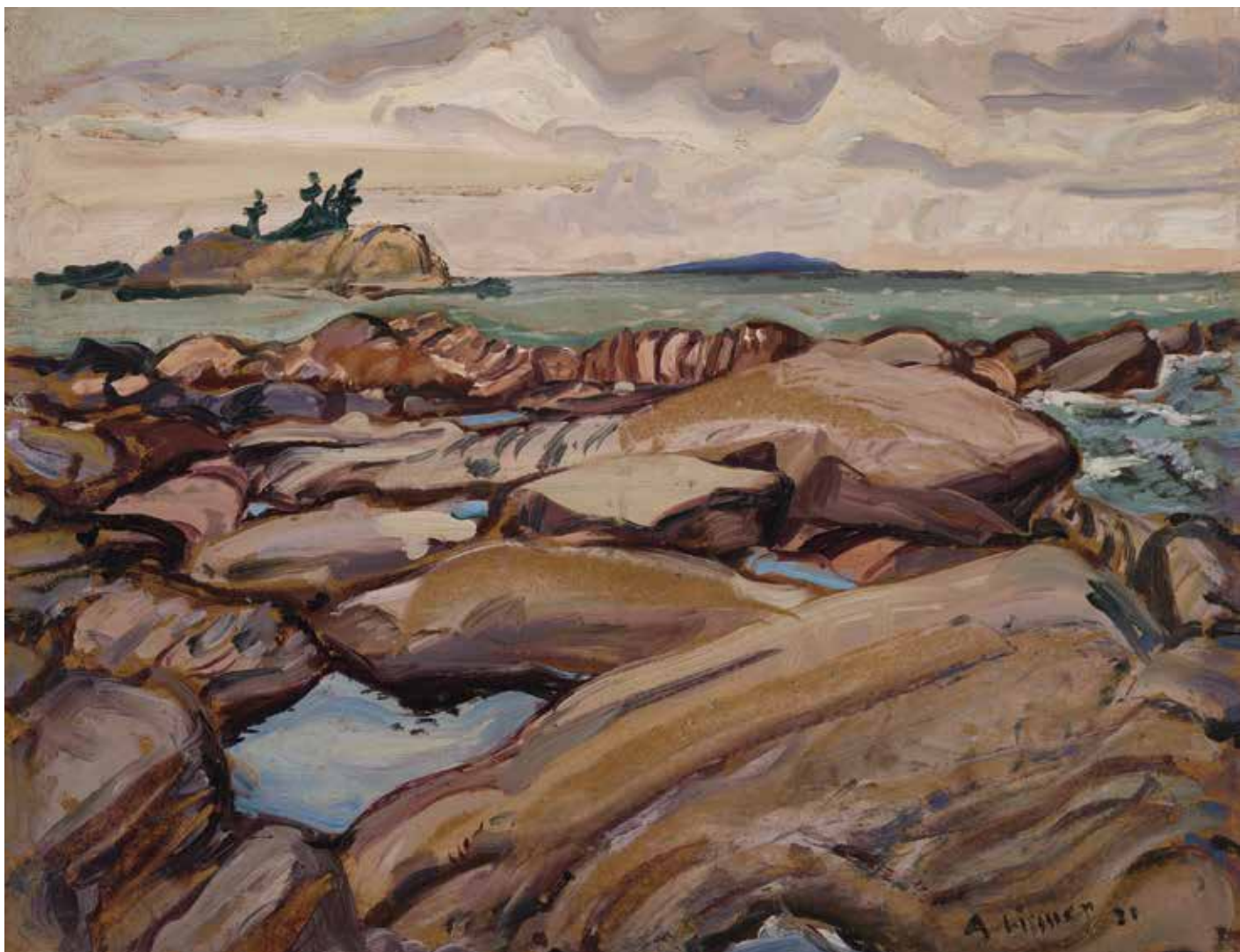
Harris treated the north shore of Lake Superior in a way that is distinct from the work of his colleagues in the Group of Seven. In his sketches of this dramatic landscape, he forged a vocabulary of simplified forms, dramatic colour and a depth of space that has such deep resonance for so many Canadians. The structure of this particular painting is a series of planes receding into space, moving from a shaded foreground to a brilliantly lit middle ground and distant hills in deep shadow. The atmospheric effect in the upper left quadrant of the board is also a crucial detail. While the majority of the lines, shapes and brushwork of the composition move horizontally across the image, that cloud formation is the sole element that moves vertically. It lends a spiritual connotation to the image, implying either ascent from below or descent from above. Its position in the far distance suggests an aspirational joining of land and sky, often symbolic of body and spirit. “Spirit” is perhaps the central word for understanding Harris’s work at this juncture. His search had begun for ways to express the imaginative ideal of a place while describing its physical presence, and to engage with the interior states of the human experience while depicting the exterior states of nature.

The light in the painting is revelatory and dramatic, drawing attention to deep orange and gold and intense blues. The image has a profound stillness but is not quiet, the rich tones suggesting the power and magnificence of the landscape itself. Harris has no need for compositional tricks or flashy paint; rather he weds his subject and his means perfectly. There is a world of extraordinary possibilities in his *Lake Superior Country*, something that few painters before him saw.

Consignor proceeds from the sale of this lot will benefit the Schara Tzedek Synagogue in Vancouver.

**ESTIMATE: \$200,000 – 250,000**





## 142 Arthur Lismer

AAM CGP CSGA CSPWC G7 OSA RCA 1885 – 1969

### Georgian Bay

oil on board, signed and dated 1921

and on verso inscribed variously

12 x 16 in, 30.5 x 40.6 cm

#### PROVENANCE

By descent to the present Private Collection, Ontario

#### LITERATURE

Lawren Harris, *Arthur Lismer: Paintings, 1913 – 1949*,  
Art Gallery of Toronto, 1950, page 9

ARTHUR LISMER'S FIRST trip to Georgian Bay was in 1913, and it became his most iconic painting place. His Group of Seven colleague Lawren Harris emphasized the importance of this region for Lismer, stating,

He was the first artist to paint the McGregor Bay themes and returned to that part of Georgian Bay for many summers as it seemed to him to be the summation of nature's lyric expression of the whole region. His response to great nature in her elemental and dramatic moods or in her pristine and shining moods evoked his sense of form, rhythm and picture organization and gave his paintings a substance and structure that is at once profound, resonant and full-bodied.

In this richly atmospheric work, Lismer's vantage is from the shore, and he depicts with energized brush-strokes the distinctive rock formations and distant islets topped by windblown pines emblematic of Georgian Bay. Moody and squally weather often blows up here, and the sky suggests impending drama, as do the whitecaps on the water. In this vigorous sketch, Lismer captures the raw essence of Georgian Bay and its fresh, blustery ambience.

**ESTIMATE: \$30,000 – 40,000**



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

ALC CGP G7 OSA RCA RSA 1882 – 1974

#### At Go Home Bay

oil on panel, signed and on verso signed,  
titled and inscribed 2245, circa 1920  
8 ½ x 10 ½ in, 21.6 x 26.7 cm

#### PROVENANCE

Private Collection, Quebec

#### LITERATURE

Wayne Larsen, *A.Y. Jackson: The Life of a Landscape Painter*,  
2009, page 55

GO HOME BAY played a pivotal role in A.Y. Jackson's development as an artist. In the summer of 1913, Jackson was painting in a shack at Portage Island in Georgian Bay. He decided to stay through the autumn, to paint the bay's "sterner moods"—but the primitive cottage was freezing. A few kilometres away, Dr. James

MacCallum was about to close up his cottage on Go Home Bay, when a letter from Group of Seven artist Lawren Harris alerted him to Jackson's plight. Harris knew Jackson's resources were meagre and that Jackson was thinking of going to New York. Harris wanted Jackson to come to Toronto and stay in the newly built Studio Building (a Harris-MacCallum venture). MacCallum searched for Jackson in his motorboat, and after finding him and viewing his work, not only invited Jackson to stay at his comfortable cottage on Go Home Bay until October, but offered him a year's financial support if he moved into the Studio Building. This richly hued oil sketch captures the unique rock formations and fresh and breezy atmosphere of Georgian Bay, which would remain a lifelong painting place for Jackson.

**ESTIMATE: \$15,000 – 25,000**

## 144 **Lawren Stewart Harris**

ALC BCSFA CGP FCA G7 OSA TPG 1885 – 1970

### **Early Morning on the Batchawana River, Algoma**

oil on board, signed and on verso signed, titled *Early Morn. on the Batchewan [sic] River, Algoma* by Harris and on the Dominion Gallery label as *Batchewan [sic] River, Algoma, Early Morning*, inscribed 2 (circled) and with the Dominion Gallery Inventory #B1418 and D5050 and stamped Dominion Gallery, Montreal, circa 1918  
10 ½ x 14 in, 26.7 x 35.6 cm

#### **PROVENANCE**

Dominion Gallery, Montreal  
Warwick Gallery Ltd., Vancouver  
Sold sale of *Canadian Art*, Joyner Fine Art,  
May 14, 2002, lot 50E  
Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### **LITERATURE**

Paul Duval, *Lawren Harris: Where the Universe Sings*,  
2011, page 157, reproduced page 185  
James King, *Inward Journey: The Life of Lawren Harris*,  
2012, page 104

IN SPRING OF 1918, Lawren Harris went to the Algoma District, northeast of Lake Superior, with art patron Dr. James MacCallum to recover after his experiences during the war, and the deaths of his brother and his compatriot Tom Thomson. In Algoma, it was as if he had discovered a treasure trove of painting places. This was a wilder landscape than he had previously experienced—with ravines and canyons cut through by streams and waterfalls opening into ponds and lakes, towering granite rock formations, and trees that varied from hardwood to evergreen spruce and pine. Harris called it “a veritable paradise for the creative adventurer in paint in the Canadian North ... We found that there was a wild richness and clarity of colour in the Algoma woods, which made the colour in southern Ontario seem grey and subdued.”

