

LEGAL ANECDOTES AND MISCELLANEA



By Ludmila B. Herbst, K.C.*

JUSTICE AT THE SUPREME COURT OF CANADA

Those of us fortunate enough to have walked around the outside perimeter of the Supreme Court of Canada building, whether as counsel, clerk, judge or tourist, have passed the haunting statue of Justice on the right side of its front entrance.

Unlike many representations of the Greco-Roman goddess (Themis or Iustitia), this is not an insipid or simpering Justice. No one would make this Justice into a trinket. This is not a Justice who dispenses comforting words or whose presence is comfortable. This is a stern and implacable Justice, without a blindfold, and with a sword. This Justice will not let a wrongdoer escape one of her courtrooms unscathed unless those who allowed this to occur are held to account or unless larger purposes are being served.

Remarkably this statue was not, however, originally destined for the Supreme Court of Canada or, indeed, for any courthouse.

Justice and her companion, Truth (on the other side of the Supreme Court of Canada's front entrance), were sculpted by Walter Allward. Born in Toronto in 1874, he left school at 14 and apprenticed as a draughtsman at an architectural firm. At age 19, he began work at the Don Valley Pressed Brick Works, sculpting bas-relief and three-dimensional sculptures to decorate buildings. Although not formally trained as a sculptor, Allward had pored over library books and magazines featuring ancient Greek sculpture and the artwork of Michelangelo, studied replicas of famous statues at a Toronto museum, and admired the works of French sculptor Auguste Rodin.

Starting in 1894, Allward began to receive commissions for various monuments. At least three came to feature various renditions of Justice. The

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first was as part of a monument commissioned in 1903 to commemorate former Ontario premier Sir Oliver Mowat, who had been a lawyer as well as a politician. On the pedestal under the statue were bas-relief representations of Justice (with a sword and not blindfolded) and Jurisprudence.

In 1912, Allward won a competition to create a monument commemorating the late Edward VII, known as the “Peacemaker” for having sought to improve relations between Britain and France, as well as with other European countries. It was for this commission that the statue of Justice now found at the Supreme Court of Canada was created.

At the time of the competition in 1912, the Edward VII monument was intended to be placed at the southeast corner of the east block on Parliament Hill in Ottawa. This is close to Wellington Street, on the side of the Parliamentary precinct closest to and above the locks on the Rideau Canal, and across the canal from the Chateau Laurier.

Allward was sensitive to making the Edward VII monument both simple and substantial in order not to compete with, but to stand out against, “the varied surfaces and broken outlines of the buildings and surroundings.... The contour of the monument is such that it does not compete with the various towers and turrets, at the same time it is sufficiently high and broad to be a dignified and impressive mass placed above the level of the small details of the bridge, traffic, etc.”¹

On the steps at the base of the monument was to be, as Allward described, “the figure of Justice, erect, strong, reliant, ready to help and support knowledge (which is truth) in her task of civilizing and enlightening the world”. The inscription on the monument was to read, “Through Truth and Justice he [Edward VII] strove that war might cease and Peace descend o’er all the Earth.”²

Work on the Edward VII monument was interrupted—ironically, or at least sadly, given the late king’s “Peacemaker” moniker—by World War I. However, by some time in 1922, Allward had nonetheless completed the sculptures of Justice and Truth that were to be at the base of the Edward VII monument. Each statue was cast in bronze and was about 10 feet³ tall.

In 1924, the statues were shipped from Allward’s studio in Toronto to Ottawa, and placed in storage next to the site of an old hotel on the LeBreton Flats.⁴ Soon after that, the originally contemplated site for the Edward VII monument came to be occupied by a statue of Sir Wilfrid Laurier, unveiled in 1927 by the then-Prince of Wales (who became Edward VIII before his abdication).

Apart from the statues of Truth and Justice, the rest of the Edward VII monument was never completed, in part because the price of materials for

the monument (which was to have been 54 feet long, 30 deep and 19 high) had eclipsed that contemplated in the original \$35,000 commission,⁵ and in part because Allward himself left for Europe in 1922. In 1921, Allward had been commissioned to create the incredible Vimy Ridge Memorial⁶ in France (as he said, “a protest in a quiet way against the futility of war”⁷), on which he would work until its completion in 1936. The Vimy Ridge Memorial would itself have a connection to Justice, which was among the allegorical figures (others included Peace and Truth) at the top of its twin pylons.



