

Market for Norval Morriseau art work may pick up after court ruling

BY JACQUIE MILLER, OTTAWA CITIZEN APRIL 3, 2013

OTTAWA — Retired Sarnia school teacher Margaret Hatfield spent four years fighting a civil court action to prove that a Norval Morriseau painting she bought from a Toronto art gallery was a fraud.

She lost her battle Tuesday when a Toronto small-claims court ruled her painting was “on the balance of probabilities” a genuine work of art by Canada’s most famous Aboriginal artist. And the decision reaches far beyond the fate of the colourful painting called Wheel of Life that Hatfield bought for \$10,350 at the Artworld of Sherway gallery in 2005.

It’s the first court ruling on the authenticity of a painting by Morriseau, as far as he is aware, says Brian Shiller, the lawyer for Artworld of Sherway, the defendant in the case. “Hopefully now is a great time for Canadians to discover, or rediscover, Morriseau,” he said. “Because there are a number of (similar) paintings out there, and they can probably be bought for very good value.”

The brilliant Ojibwa artist from northern Ontario produced an estimated 10,000 paintings in his lifetime, and is best known for vibrantly coloured works depicting aboriginal legends and spirits. But Morriseau was also a drifter, a drunk and notoriously unreliable, so tracing the provenance of his works isn’t easy.

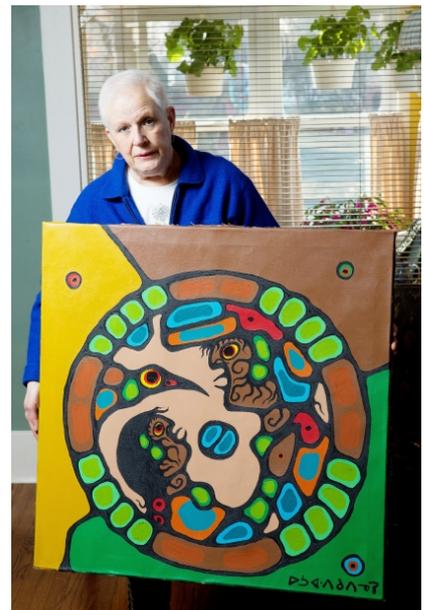
In a career that spanned 50 years, Morriseau sold paintings to the bourgeoisie at tony Toronto galleries, and traded them for bottles of beer while living homeless on the streets of Vancouver.

Disagreements, often nasty, between art dealers, collectors, and Morriseau’s own family and friends have clouded the Morriseau art market for years. Millions of dollars are at stake. A genuine Morriseau can fetch thousands — the small-claims court heard evidence that Wheel of Life was worth up to \$25,000 — but the market has collapsed in recent years because of publicity about fraudulent paintings.

Tuesday’s ruling will affect a key controversy that has hung over up to 2,000 other paintings allegedly by Morriseau that were sold at auctions in southern Ontario in the late 1990s and early 2000s. Many, like Wheel of Life, ended up being resold at art galleries.

Most of them were signed “Norval Morriseau” on the back with heavy black acrylic paint. That signature was a key issue in the Hatfield small-claims court case, which included five days of testimony from witnesses who delivered almost unbelievably contradictory evidence.

Don Robinson, a Toronto art gallery owner who was Morriseau’s principal agent for 19 years, testified that the artist never signed the back of his paintings in black paint. All of the paintings sold at the



Margaret Hatfield bought a painting called Wheel of Life, allegedly by artist Norval Morriseau, at a Toronto art gallery.

Photograph by: Brent Foster , for the Ottawa Citizen



auctions were fake, Robinson testified. He also suggested that Morriseau's own estranged family was involved in the production of fraudulent paintings.

The court rejected Robinson's expert report, noting that his "business interests conflicted with his professional opinion," since he still sells Morriseau paintings, and also that he had no formal training as a handwriting expert.

Instead, the court accepted the evidence of Morriseau's brother Wilfred, who testified that he advised Norval to sign his paintings on the back, and personally saw the artist sign at least a thousand of them in black paint. Wilfred's testimony was "convincing and credible," said the judgment. It also accepted the opinion of a handwriting expert and another Toronto gallery owner, Joseph McLeod, who had provided a certificate saying Wheel of Life was authentic.

"The Court finds that there is overwhelming evidence that Norval Morriseau signed paintings in black brush paint," said the judgment.

That should make it easier for galleries across Canada to sell similar paintings that came from the southern Ontario auctions, confident they are genuine Morriseaus, said Shiller.

The judgment is a relief for Donna Child, the director of Artworld of Sherway. The civil suit alleged the gallery sold Wheel of Life to Hatfield even though officials there knew, or should have known, it was a fake.

The court ruled that Artworld of Sherway "did not misrepresent the authenticity of the painting."

"I'm overjoyed," said Child in a phone interview from the gallery. "It's the right decision ... in the court's eyes, my thoughts and beliefs about this painting were also theirs. I had no doubt that it was genuine."

She said the decision might help improve the Morriseau art market. "I'm hoping it will start to stabilize things. He is a great Canadian painter, and the seed of doubt that has been planted in the minds of collectors has certainly hurt business for not only Norval Morriseau's work but for the Woodland school, period. Hopefully this will start to spring the market back to where it should be. He's a great Canadian painter, and needs to be recognized, not only in Canada, but internationally as well."