He immersed himself in nature and said that the experience was like “opening a Pandora’s box of pictorial possibilities.” He spoke of “sweet, woody sounds” and “crisp, clear air.” By the end of this trip, Harris felt revitalized. He moved away from his previous elegant winter paintings to works that reflected the

raw nature of this terrain, and he began to use thicker paint and more vigorous brush-strokes. Rather than choosing a decorative approach, he began to place more emphasis on the underlying structure of the landscape.

As Algoma restored Harris’s soul, he hatched a plan to share it with the painting colleagues that would become the Group of Seven. In the fall of 1918, he organized another trip there, arranging with the Algoma Central Railway for the use of a boxcar. On September 10, Harris and MacCallum, along with J.E.H. MacDonald and Frank Johnston, departed Toronto in CPR boxcar 10557, which was outfitted with bunks, a stove, a sink, a kitchen bench, lamps, lanterns and food supplies. During this trip, they were recorded as being stationed at Agawa River, Hubert and Batchawana; they had the use of a three-wheel handcar to take short trips up and down the track, and a canoe to traverse the waterways. They explored and painted by day, and at night had lively discussions in the boxcar. They stayed until the first week of October, then returned to Toronto. A.Y. Jackson joined them on their autumn 1919 Algoma boxcar trip, which culminated in a week-long stay at Batchawana. He related that their nightly talks included not only artistic subjects, but ranged “from Plato to Picasso, to Madame Blavatsky and Mary Baker Eddy.” Harris instigated many discourses on philosophy and metaphysics, subjects growing in importance to him.

Autumn in Algoma was a stunning sight—masses of gold and red rolled through the hillsides, contrasted by dark evergreens. Harris captures these colours expertly in this richly pigmented work, which also shows dusky hills glowing with pinks and purples and backlit by the pale light of dawn. The river is so still that reflections are mostly clear, with only some lines and breaks in the mirrored images denoting movement in the water. Painting out of doors in Algoma demanded quick decisions, seizing on the most important pictorial elements and eliminating extraneous details. In *Early Morning on the Batchawana River, Algoma*, Harris’s composition is an expertly balanced unity of sky, land and water. The rhythm of the rolling contours of the hills is pierced by the vertical lines of the solemn evergreens, which are in turn contrasted to the fluid, light green bushes dancing on the shore. Finally, the tranquil waters of the river give a dreamy, contemplative tone to this reverent depiction of dawn in Algoma.

**ESTIMATE: \$150,000 – 250,000**







## 145 Lawren Stewart Harris

ALC BCSFA CGP FCA G7 OSA TPG 1885–1970

### Bay, Lake Superior (Lake Superior Sketch LXXX)

oil on board, signed and on verso signed, titled and inscribed with the Doris Mills inventory #4/80, the Artist's symbol and 5, circa 1922  
10 ½ x 13 ¾ in, 26.7 x 34.9 cm

#### PROVENANCE

The Art Emporium, Vancouver, 1974

Private Collection, Toronto

Sold sale of *Canadian Art*, Joyner Fine Art,

May 14, 2002, lot 50D

Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

Doris Mills, *L.S. Harris Inventory*, 1936, Lake Superior Sketches,

Group 4, catalogue #80, location noted as the Studio Building

Paul Duval, *Lawren Harris: Where the Universe Sings*, 2011,

page 164

Ian A.C. DeJardin, *Painting Canada: Tom Thomson and the*

*Group of Seven*, Dulwich Picture Gallery, 2011, page 25

LAWREN HARRIS FIRST saw the north shore of Lake Superior at the end of his fall trip to Algoma in 1921, while traveling on a Canadian Pacific Railway freight train with fellow Group of Seven artist A.Y. Jackson, and he was struck by the panoramic views. The two artists disembarked at Schreiber and walked to Rossport. Although they were only there for a short period on that trip, Harris was greatly impressed by this stunning landscape, and he returned in October of 1922, camping for a week at Coldwell with Jackson. He went back again on sketching trips in the fall of 1923 and 1925. Of all the Group members, Harris undertook the most powerful transformational evolution, and the Lake Superior landscape brought his metaphysical inclinations to the forefront—his interest in theosophy intensified, and he was in tune with its

belief that the wilderness is a repository of mystical experience.

*Bay, Lake Superior (Lake Superior Sketch LXXX)* retains some links to Harris's previous work in Algoma—it has the lush autumn colouration seen in his works from that area, as well as the small, rounded and volumetric tree forms. However, it had been pointed out by Jackson that Harris had found Algoma too opulent for his taste, and the greater sense of space Harris found at Lake Superior elicited a strong response in him. He stated, "I felt most at home sketching in Superior. It seemed like an empty canvas in front of me waiting to be filled... Superior offered a challenge by its very simplicity and an opportunity to abstract landscape. The motifs there were uncomplicated and the spaces so wide."

In Lake Superior works such as *Bay, Lake Superior*, Harris responded to the rugged, muscular structure of the hills around locations such as the bays near Coldwell. Here Harris chose to look inward towards the land, rather than focusing on the long, open vistas across the vast lake. He depicted large masses of bright foliage on the hills interspersed with rock cliffs, which wrap around the bay. Looking from his high vantage point on the bare stone shelves, Harris pulls our eye to the rounded hills on the other side of the lake and up to more distant hills and a wedge of sky.

Harris's handling of light is superb—blocks of shade across the cliffs contrast with the glowing fall colours, higher hills in the background are bathed in mist, and the wash of light striking the far end of the lake makes the water glow pale blue. This is the kind of view that stimulates the viewer's sense of the sublime—it is a landscape that expands the soul. In his Lake Superior works, Harris found, in his words, "wondrous moments... when the outward aspect of nature becomes for a while full luminous to her reforming spirit—and man, nature and spirit are one."

**ESTIMATE: \$150,000 – 250,000**



**146 James Edward Hervey (J.E.H.)  
MacDonald**

ALC CGP G7 OSA RCA 1873 – 1932

**Rock and Cherry Trees, Sturgeon Bay**

oil on board, initialed and dated September 4, 1931 and on verso signed, titled, dated and inscribed *Georgian Bay near Pt. au Baril*  
8 ½ x 10 ½ in, 21.6 x 26.7 cm

**PROVENANCE**

Galerie Walter Klinkhoff Inc., Montreal  
Loch Gallery, Winnipeg  
Private Collection, Manitoba

WITHIN THE GROUP of Seven, J.E.H. MacDonald was a champion of their principles—he was an eloquent spokesman and led their early battles against unfavourable critics. He was also a leading graphic designer, a teacher, a poet and a calligrapher. The location of this vivacious oil sketch is pinpointed on verso as

Pointe au Baril, on Georgian Bay. Georgian Bay was a destination for many Group members, and MacDonald first traveled there as early as 1909. In 1911 he was invited to the cottage of Dr. James MacCallum, a Group benefactor, at Go Home Bay. For many years he visited MacCallum, and in 1915 he painted decorations for the cottage. The year this work was produced, 1931, marked his last trip to this painting place. *Rock and Cherry Trees, Sturgeon Bay* captures the fresh atmosphere and open vistas of the area, with its bright blue sky and cumulus clouds rolling over the horizon. There is something delightfully companionable about the wild cherry in glowing autumn colours next to the tree most characteristic of the Georgian Bay area—the windblown pine, an iconic symbol for the Group.

**ESTIMATE: \$40,000 – 60,000**



**147 James Edward Hervey (J.E.H.)  
MacDonald**

ALC CGP G7 OSA RCA 1873 – 1932

**The Swamp, Algonquin Park**

oil on panel, on verso signed, titled, dated 1914  
and certified by Thoreau MacDonald, November 1951  
8 x 10 in, 20.3 x 25.4 cm

**PROVENANCE**

William Colgate, Toronto; Laing Galleries, Toronto  
Kenneth G. Heffel Fine Art Inc., Vancouver  
Private Collection, British Columbia  
Sold sale of *Fine Canadian Art*, Heffel Fine Art  
Auction House, May 10, 2000, lot 121  
Private Collection, USA; Sold sale of *Fine Canadian Art*, Heffel  
Fine Art Auction House, May 15, 2013, lot 181  
Private Collection, Montreal

**LITERATURE**

Paul Duval, *The Tangled Garden: The Art of J.E.H. MacDonald*,  
1978, page 47

IN JANUARY OF 1913, J.E.H. MacDonald and Lawren Harris traveled to Buffalo to view an exhibition of Scandinavian art at the Albright Art Gallery. To their excitement, they saw paintings of wild northern lands in a style which coincided with their own, and they returned to Toronto to spread the word. Paul Duval wrote that by this time, the two artists “were linked in the minds of their fellow painters as the two leaders or ‘conspirators’ of a new school of Canadian painting.”