Vimy Ridge Memorial (1936) – City of Vancouver Archives, AM54-S4:: Mon P152.

The Vimy Ridge Memorial was opened to the public in 1936, with a ceremony before a crowd of 100,000, including 6,000 Canadian veterans and their families. After the memorial's completion, Allward returned to Canada.

In 1937, he received an honorary doctor of laws degree from Queen's University, followed in 1939 by an honorary doctor of laws degree from the University of Toronto.

Around the time of Allward's return to Canada, plans were afoot under Prime Minister William Lyon Mackenzie King for the development and beautification of Ottawa. In 1937, sites were chosen for the National War Memorial (almost directly across Wellington Street from the originally contemplated

site of the Edward VII monument) and, further to the west along Wellington, the Supreme Court of Canada. The federal Cabinet also met more broadly with advisors on the topic of monuments to be placed around Ottawa. Allward attended at least one of these meetings, likely at least in large part to discuss the Edward VII monument or its components. (The prime minister evidently was dissatisfied with the fact works of this nature were lying in storage when partly sculpted and paid for.⁸)

There is no indication of any discussion at this time of possible placement of the statues of Truth and Justice at the eventual Supreme Court of Canada building. Indeed, one author has noted that the building's architect, Ernest Cormier, might not have been pleased by the statues' eventual placement there given "the rest of the court's aesthetic, and his notorious need to be involved in every area of designing the building".⁹

Again, a world war intervened before any plans that had been made with respect to Truth, Justice or the Edward VII monument more generally could be carried out. Allward himself died in 1955.

In 1957, a newspaper report suggested that the Edward VII monument had in fact been completed but, large as it would have been, that it somehow had disappeared.¹⁰ Shortly thereafter, the federal Department of Public Works clarified that the monument had never been completed, although the statues of Truth and Justice had been. As to those two statues, the then-Minister of Public Works, Robert H. Winters, said, "We've known where they've been all the time...they've never been lost. But people are at a loss to know what to do with them." Winters indicated that interest had been shown in the statues by the National Gallery or that perhaps they could be placed at the site of a new national library building, but that no decision had yet been made.¹¹

The statues' placement in Ottawa itself was apparently not a foregone conclusion. Also in 1957, both the British Columbia Centennial Committee (planning celebrations for 1958) and Elmore Philpott, the Liberal Member of Parliament for Vancouver South, urged the federal government to allow the statues to be moved to this province, so that the committee could "make use of these figures in front of the public building which is to be erected in Vancouver for next year's celebration". Questioned about this by Philpott in the House of Commons, Winters indicated this suggestion would be considered, though cautioned: "These two figures were designed as part of a statue, and before using them alone as free-standing figures the location would have to be considered very carefully. That would restrict their use somewhat. But there has been quite a revival of interest in these two particular statues and we would be glad to consider the request of my hon. friend along with the rest."¹²

In 1958, Philpott (after an intervening federal election, no longer MP) wrote a letter to the new Minister of Public Works, published on the editorial page of the *Vancouver Sun*, claiming—perhaps tongue-in-cheek—that Winters:

...promised me on the floor of Parliament that he would turn over those figures to Vancouver, to be set up here to help beautify our city. My suggestion as the then-MP for Vancouver South was that this be done in con-

nection with our Centennial celebration. The only stipulation Mr. Winters made was that these magnificent 12-foot high bronze figures must be placed on some suitable site or sites.

Perhaps they would be most fitting in front of our court house, though their great size might rule that out on the ground of lack of space. Perhaps they would look best on the grounds of our city hall. But as they were designed by one of the world's greatest sculptors, and were intended as a part of the proposed memorial to King Edward, why not place them at some suitable points on Vancouver's own King Edward boulevard?¹³

Perhaps these suggestions—especially the idea of placing the statues in the middle of a roadway, however majestic that roadway might be—caused some alarm in Ottawa. In any event, no more seems to have been heard of the statues for another decade.



East Block, where the Edward VII monument was originally to be located, with the Chateau Laurier behind it.