In January of 1914, MacDonald was painting in the now-famous Studio Building on Severn Street in Toronto, alongside other future Group of Seven members. Tom Thomson was also painting there, telling tales of the Algonquin Park wilderness, his prime source of inspiration. In March of that year, MacDonald headed to Algonquin, where he painted with J.W. Beatty and A.Y. Jackson, producing a group of oil panels, such as this bold depiction of a swamp still engulfed by winter snow. His strong brushwork, clear atmosphere and fine use of blue shadows to contrast pure snowdrifts make this a superb sketch from this trip.

There is an unfinished sketch on verso.

**ESTIMATE: \$25,000 – 35,000**



## 148 Paul Peel

OSA RCA 1860 – 1892

### Orchestra Chairs

oil on canvas, signed and dated 1892

58 x 75 3/8 in, 147.3 x 191.5 cm

#### PROVENANCE

Estate of the Artist

By descent to Isaure Verdier Peel, 1892

A gift to Mildred Peel (Lady Ross)

Dr. Alfred J. Peel, Ross estate executor, 1922

Theodore Pringle Loblaw, Toronto, circa 1922

Sold sale of *Estate of T.P. Loblaw*, Ward-Price Auctioneer,  
June 1933

W. Joseph Newton for the Loblaw Foundation, Toronto

Given as a gift to Toronto Western Hospital, in memory of T.P.

Loblaw (member of the board of governors, 1926 – 1933)

Sold sale of *Important Canadian Art*, Sotheby's Canada

in association with Ritchie's, May 28, 2007, lot 140

Private Collection, Ontario

Sold sale of *Canadian Art*, Joyner / Waddington's,

November 22, 2010, lot 75

Property from an Important Private Collection  
to Benefit a Charitable Foundation

#### LITERATURE

"Canvas by Great London Artist on Exhibit at Western Fair,"

*The London Free Press*, September 14, 1937, reproduced

Victoria Baker, *Paul Peel: A Retrospective, 1860 – 1892*, London

Regional Art Gallery, 1986, reproduced page 167

#### EXHIBITED

Art Institute of Chicago, *United Annual Exhibition of the  
Palette Club and the Cosmopolitan Club*, January 24, 1895,  
catalogue #82

*Paul Peel Exhibition*, Ashland Block, Chicago, September 1895  
Western Fair, London, Ontario, 1937

London Regional Art Gallery, *Paul Peel: A Retrospective, 1860 –  
1892*, September 6 – October 26, 1986, traveling to other  
Canadian museums and art galleries, catalogue #75

*ORCHESTRA CHAIRS* is among the last paintings completed by Paul Peel in his Paris studio, at 19 rue Raffet, before the artist's premature death in Paris in October 1892, aged 32. This sunny composition of carefree childhood may have been inspired by Peel's 1891 summer spent at his Danish in-laws' cottage near Copenhagen, with his young wife and children—Robert André, age 5, and Marguerite Emilie, age 3. An 1891 oil study, *Good Morning*, in the collection of the RiverBrink Art Museum, which depicts a little blonde girl looking through a window, sun at her back, may be a preliminary idea for *Orchestra Chairs*—specifically, the child to the far right.

In 1893, the artist's widow and children moved with the contents of Peel's studio to Chicago. Here, *Orchestra Chairs* was first exhibited as part of the *United Annual Exhibition of the Palette Club and the Cosmopolitan Club* at the Art Institute of Chicago in January 1895, and in September 1895 in a Paul Peel solo

exhibition held in the then recently inaugurated Ashland Block Building. The appeal of the painting to Middle American viewers was reflected in a local review:

Something to be remembered for many days is the quaint creation "Watching for the Stage Coach," or as the artist himself called it, "Orchestra Chairs." It shows a group of children who have gathered on the roadside for a coach to go by. They are stopped in their progress by the fence, upon which they climb and rest. The larger ones find seats, the smaller can only peep through. They are the raggedest, happiest little mortals that ever an artist painted. They are shoeless, stockingless, ragged as to the brims of their hats, but they are monarchs of what they survey. There is a dog in the group, a long-eared fellow, with head somewhat on one side, who seems not the least interested spectator there. The reproduction gives but a faint idea of the picture, the charm of it being in the color, the atmospheric effects, the general air of freedom from all that is false in nature. It comes nearer being of the luminous school than any other work in the collection.

Within the aesthetic context of late nineteenth-century Realism, Peel reinvigorates a common Victorian sentimental subject through greater attention to the visual realities of outdoor light and atmospheric conditions on forms. Under the hot summer sun, the palette naturally freshens, forms flatten, and anecdotal details, so important to an earlier generation, are suppressed. The atmospheric naturalism of *Orchestra Chairs* builds upon a decade of outdoor painting experience gained by the artist in rural Brittany and Normandy. The flattened pictorial perspective suggests an understanding of non-perspectival spatial effects gleaned from photography, used by Peel as an *aide-mémoire*. Yet the progressive elements of the painting, apparent to the 1895 viewer, are less obvious to the twentieth-century eye, caught by the sweetness of the happy subject of children. The differences are better appreciated by comparison with Peel's better-known studio posed and lit genre paintings, such as *The Spinner* (1881, collection of the Montreal Museum of Fine Arts) or *The Little Shepherdess* (collection of the Art Gallery of Ontario), painted in the same year.

*Orchestra Chairs* remained with the Peel family until 1922, when it was purchased from the estate of the artist's sister, Mildred Peel, by Theodore Pringle Loblaw, of Canadian grocery store fame (who would also acquire *The Young Biologist*, 1891, in the collection of the Art Gallery of Ontario). Significantly, the acquisition of *Orchestra Chairs* coincided with Loblaw's adoption of his wife's three-year-old orphaned niece. The painting became a cherished possession around which the Loblaws reportedly built an addition to their palatial Toronto home, Bonnyview (since demolished). When Loblaw died in 1933, it was donated in his memory to the Toronto Western Hospital, where he had served on the board of governors.

We thank Victoria Baker, author of *Paul Peel: A Retrospective, 1860 – 1892*, for contributing the above essay.

**ESTIMATE: \$250,000 – 350,000**



## 149 Marc-Aurèle Fortin

ARCA 1888 – 1970

### Vue de Longueuil

oil on board, signed and on verso inscribed

*Paysage and B-412*, circa 1930

22 x 23 ¼ in, 55.9 x 59.1 cm

#### PROVENANCE

Collection of Mr. and Mrs. René Buisson, Noranda, Quebec Private Collection, Quebec

#### LITERATURE

Jean-René Ostiguy, *Fortin*, National Gallery of Canada, 1964, listed, unpaginated, catalogue #28

#### EXHIBITED

Art Association of Montreal, *48th Spring Exhibition*, March 20 – April 19, 1931  
National Gallery of Canada, Ottawa, *Fortin*, April 17 – May 17, 1964, traveling to the Montreal Museum of Fine Arts; Musée du Québec, Québec City; Norman Mackenzie Art Gallery, Regina;

and the Willistead Art Gallery, Windsor, catalogue #28  
Musée Marc-Aurèle Fortin, Montreal, *Marc-Aurèle Fortin and His Paintings*, May 16 – September 15, 1984

IN 1925, MARC-AURÈLE FORTIN was living in Montreal, and the city became his prime subject—including the neighbourhood of Hochelaga, in the east end of the city. Fortin found Hochelaga a fascinating subject due to its density of its residential and industrial development, which pushed out into the surrounding farmland, and he painted panoramic views over Hochelaga to the hills beyond numerous times. This is a richly coloured and detailed painting of this subject, which includes the striking Cathedral of Saint-Antoine-de-Padoue on the opposite shore of the St. Lawrence, at Longueuil. Fortin's signature great trees amongst the foreground buildings add another essential element to this fine painting.

This work will be included in the forthcoming catalogue raisonné on the artist's work, #H-0787.

**ESTIMATE: \$40,000 – 60,000**





## 150 Jean Dufy

1888 – 1964 French

### Paris, La Passerelle des Arts

gouache and watercolour on paper, signed, dated 1958 and inscribed *Bonne Année* and on verso titled *Notre Dame et la Seine, Paris* on the Dominion Gallery label and inscribed with framing notes

6 ¼ x 9 in, 15.9 x 22.9 cm

#### PROVENANCE

Dominion Gallery, Montreal  
Private Collection, Edmonton

JEAN DUFY'S BIRTHPLACE was Le Havre, France, and his brother and mentor was the renowned Fauve artist Raoul Dufy. Jean moved to Paris about 1912, and here he became acquainted with luminaries such as the artists Pablo Picasso and Georges Braque and writer Guillaume Apollinaire. After military service and work in a textile painting studio in Lyon, Dufy was back in Paris by 1920, settling in Montmartre. Dufy continued to visit

Le Havre. He traveled throughout Europe, England and North Africa and spent many years on a farm near Nantes, but the city of Paris was his enduring passion. *Paris, La Passerelle des Arts*, with its cool and refreshing blues and greens, laid down with light and transparent brushwork, is an outstanding example of his depictions of Paris. Dufy's graceful paint-strokes outline the essential features of Notre-Dame Cathedral and one of the Seine River's many bridges.

This lot is accompanied by a photo-certificate of authenticity signed and sealed by Jacques Bailly and titled and dated Paris, June 14, 2018, with a note that this work will be included in the forthcoming catalogue raisonné on the artist's works, certificate #4686.

**ESTIMATE: \$10,000 – 15,000**



## 151 Clarence Alphonse Gagnon

CAC RCA 1881–1942

### Weaving Rag Carpets

oil on canvas, signed and dated 1903  
and on verso inscribed variously  
16 ½ x 19 ¼ in, 41.9 x 48.9 cm

#### PROVENANCE

Acquired directly from the Artist, 1903  
James Morgan, Montreal  
Private Collection, London  
Private Collection, Calgary  
Sold sale of *Important Canadian Art*, Joyner /  
Waddington's, May 27, 2011, lot 60  
Private Collection, Toronto

#### LITERATURE

Hélène Sicotte and Michèle Grandbois, *Clarence Gagnon, 1881–1942: Dreaming the Landscape*, Musée national des beaux-arts du Québec, 2006, page 38  
Charles C. Hill et al., *Artists, Architects and Artisans: Canadian Art 1890–1918*, National Gallery of Canada, 2013, reproduced page 164

#### EXHIBITED

Morgan's Department Store, Montreal, *Clarence Gagnon*, 1904  
Art Association of Montreal, Royal Canadian Academy, *25th Annual Exhibition*, March 17, 1904, catalogue #65  
World's Fair, St. Louis, Missouri, *Canadian Section of the Department of Art*, April 30–December 1, 1904, catalogue #31  
Art Association of Montreal, *Canadian Pictures Returned from the St. Louis Exhibition*, January 5–14, 1905, catalogue #4  
Galleries of Henry Morgan and Company, Montreal, *Paintings, Etchings, Japanese Prints, China, Etc.*, May 15–30, 1907, titled as *Weaving Rag Carpets, Beauvre, QC*, catalogue #18  
National Gallery of Canada, Ottawa, *Artists, Architects and Artisans: Canadian Art 1890–1918*, October 25, 2013–January 26, 2014, catalogue #195

AT THE TURN of the century, the European Barbizon and Hague schools had a strong influence on collectors and artists in Montreal, including Clarence Gagnon, who viewed works in this style in Art Association of Montreal exhibitions between 1898 and 1903. These paintings depicted rural landscapes and peasants working, using a predominantly dark palette. Also prevalent at this time was the philosophy of English designer, poet and social activist William Morris, who supported the revival of British



textile arts and methods of production through the Arts and Crafts Movement. Hélène Sicotte wrote that Gagnon “was naturally drawn to a conception of art that combines traditional crafts, the decorative arts and architecture.” At this time Gagnon was visiting Île d’Orléans and Côte-de-Beaupré, rustic areas where the spirit of old France was still strong and crafts were produced with traditional methods. *Weaving Rag Carpets*, with its subject of a weaver at her loom, embodies these ideals. Gagnon’s use of light is masterful—it pours in from the window and lights up the darkness, highlighting the woman’s labours and creating a warm atmosphere in this rich canvas.

**ESTIMATE: \$25,000 – 35,000**

## 152 Cornelius David Krieghoff

1815 – 1872

### Camp at Moonlight

oil on canvas, signed and on verso titled  
on a label and inscribed variously, circa 1860  
12 ¼ x 18 ¼ in, 31.1 x 46.4 cm

#### PROVENANCE

Loch Mayberry Fine Art Inc., Winnipeg  
Private Collection, Manitoba

CORNELIUS KRIEGHOFF OFTEN depicted the lives of First Nations people and early settlers amid the challenging conditions of winter. In a number of works he showed lean-to winter camps, some sheltering sportsmen with their guides and some with First Nations people, such as we see here. This rare moonlit scene showcases Krieghoff’s fine painterly abilities, a product of his European training. A bright full moon lights up the clouds and reflects across the snowy riverbank and trees. Krieghoff’s fine attention to detail adds much to the scene—from the inclusion of snowshoes and a toboggan to the woman and child waiting to greet the men, who bring vital supplies. In the night sky, the bluish colouration is a phenomenon seen when the moon is very bright. Krieghoff’s vision of early life in Canada was primarily a romantic one, and in *Camp at Moonlight* we are struck by the beauty of the moonlit scene and the warmth of the family reunion.

The Montreal Museum of Fine Arts has a similar 1855 Krieghoff oil entitled *Indian Hunter and His Family* in its collection.

**ESTIMATE: \$25,000 – 35,000**



**153 Robert Wakeham Pilot**

CGP OSA PRCA 1898 – 1967

**Evening, St. Johns Gate,  
Quebec City**

oil on canvas, signed and on verso  
signed, titled and dated circa 1935  
on the Masters Gallery label  
22 x 18 in, 55.9 x 45.7 cm

**PROVENANCE**

Galerie Walter Klinkhoff Inc., Montreal  
Arthur Leggett Fine Art & Antiques,  
Toronto  
Masters Gallery Ltd., Calgary  
Private Collection, Vancouver

**LITERATURE**

Paul Duval, *Canadian Impressionism*,  
1990, page 138

Pilot was a master of twilight, that transient time of day when artificial lamps and natural light are joined in the same vibration. That insubstantial effect is at its most magical in winter, when the dominant fields of white reflect both light sources.

—PAUL DUVAL

THIS VIEW OF St. Johns Gate, an entrance to Quebec City's old town, a UNESCO World Heritage site, encapsulates both Robert Pilot's appreciation of traditional Quebec architecture and his acute sensitivity to atmosphere. The approach of twilight is depicted with a palette dominated by tints of blue and grey, contrasted by the dark beige of the stone and the one bright note of colour—the orange coat of the passerby. Pilot's treatment of snow is exquisite, depicted softly settled on the buildings and piled at their bases, and especially in the walkway, where the melted, watery surface creates reflections. The air itself seems palpable, with a slight haze—that special greyish light of winter that absorbs subtle pastel notes from the radiance of the city in the sky. The work's quiet ambience makes this painting an ode to this special part of Quebec City.

**ESTIMATE: \$30,000 – 40,000**



## 154 Maurice Galbraith Cullen

AAM RCA 1866 – 1934

### Ice Breaking, L'Assomption

oil on board, signed and on verso titled on the Masters Gallery label and certified by Cullen Inventory #1451, circa 1914  
10 3/8 x 13 3/4 in, 26.4 x 34.9 cm

#### PROVENANCE

Kastel Gallery, Montreal  
Galerie L'Art Français Ltée, Montreal  
Masters Gallery Ltd., Calgary  
Private Collection, Vancouver

#### LITERATURE

Hughes de Jouvancourt, *Maurice Cullen*, 1978, the circa 1914 canvas entitled *Ice Breaking, L'Assomption*, in the collection of the National Gallery of Canada, reproduced page 91  
Crystal S. Parsons, *Maurice Cullen and His Circle*, National Gallery of Canada, 2009, page 11, the circa 1914 canvas entitled *Ice Breaking, L'Assomption*, in the collection of the National Gallery of Canada, reproduced frontispiece

#### EXHIBITED

Art Gallery of Ontario, Toronto, *Special Exhibition*, label on verso

MAURICE CULLEN WAS one of Canada's important Impressionist painters. In 1888 he traveled to Paris, the epicentre of this exciting new art movement. On his return to Canada, Cullen's painting continued to embody the tenets of Impressionism—his scenes were executed out of doors, and light and atmosphere were paramount. *Ice Breaking, L'Assomption* is the sketch for the circa 1914 National Gallery of Canada canvas of the same name, and this image is an outstanding example of his work from this time period, in which he often portrayed winter activities such as people cutting and harvesting ice. Crystal Parsons notes that later, "following his return from service overseas as a war artist in 1919, the human element is largely absent from his work, merely reflected in the occasional house."

This scene takes place in L'Assomption, a suburb of Montreal, and Cullen's treatment of winter light and colour is acutely sensitive. The work has an overall silvery mauve tone, and Cullen infuses delicate green and pink tints into the snow and ice. His softly brushed sky and the blurred reflections in the stream are especially atmospheric.

ESTIMATE: \$12,000 – 16,000



## 155 Robert Wakeham Pilot

CGP OSA PRCA 1898 – 1967

### Quebec Village

oil on canvas, signed and dated 1937

18 ¼ x 24 in, 46.4 x 61 cm

#### PROVENANCE

Stevens Art Gallery, Montreal

Private Estate, Halifax

Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, November 21, 2005, lot 40,  
titled as *St. Hilaire*

Property from an Important Private Collection  
to Benefit a Charitable Foundation

ROBERT PILOT'S DEDICATION to Impressionism and its  
emphasis on atmosphere made him keenly observant of the soft  
light he found in Montreal, Quebec City and the Laurentians.

In this work, he deftly captured the cool beauty of winter. His treatment of snow is exquisite—pastel tones accentuate the white and define the churned and trodden pathways, and luminous blue shadows cast by snowbanks and buildings provide contrast. The predominantly pale palette is enlivened by Pilot's use of gold, blue and orange in the buildings, as well as the orange of the sleigh. In portraying cities and towns, Pilot chose to exclude the modern, and here we are pulled back to a more peaceful time when the horse and sleigh was still used for transportation. Pilot was also interested in traditional architecture, and he included the church in the background with its striking spire rising above the houses, its verticality echoed by the tall tree in the foreground. With his sensitivity to the mood and unique elements of this archetypical Quebec community, Pilot captured the essential poetry of this winter scene.