In 1969 or so, the *Canadian Press* expressed concern that while there seemed to be consensus that the statues were somewhere in Ottawa, in storage, no one seemed to know exactly *where* in Ottawa. A retired chief architect of the Ministry of Public Works recalled that the ministry had handed the statues over about ten years earlier, in crates, to the National Capital Commission (which acknowledged it might well have the statues, somewhere). He thought the statues might be even at Kingsmere, the summer home of Mackenzie King, who had collected old stone carvings; however, this turned out not to be the case.¹⁴ The then-federal Minister of Public Works, Arthur Laing (of the bridge to Vancouver International Airport), tasked members of his staff with tracking the statues down.¹⁵

By early October 1969, the statues had been found, at a time when “Mr. Allward’s work [was] undergoing a revival of interest in art circles.”¹⁶ Eleanor Milne, who was the chief sculptor on Parliament Hill (also described as in charge of the stone-carving decoration of the Centre Block on Parliament Hill), described the statues as somewhat reminiscent of Rodin;¹⁷ given Allward’s admiration for that sculptor, he likely would have been pleased by that characterization. It may also have been Milne who suggested the statues be installed before the Supreme Court of Canada building, perhaps to an inter-departmental committee that had been formed to decide what to do with them.¹⁸ Milne came to the rescue, as well, when Public Works employees discovered that the hilt of Justice’s sword was missing: Milne created a replacement, in plaster, and coloured it to match the bronze.¹⁹



Ottawa from the Ottawa River, with the East Block on the far left and the Supreme Court of Canada toward the right.

Milne’s apparent suggestion to place Truth and Justice before the Supreme Court of Canada was adopted, with the installation scheduled to occur in August 1970. That process, however, was beset by various mishaps, chiefly involving the six-foot-high granite pedestals on which the statues were to be placed. The 21 tons of granite (two 10.5-ton slabs) came from a quarry near Sherbrooke, Quebec, and the truck carrying the load overheated and broke down en route to Ottawa. The truck had to be towed, arriving many hours late. Then a lifting pin “bent like a pipe cleaner” when a crane attempted to lift the slabs from the truck, so steel ropes had to be

used instead. It was then found that the holes in the granite pedestals into which the anchor bolts of the statues were to be secured had been placed incorrectly; they had to be re-drilled.²⁰ Milne noted of the hectic events of Thursday, August 13, that “Friday the 13th sure came on Thursday this month”.

Ultimately the two bronze statues, each two tons, were placed on their pedestals. The statue of Truth was installed first, and as one journalist commented, “appeared as a serious young woman with slightly-knit brows but a look of compassion. Justice, on the other hand, seemed to have a brooding air.”²¹ Another article noted: “Truth is a bare-headed young woman in flowing robes, carrying the book of knowledge, and Justice is shown as a hooded young Galahad bearing a sword.”²²

The media were quite active in covering the above events, perhaps in part because of the opportunity for a good headline (including “Found in Ottawa: Truth and Justice”, “Truth and Justice in Court”, “Truth and Justice in need of a home”, and “Truth and Justice Prevail”).²³

Only in the spring of 1974 were the granite pedestals under the statues inscribed with the statues’ names: Veritas and Iustitia. Noted one reporter, “[t]he names were inscribed in Latin, thus avoiding any complication with Canada’s two official languages.”²⁴

This was just in time, however, for the Supreme Court of Canada’s 100th anniversary in 1975, when 25 million 8-cent stamps bearing the figure of Justice were released.²⁵

If you have never seen the statue of Justice in person, take the opportunity to do so if ever in Ottawa. This is one of those statues that holds your gaze and reminds you of all we are supposed to do when we take our oaths as barrister and solicitor or judge.

ENDNOTES

1. “King Edward Memorial: Mr. Alleward’s [sic] Description of Proposed Work”, *The Citizen* (Ottawa) (29 April 1913) 13 [“King Edward Memorial”].
2. *Ibid.*
3. This piece uses imperial terminology (despite the author’s preference for metric!) to reflect the originally reported measurements.
4. “King Edward Memorial”, *supra* note 1.
5. Margaret Bruce, “Statues Wait Thirteen Years: Truth and Justice Rest in Ottawa Until Completion of King Edward VII Group”, *Victoria Daily Times* (5 February 1937) 3; “Truth and Justice in Cold Storage”, *The Globe and Mail* (6 February 1937) 14.
6. The Vimy Ridge monument was inspired by a dream that Allward had while the horrors of World War I were still unfolding. As Allward described it in 1922, and as quoted in Lane Borstad, “Walter Allward:

Sculptor and Architect of the Vimy Ridge Memorial” (2008) 33 JSSAC 23:

When things were at their blackest in France, during the war, I went to sleep one night after dwelling on all the muck and misery over there. My spirit was like a thing tormented. So I dreamed. In my dream I was on a great battlefield. I saw our men going by in thousands, and being mowed down by the sickles of death, regiment after regiment, division after division. Suffering beyond endurance at the sight. I turned my eyes and found myself looking down an avenue of poplars. Suddenly through this avenue, I saw thousands marching to the aid of our armies. They were the dead. They rose in masses, filed silently by and entered the fight, to aid the living. So vivid was this

impression, that when I awoke it stayed with me for months.

7. Philip Dombowsky, "Walter Allward's Despair about War Expressed in Sketches" (11 November 2021), online: <www.gallery.ca/magazine/in-the-spotlight/walter-allwards-despair-about-war-expressed-in-sketches>. Allward was deeply moved by war. In early 1917, Allward wrote to the Canadian government offering to assist with creating prostheses for soldiers whose faces had been disfigured ("I am a sculptor and would be able to model the missing parts... If I can be of any service to my country in this direction, I will gladly do what I can"): as quoted in Philip Dombowsky, *Walter S. Allward: Life & Work* (Art Canada Institute).
8. "Chose Ottawa Site for War Memorial", *The Gazette* (Montreal) (14 August 1937) 5.
9. David DesBaillets, "Representing Canadian Justice: Legal Iconography and Symbolism at the Supreme Court of Canada" (2018) 14:1 *Int'l J L Context* 132 at 139–40.
10. "Statue 54 Feet Long, 19 Feet Tall Lost in Wilds of Ottawa 33 Years!", *Ottawa Citizen* (6 February 1957) 3.
11. "Works Dept. Ends Mystery of Statue", *Saskatoon Star-Phoenix* (12 February 1957) 2; "Truth, Justice Not Lost: 2 Bronze Figures Old, Unused", *The Windsor Daily Star* (13 February 1957) 26.
12. "B.C. May Get Old Statues By Allward", *Ottawa Citizen* (13 February 1957) 14; *House of Commons Debates* (22nd Parliament, 5th Sess, Vol 2) at 1193.
13. Elmore Philpott, "Get the Statues", *Vancouver Sun* (18 February 1958) 4.
14. One journalist noted that "[i]n fact, there are a good many people around Ottawa who were in politics with Mr. King—a man who evoked staunch loyalties or bitter opposition—and some of them would question the appropriateness of having Truth and Justice at Kingsmere": James Nelson, "What Is the Fate of Truth and Justice?", *Ottawa Citizen* (20 September 1969) 27.
15. James Nelson, "Truth and Justice Under Lock and Key", *Victoria Daily Times* (30 August 1969) 28.
16. "Found in Ottawa: Truth and Justice", *The Globe and Mail* (4 October 1969) 1.
17. "Truth and Justice in Court", *Montreal Gazette* (14 August 1970).
18. "Edward VII's Truth, Justice Finally Set Up in Ottawa", *Hamilton Spectator* (14 August 1970) 11 ["Edward VII's Truth, Justice"].
19. Canadian Press, "Truth and Justice in need of a home", *The Province* (4 October 1969) 7; Canadian Press, "What do you do with them?", *Ottawa Citizen* (4 October 1969) 15.
20. "Edward VII's Truth, Justice", *supra* note 18; "There's No Justice in This", *Calgary Herald* (14 August 1970) 56.
21. "Truth and Justice Prevail", *The Windsor Star* (15 August 1970) 12.
22. "Truth and Justice Wait for a Place in Ottawa", *The Globe and Mail* (14 August 1970) 3.
23. *Supra* notes 16–19, 21–22.
24. James Nelson, "Truth, Justice at last", *Ottawa Citizen* (19 June 1974) 80.
25. "The Stamp of Justice", *Edmonton Journal* (24 July 1975) 6; George Hansen, "Stamps", *Star-Phoenix* (8 August 1975) 59.