**ESTIMATE: \$20,000 – 30,000**



## 156 Robert Wakeham Pilot

CGP OSA PRCA 1898 – 1967

### The Wharf, Sillery, Quebec

oil on canvas, signed and on verso certified by William R. Watson on the Watson Art Galleries label, circa 1937

18 x 22 in, 45.7 x 55.9 cm

#### PROVENANCE

Watson Art Galleries, Montreal

Private Collection, Toronto

Private Collection, Ottawa

Sold sale of *Important Canadian Art*, Sotheby's Canada in association with Ritchie's, May 27, 2003, lot 167

Property from an Important Private Collection to Benefit a Charitable Foundation

#### EXHIBITED

Watson Art Galleries, Montreal, *Exhibition of Paintings by Robert Pilot*, 1951

A PROMINENT IMPRESSIONIST, Robert Pilot was considered the last important artist painting in this style in Canada,

following after his stepfather, Maurice Cullen, and James Wilson Morrice. Two years in Paris and Cullen's tutelage steeped Pilot in the tenets of this movement, most importantly the capturing of light and atmosphere. Quebec City and its surrounds formed a significant theme for Pilot, and here he depicts Sillery, a once independent municipality that was amalgamated into Quebec City in 2002. Historically, it was a First Nations site where the Algonquin fished for eels in the St. Lawrence River. Pilot's view across the river includes the striking spire of Église Saint-Michel de Sillery on the promontory. Always acutely sensitive to atmosphere, Pilot captures soft pastel tones in the sky reflected back in the still water and a rising plume of smoke from a distant boat. Adding to the visual interest of the work, he includes a scattering of people across the wharf, forming an intriguing record of everyday life on this active river.

The Musée national des beaux-arts du Québec has a similar view by Pilot in its collection—*Gold Autumn, Sillery*, with a circa date of before 1937.

**ESTIMATE: \$20,000 – 30,000**



## 157 Robert Wakeham Pilot

CGP OSA PRCA 1898 – 1967

### Wolfe's Cove (L'Anse au Foulon)

oil on canvas, signed  
24 x 32 in, 61 x 81.3 cm

#### PROVENANCE

Galerie Walter Klinkhoff Inc., Montreal  
Private Collection, Montreal

THE TRADITIONAL VILLAGES of Quebec and the old parts of Montreal and Quebec City were the subjects most meaningful to Canadian Impressionist Robert Pilot. The location of this painting is Wolfe's Cove (L'Anse au Foulon), a historic location over a mile to the north of Quebec City. In 1759, the British general

James Wolfe and his forces attacked a French post there under the leadership of Louis Du Pont Duchambon de Vergor and overpowered it. Wolfe would go on to be victorious over the French in the Plains of Abraham battle later that same year, a pivotal moment in the Seven Years' War and in Canada's history. In this atmospheric work, Pilot has captured the steep cliffs that distinguish Wolfe's Cove, with the vegetation at the bottom and grassy headlands glowing with the orange and gold tones of fall. In Pilot's panoramic view, all is peaceful in the traditional houses clustered at the bottom of the cliff. Boats traverse the waterway and a clouded sky breaks into patches of blue. *Wolfe's Cove* is a fine example of Pilot's sensitive and romantic lyricism.

**ESTIMATE: \$20,000 – 30,000**





## 158 Robert Wakeham Pilot

CGP OSA PRCA 1898 – 1967

### View of Quebec City

oil on canvas, signed and on verso titled on a label  
16 1/8 x 20 in, 41 x 50.8 cm

#### PROVENANCE

Peter Ohler Fine Arts Ltd., Vancouver  
By descent to the present Private Collection, Calgary

**DURING HIS TIME** in France, Robert Pilot studied at the Académie Julian in Paris in 1920, and in 1921 painted at the artists' colony of Concarneau in Brittany. On his return to Canada, he applied the tenets of French Impressionism to his Quebec paintings. Pilot was invited to show in the first Group of Seven

exhibition, in 1920, but differed philosophically from the Group's nationalist approach. He was not interested in espousing causes, but continued to paint lyrical images of old Quebec such as we see here. This view of the ramparts of Quebec City from the far shore was an iconic subject for Pilot; it includes such classic elements as the ferry from Lévis steaming across the St. Lawrence River and distant hills cloaked in a subtle mistiness.

Pilot enjoyed success during his life—his work was handled by respected dealers William Watson Galleries and Laing Galleries. In 1953 he received the British Coronation Medal and was elected a member of the U.S. National Academy of Design. In 1968 the Montreal Museum of Fine Arts held a retrospective of his work that traveled to the National Gallery of Canada.

**ESTIMATE: \$25,000 – 35,000**



## 159 Frederick Horsman Varley

ARCA G7 OSA 1881 – 1969

### Skimmerhorn Barrier, BC

oil on canvas board, signed and on verso titled, dated circa 1961 on the gallery label, inscribed 5145 and stamped with the Varley Inventory #979  
12 x 16 in, 30.5 x 40.6 cm

#### PROVENANCE

Roberts Gallery, Toronto  
Private Collection, Toronto  
Sold sale of *Important Canadian Art*, Sotheby's Canada  
in association with Ritchie's, May 28, 2007, lot 197  
Private Collection, Ontario

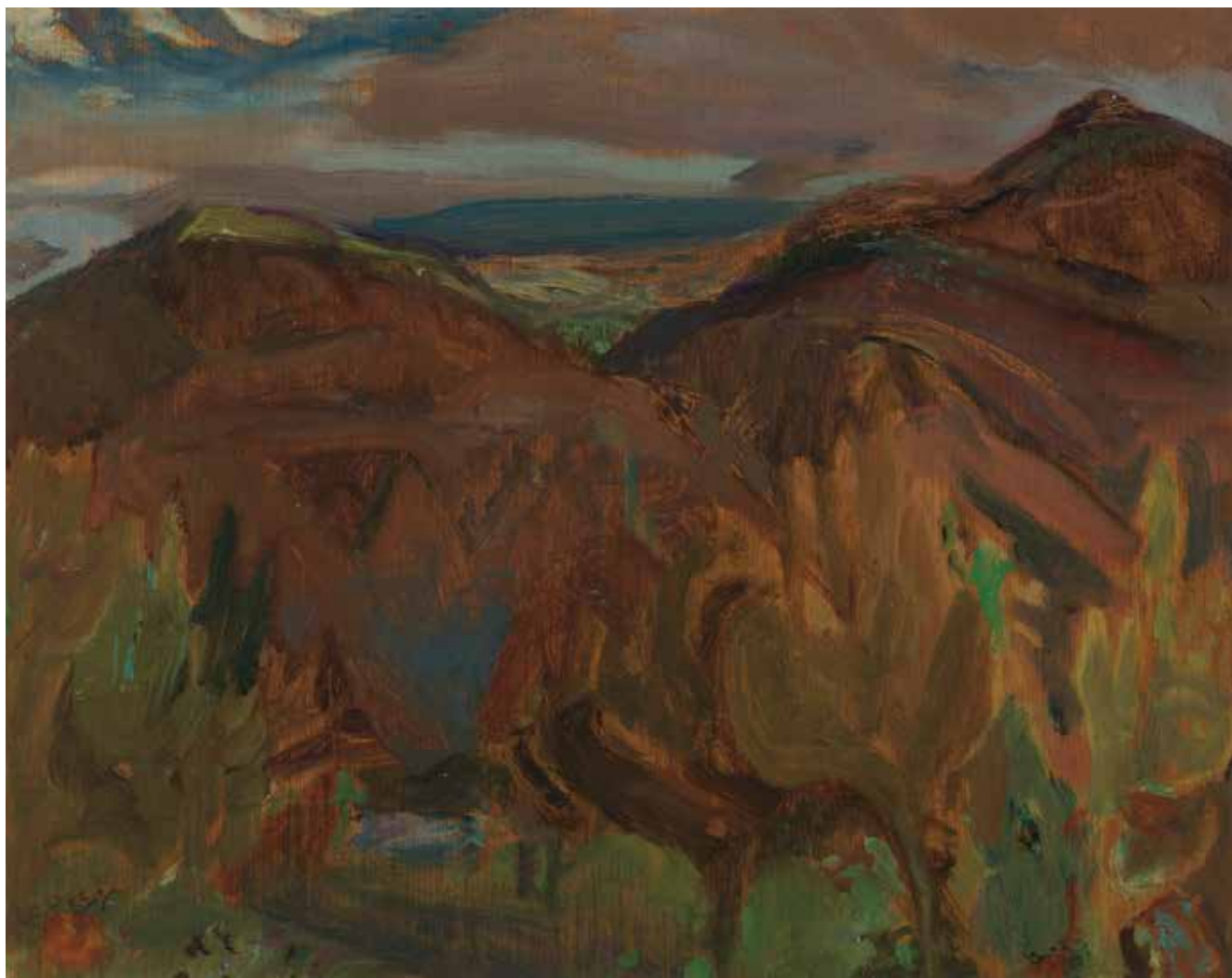
IN 1936, AFTER painting and teaching in Vancouver from 1926 on, Frederick Varley returned to the east, first living in Ottawa, then Toronto. However, British Columbia had made an indelible

impression on him, and he longed to return. In 1957 he traveled back to that province with his patron Kathy McKay, this time not to the coast, but to the east shore of Kootenay Lake, in southeastern BC. This was the first of several trips to the area, with the last occurring in 1967.

The Skimmerhorn mountains, known as The Barrier, make up part of the Purcell range near Creston in the Kootenay region. Varley had often depicted rugged mountains such as this during his time in Vancouver, when he explored the North Shore range and camped and painted in Garibaldi Provincial Park. *Skimmerhorn Barrier, BC* relates back to his early coastal mountain subjects with its raw muscularity of form and sculpted planes. Cloud patterns and mists coalescing and dissolving over the mountains also fascinated Varley, and here the soft movement of the misty cloud rising at the top left is particularly poetic.

This work is #979 in the Varley Inventory listing.

**ESTIMATE: \$20,000 – 30,000**



## 160 Frederick Horsman Varley

ARCA G7 OSA 1881 – 1969

### Steeple Mountain from Twin Bays, BC, Kootenay Lake

oil on board, signed and on verso titled, dated circa 1960, inscribed *F* and stamped with the Varley Inventory #974  
12 x 15 in, 30.5 x 38.1 cm

#### PROVENANCE

Roberts Gallery, Toronto  
Private Collection, Toronto  
Sold sale of *Important Canadian Art*, Sotheby's  
Canada, May 26, 2011, lot 47  
Private Collection, Montreal

ON HIS LATER trips to southeastern British Columbia from 1957 to 1967, Frederick Varley produced paintings for shows at Roberts Gallery, his Toronto dealer (which also handled the work of

fellow Group of Seven member A.J. Casson). Varley's exhibition in 1957 at Roberts Gallery was a sell-out, and his show there in 1961 was also a runaway hit. Finally Varley, who had struggled all his life to make ends meet, was seeing some monetary success.

In this striking view of Steeple Mountain at Kootenay Lake, Varley used the palette he had become known for in his early days on the West Coast, when he taught at the Vancouver School of Decorative and Applied Arts and painted in his studios in Vancouver and Lynn Valley. Using unfettered brush-strokes, Varley applied bright green highlights amid plum shades in the mountains and sky, and he used a range of blues from powder to deeper tones. Anchoring his foreground with brushy trees, Varley then expanded the view out to the far distance through the cleft in the mountains, exhibiting his mastery of composition.

This work is #974 in the Varley Inventory listing.

**ESTIMATE: \$25,000 – 35,000**



## 161 Thomas John (Tom) Thomson

OSA 1877 – 1917

### Lake Scugog

oil on canvas on panel, signed and on verso titled  
*Lake in Algonquin Park* on the gallery label, circa 1911  
 8 ½ x 13 ¾ in, 21.6 x 34 cm

#### PROVENANCE

Laing Galleries, Toronto  
 Private Collection, Montreal  
 Sold sale of *Important Canadian Art*, Sotheby's Canada,  
 June 13 – 14, 1972, lot 95, titled as *Lake in Algonquin Park*  
 John Shortread, Edmonton  
 Sold sale of *Important Canadian Art*, Sotheby's  
 Canada, May 19, 1993, lot 179  
 Private Collection, Toronto

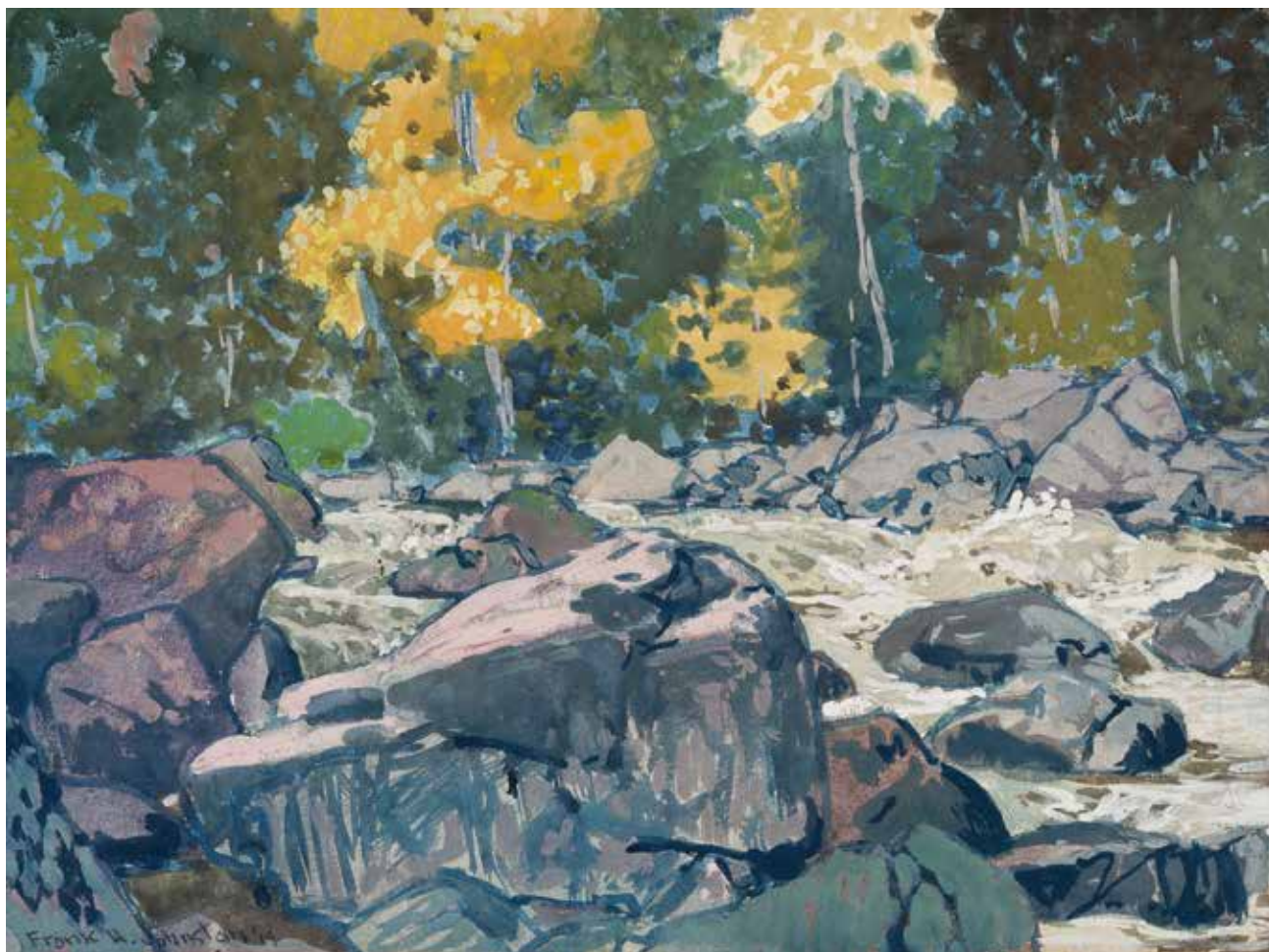
#### LITERATURE

Dennis Reid, editor, *Tom Thomson*, Art Gallery of Ontario /  
 National Gallery of Canada, 2002, page 115  
 Joan Murray, *Tom Thomson Catalogue Raisonné*, reproduced,  
<http://tomthomsoncatalogue.org/catalogue/entry.php?id=89>,  
 accessed August 21, 2018

THE SKETCHES FROM Tom Thomson's trips to Lake Scugog are among the earliest of his landscape paintings. They are essential to our understanding of Thomson as an artist and underline the explosive growth he would soon undergo. Within three years he would transform from a charming painter in search of his style to one of the most poetic painters in Canadian art. He joined the design firm of Grip Ltd. in early 1909, and he was encouraged by Grip's senior artist J.E.H. MacDonald to pursue his painting on weekends. Soon, fishing trips to Lake Scugog northeast of Toronto served as some of Thomson's first *en plein air* ventures. Friend and Grip colleague Arthur Lismer later said that prior to these trips Thomson was "not ready to emerge." Thomson was already into his thirties when he produced sketches such as this one, and considering the greatness of his later accomplishments, section 41 of the Tao Te Ching comes to mind: "Great talents ripen late / The highest notes are hard to hear." In this sense, Thomson's Lake Scugog sketches serve as brief and lovely overtures for the sublime notes he would soon play.

This work is included in the Tom Thomson catalogue raisonné, #1911.14, researched and written by Joan Murray, and can be viewed at <http://tomthomsoncatalogue.org/catalogue/entry.php?id=89>.

**ESTIMATE: \$60,000 – 80,000**



## 162 Frank Hans (Franz) Johnston

ARCA CSPWC G7 OSA 1888 – 1949

### Rushing River in Algoma

tempera on paper on paperboard, signed

Frank H. Johnston and dated 1919

14 3/8 x 19 3/4 in, 37.1 x 50.2 cm

#### PROVENANCE

Private Collection, Ontario

#### LITERATURE

Roger Burford Mason, *A Grand Eye for Glory:*

*A Life of Franz Johnston*, 1998, page 37

IN FALL OF 1919, Frank Johnston was in Algoma on one of the famous Group of Seven boxcar trips, with fellow members Lawren Harris, A.Y. Jackson and J.E.H. MacDonald. Johnston was much appreciated for his optimism and enthusiasm, as well as his humour in the face of the serious philosophizing that went on in

the nightly discussions in the boxcar. The serene beauty of this remote place was at its best in autumn, when the colours changed dramatically from day to day, and the artists worked quickly on the spot to capture it. Tempera, not widely used at the time, was an important medium for Johnston—as Roger Burford Mason wrote, “It was the medium Johnston preferred all his life, and the one in which he became widely acknowledged as a master practitioner.” Johnston’s ability to capture elements such as the surging river water with its foaming rapids is impressive, and he captures light everywhere in the forest scene—it glints from rock formations and the whitewater, and glows from the golden trees. In *Rushing River in Algoma*, Johnston distilled the essence of this legendary painting place.

**ESTIMATE: \$15,000 – 25,000**



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

ALC CGP G7 OSA RCA RSA 1882 – 1974

#### Autumn Evening, Gatineau

oil on canvas, signed and on verso signed  
and titled, circa 1948

16 x 20 in, 40.6 x 50.8 cm

#### PROVENANCE

Galerie Walter Klinkhoff Inc., Montreal

Private Collection, Ontario

By descent to the present Private Collection, Ontario

GROUP OF SEVEN painter A.Y. Jackson was known for his constant traveling across Canada in search of landscape subjects. Certain painting places became recurrent favourites, such as Quebec villages on the north and south shores of the St. Lawrence, the Northwest Territories, and Lake Superior and Georgian

Bay in Ontario. Beginning in 1948, the Gatineau region of Quebec, near Ottawa, became part of a new cycle for Jackson, and by 1955, he had departed the famous Studio Building in Toronto and moved into a new studio in Manotick, making the Ottawa-Gatineau area his base. Thereafter, he made frequent sketching trips throughout the Gatineau region until 1967.

In this golden autumn scene, Jackson's characteristic feeling for rhythm in the landscape is evident—the hills and fields roll, and even the clouds undulate. The sun-drenched stooks of hay are an animated focal point, with their feathery tops bending in the breeze. Fall colours in the trees and the weathered farm building add to the atmosphere. Jackson's affection for rural Quebec is evident in this peaceful scene, which radiates the contentment of a harvest completed before the winter to come.

**ESTIMATE: \$30,000 – 40,000**

## 164 Edwin Headley Holgate

AAM BHG CGP CSGA G7 RCA 1892 – 1977

### Grand Union Hotel, St. Faustin, Quebec

oil on board, initialed and on verso  
signed, titled and dated 1935  
10 ½ x 8 ½ in, 26.7 x 21.6 cm

#### PROVENANCE

Galerie Walter Klinkhoff Inc., Montreal  
Private Collection, Ontario

#### LITERATURE

Rosalind M. Pepall and Brian Foss, *Edwin Holgate*, Montreal Museum of Fine Arts, 2005, reproduced page 132 and listed page 173

#### 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 the Beaverbrook Art Gallery, Fredericton

EDWIN HOLGATE WAS based in Montreal for much of his life. However, Holgate's love of nature drew him to the wilderness—in particular the Laurentian Mountains, which became an important painting place for him. In 1925 he built a log cabin at Lake Tremblant, often traveling there to sketch, and in 1946 he moved to Morin Heights, in the Laurentians. Saint-Faustin is in familiar territory for the artist, midway between Mont-Tremblant and Morin Heights. In this rich painterly work, thickly applied brushstrokes capture the ambience of a humble hotel room full of furniture and objects for the comfort of the traveler. In this crowded room, Holgate's inclusion of the open door is a significant dramatic device, bringing the association of movement and other spaces into the confined area. Holgate's use of the brush is broad, and he boldly defines the objects and planes of the walls and door. This is a classic subject (such as Vincent van Gogh's simple room in the South of France, with its narrow bed and cane chair), and Holgate makes this room in the Grand Union Hotel both intimate and universal.

**ESTIMATE: \$15,000 – 20,000**





## 165 Marc-Aurèle de Foy Suzor-Coté

CAC RCA 1869 – 1937

### The Fleeing Virgin

oil on canvas, signed and dated 1906

19 ¾ x 25 ½ in, 50.2 x 64.8 cm

#### PROVENANCE

Ronald Everson, Montreal

By descent to a Private Collection, Toronto

Sold sale of *Fine Canadian Art*, Heffel Fine Art

Auction House, November 25, 2004, lot 30

Private Collection, Vancouver

IN 1906 MARC-AURÈLE DE FOY SUZOR-COTÉ, one of Canada's most important Impressionist painters, was living in France, and he was known to have spent much of that year in Brittany, as well as visiting the region of Cernay, 40 kilometres from Paris.

The beauty of both these areas made them a magnet for landscape painters at the time. He had been in Paris since 1897 and was exhibiting regularly, and in 1906 showed at the annual *Salon* of the Société des artistes français at the Grand Palais in Paris.

This painting was first owned by the important Canadian poet Ronald Everson, who spent most of his working life in Montreal. Everson gave the painting this unusual title in reference to the tree in the foreground, which gives the impression of being in movement. Standing in contrast to the still, soft, rounded shapes of the trees behind, it bends forward and away from them. The tree has a delicate quality, which no doubt led Everson to anthropomorphize it in this manner. Suzor-Coté uses light to bring the landscape alive—in this case highlighting the warm colours in the grassy field and backlighting the trees with delicate pastels in the clouded sky.

**ESTIMATE: \$25,000 – 35,000**





## 166 William Henry Clapp

RCA 1879 – 1954

### Seated Nude / Summer Landscape (verso)

double-sided oil on canvas on board, on verso

inscribed *CL #19* and *EL5863.6*

20 x 24 in, 50.8 x 61 cm

#### PROVENANCE

Private Collection, USA

Sold sale of *Fine Canadian Art*, Heffel Fine Art

Auction House, May 28, 2014, lot 141

Private Collection, Montreal

FRENCH IMPRESSIONISM PLAYED a strong role in the development of modernism in Canadian art, opening up a new approach to colour and atmosphere. William Clapp initially studied in Montreal under Canadian Impressionist William Brymner, then traveled in 1904 to Paris, where he embraced the movement of Impressionism at its source. While there, he exhibited at the prestigious *Salon d'automne*, along with prominent artists such as Pierre-Auguste Renoir and Pierre Bonnard. Arriving back in

Montreal in 1908, he soon gained critical acclaim, exhibiting at the Royal Canadian Academy and the Art Association of Montreal's annual shows. Clapp would remain devoted to Impressionism throughout his career. In this charming double-sided work, Clapp employed the broken brush-stroke and light pastel colours this movement was known for. The nude woman, gracefully posed under a tree and surrounded by a landscape alive with dappled hues, is bathed in a soft light that ripples across her skin. Due to his practice of painting *en plein air*, Clapp has captured a fresh outdoor atmosphere in both of these enticing images.

**ESTIMATE: \$10,000 – 15,000**

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Thank you for attending our sale of *Canadian, Impressionist & Modern Art*. Please view additional Lots in our November Online Auction at [www.heffel.com](http://www.heffel.com), which closes Thursday, November 29, 2018. Lots can be viewed in our galleries in Vancouver, Calgary, Toronto or Montreal. Lot preview locations are designated with each item in our online catalogue.

# FINE ART SPECIALISTS

*With the largest and most experienced team of fine art specialists in Canada, it is our mission to provide transparent and superior client service to sellers and buyers of fine art globally.*



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## 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 Tax means the Federal and Provincial sales, excise and other taxes applicable in the jurisdiction, applicable to the sale of the Lot;

#### 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) Every Registered Bidder shall fully complete the registration process and provide the required information 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. For online auctions, a password will be created for use in the current and future online sales only. This online registration procedure 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 or c) a Personal or Corporate Cheque. 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. The Auction House honours payment by Debit Card or by Credit Card limited to VISA, MasterCard or Union Pay. Credit Card payments are subject to acceptance and approval by the Auction House 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. In all circumstances, the Auction House prefers payment by Bank Wire transfer.
- 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. Guarantee**

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) Prospective Buyers are advised to personally attend the sale. However, if they are unable to attend, 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 forty-eight (48) 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, if appropriately instructed by telephone, 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.

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.9.

### 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

|       |                                                                        |       |                                                                                                                                   |
|-------|------------------------------------------------------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------|
| AAM   | Art Association of Montreal <i>founded in 1860</i>                     | PSA   | Pastel Society of America                                                                                                         |
| AANFM | Association des artistes non-figuratifs de Montréal                    | PSC   | Pastel Society of Canada                                                                                                          |
| AAP   | Association des arts plastiques                                        | PY    | Prisme d'yeux                                                                                                                     |
| ACM   | Arts Club of Montreal                                                  | QMG   | Quebec Modern Group                                                                                                               |
| AGA   | Art Guild America                                                      | R5    | Regina Five 1961 - 1964                                                                                                           |
| AGQ   | Association des graveurs du Québec                                     | RA    | Royal Academy                                                                                                                     |
| AHSA  | Art, Historical and Scientific Association of Vancouver                | RAAV  | Regroupement des artistes en arts visuels du Québec                                                                               |
| ALC   | Arts and Letters Club                                                  | RAIC  | Royal Architects Institute of Canada                                                                                              |
| AOCA  | Associate Ontario College of Art                                       | RBA   | Royal Society of British Artists                                                                                                  |
| ARCA  | Associate Member Royal Canadian Academy of Arts                        | RCA   | Royal Canadian Academy of Arts <i>founded in 1880</i>                                                                             |
| ASA   | Alberta Society of Artists                                             | RI    | Royal Institute of Painters in Watercolour                                                                                        |
| ASPWC | American Society of Painters in Water Colors                           | RMS   | Royal Miniature Society                                                                                                           |
| ASQ   | Association des sculpteurs du Québec                                   | ROI   | Royal Institute of Oil Painters                                                                                                   |
| AUTO  | Les Automatistes                                                       | RPS   | Royal Photographic Society                                                                                                        |
| AWCS  | American Watercolor Society                                            | RSA   | Royal Scottish Academy                                                                                                            |
| BCSA  | British Columbia Society of Artists                                    | RSC   | Royal Society of Canada                                                                                                           |
| BCSFA | British Columbia Society of Fine Arts <i>founded in 1909</i>           | RSMA  | Royal Society of Marine Artists                                                                                                   |
| BHG   | Beaver Hall Group, Montreal 1920 - 1922                                | RSPP  | Royal Society of Portrait Painters                                                                                                |
| CAC   | Canadian Art Club                                                      | RWS   | Royal Watercolour Society                                                                                                         |
| CAS   | Contemporary Arts Society                                              | SA    | Society of American Artists                                                                                                       |
| CC    | Companion of the Order of Canada                                       | SAAVQ | Société des artistes en arts visuels du Québec                                                                                    |
| CGP   | Canadian Group of Painters 1933 - 1969                                 | SAP   | Société des arts plastiques                                                                                                       |
| CH    | Companion of Honour Commonwealth                                       | SAPQ  | Société des artistes professionnels du Québec                                                                                     |
| CPE   | Canadian Painters-Etchers' Society                                     | SC    | The Studio Club                                                                                                                   |
| CSAA  | Canadian Society of Applied Art                                        | SCA   | Society of Canadian Artists 1867 - 1872                                                                                           |
| CSGA  | Canadian Society of Graphic Artists <i>founded in 1905</i>             | SCPEE | Society of Canadian Painters, Etchers and Engravers                                                                               |
| CSMA  | Canadian Society of Marine Artists                                     | SSC   | Sculptors' Society of Canada                                                                                                      |
| CSPWC | Canadian Society of Painters in Water Colour<br><i>founded in 1925</i> | SWAA  | Saskatchewan Women Artists' Association                                                                                           |
| EGP   | Eastern Group of Painters                                              | TCC   | Toronto Camera Club                                                                                                               |
| FBA   | Federation of British Artists                                          | TPG   | Transcendental Painting Group 1938 - 1942                                                                                         |
| FCA   | Federation of Canadian Artists                                         | WAAC  | Women's Art Association of Canada                                                                                                 |
| FRSA  | Fellow of the Royal Society of Arts                                    | WIAC  | Women's International Art Club                                                                                                    |
| G7    | Group of Seven 1920 - 1933                                             | WS    | Woodlands School                                                                                                                  |
| IAF   | Institut des arts figuratifs                                           | YR    | Young Romantics                                                                                                                   |
| IWCA  | Institute of Western Canadian Artists                                  | φ     | Indicates that Heffel Gallery Limited owns an equity interest in the Lot                                                          |
| LP    | Les Plasticiens                                                        | 📄     | Denotes that additional information on this lot can be found on our website at <a href="http://www.heffel.com">www.heffel.com</a> |
| 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                                          |       |                                                                                                                                   |
| OM    | 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                               |       |                                                                                                                                   |

## 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](http://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 three decades of change, 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

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

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Please contact Heffel Gallery Limited (“Heffel”) to set up

- One-Block of 25 Search Results \$50
- One-Year Subscription (35 searches per month) \$250
- Two-Year Subscription (35 searches per month) \$350

### Billing Information

NAME

ADDRESS

CITY

POSTAL CODE

E-MAIL ADDRESS

RESIDENCE TELEPHONE

BUSINESS TELEPHONE

CREDIT CARD NUMBER

EXPIRY DATE

SIGNATURE

DATE

- I agree to receive e-mails from Heffel. You can withdraw consent at any time. Your consent is sought by Heffel, on its own behalf and on behalf of Galerie Heffel Québec Ltée.

## COLLECTOR PROFILE FORM

Please complete our Collector Profile Form to assist us in our ability to offer you our finest service.

### Artists of Particular Interest in Purchasing

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

### Artists of Particular Interest in Selling

1 \_\_\_\_\_

2 \_\_\_\_\_

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9 \_\_\_\_\_

# ABSENTEE BID FORM

SALE DATE

BILLING NAME

ADDRESS

CITY

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.

I agree to receive e-mails from Heffel. You can withdraw consent at any time. Your consent is sought by Heffel, on its own behalf and on behalf of Galerie Heffel Québec Ltée.

SIGNATURE

DATE

DATE RECEIVED (FOR OFFICE USE ONLY)

CONFIRMED (FOR OFFICE USE ONLY)

Please view our *General Bidding Increments* as published by Heffel.

| Lot Number      | Lot Description | Maximum Bid                                        |
|-----------------|-----------------|----------------------------------------------------|
| numerical order | artist          | Hammer Price \$ CAD<br>(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 should 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 and expiry date.

MASTERCARD OR VISA #

EXPIRY DATE

NAME OF BANK

BRANCH

ADDRESS OF BANK

NAME OF ACCOUNT OFFICER

TELEPHONE

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  
mail@heffel.com · www.heffel.com

# SHIPPING AUTHORIZATION FORM FOR PROPERTY

Please contact the Shipping Department at 1-888-818-6505 for questions regarding shipping.

Please return this signed form via e-mail to shipping@heffel.com or via fax to 416-961-4245.

## Property Information

SALE DATE, IF APPLICABLE

| Lot Number and/or Property Description | Insured Value |
|----------------------------------------|---------------|
|----------------------------------------|---------------|

| in numerical order | artist / title | (mandatory) |
|--------------------|----------------|-------------|
|--------------------|----------------|-------------|

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| 3 |  |  |
|---|--|--|

|   |  |  |
|---|--|--|
| 4 |  |  |
|---|--|--|

## Shipment Destination

PROPERTY OWNER'S NAME

SHIPPING ADDRESS

CITY PROVINCE/STATE, COUNTRY

POSTAL CODE E-MAIL ADDRESS

DAYTIME TELEPHONE EVENING TELEPHONE

SOCIAL SECURITY NUMBER FOR U.S. CUSTOMS (U.S. RESIDENTS ONLY)

## Loss and Damage Liability Coverage

Please review Heffel's *Terms and Conditions for Shipping* for further information regarding insurance coverage

- Please insure my Property for the Insured Value listed above while in transit
- Please do NOT insure my Property while in transit
- Please remove and discard glass (Heffel's insurance does not cover glass)

## Packing and Carrier Options

### PLEASE SELECT A PACKING METHOD

- Soft packed  
Works will be glass taped, plastic wrapped, cardboard wrapped and labeled.
- 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.

### PLEASE SELECT A CARRIER

Consolidated ground shipment (when available) to:

- Heffel Vancouver  Heffel Montreal
- Heffel Toronto  Heffel Calgary

OR

Direct to shipment destination via Heffel approved third-party carrier:

- FedEx  Other \_\_\_\_\_

## Shipping Quotation

- Yes, please send me a quotation for the shipping options selected above.
- No shipping quotation necessary, please forward the Property as indicated above.

## Payment Information

CREDIT CARD NUMBER

EXPIRY DATE

## Authorization for Collection

- I do not require shipping or packing services and have reviewed Section B.4 of Heffel's *Terms and Conditions of Business*.  
I authorize for my Property to be retrieved on my behalf by:

AUTHORIZED THIRD PARTY'S FULL NAME

*Please note: the Property Owner's signature is required below*

SIGNED WITH AGREEMENT TO THE ABOVE, HEFFEL'S TERMS AND CONDITIONS OF BUSINESS AND HEFFEL'S TERMS AND CONDITIONS FOR SHIPPING

DATE

## HEFFEL GALLERY LIMITED

13 Hazelton Avenue, Toronto, ON, Canada M5R 2E1  
Tel 416-961-6505 · Fax 416-961-4245  
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## 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:

1. If the Property has been purchased at an auction or private sale conducted by Heffel, Heffel will not pack and ship, release, or accept liability for physical loss of or damage to 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 and accepted in good, cleared funds 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.
3. 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 Fine Arts Insurance Policy of Heffel if the Property Owner so authorizes;
  - b) Such liability as Heffel accepts in respect of the Property shall commence from the time of the collection from any Heffel site and shall cease on delivery to the address specified on the *Shipping Authorization Form for Property*;
  - c) 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;
  - d) The value for which a Lot is insured under the Fine Arts Insurance Policy of Heffel in accordance with Condition 3.c above shall be the total amount due to the Property Owner in the event of a successful claim being made against the Auction House;
  - e) 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;
  - f) 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;
  - g) In no event will Heffel be liable for damage to glass, frames or ceramics;
  - h) 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;
  - i) 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:
    - (i) 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.
5. 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, attorney 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 40 to 75 united inches — \$50 per work
- Works 75 to 150 united inches — \$100 per work
- Works 150 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 40 to 75 united inches — \$300 – \$500 per crate
- Works 75 to 150 united inches — \$500 – \$750 per crate
- Works 150 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 40 to 75 united inches — \$50 per work
- Works 75 to 150 united inches — \$100 per work
- Works 150 to 250 united inches — minimum \$150 per work

#### National

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



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FINE  
ART  
AUCTION  
HOUSE

Heffel