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The Will of Daniel Fowler of Amherst Island: 'Memorials of the Early History of Canadian Art'

FRANCES K. SMITH

Kingston

Since my recent exhibition and study of Daniel Fowler's work,¹ several bits of information have unexpectedly come to light in a second-hand book dealer's stock in London, England. These include the copy for probate of Fowler's will, the marriage settlement between Daniel Fowler and Elizabeth Gale (five large vellum sheets dated 4 August 1835), along with other legal documents relating to the Fowler family which are now part of the archives of the Agnes Etherington Art Centre, Queen's University. Not the least important of these is the *Memorandum* about the disposal of Fowler's drawings and paintings which formed an integral part of his last will and testament of 16 June 1891. While incidentally correcting some factual information about the source of several works in the National Gallery of Canada² which was not known, or had been lost sight of, the *Memorandum* is sufficiently interesting to be printed here in full as what the artist foresaw as concerning 'memorials of the early history of Canadian art'.

Let us recapitulate the evidence we have leading up to the will and subsequent to it. In the *Watts MSS.* in the Montreal Museum of Fine Arts, a letter of 10 April 1889 addressed to Mr. [J.] W.H. Watts Esq., the first Curator of the National Gallery of Canada, anticipates a visit from him 'before the year is out.' Fowler goes on to say:

Some time ago I formed the intention of leaving some of the best of my pictures, now to be had, to the National Gallery. There are two, about which I think I need not hesitate, but among five or six others I find it difficult to determine. (Only all this between ourselves,

if you please.) I have put off preparing the necessary codicil, and would still do so as long as I dare. I think I may safely eno. [*sic*] from all present appearances, if I can really hope to see you. I can assure you that it *wd.* [*sic*] give me much pleasure.

A second letter, dated 18 April, acknowledges Watts's reply in the following terms:

My dear Watts,

I am very much obliged for your prompt reply and very glad of the intelligence that it conveys. We shall be very happy to see you. I am in earnest in my intention and trust that, with your help, I shall be able to come to a rightful decision – permitted of course that I have what is good enough for the purpose.

Fowler then continues in the letter with detailed instructions about reaching Amherst Island from Kingston. There is little doubt that Watts did make such a visit to the island that year, and that the subject of gifts to the National Gallery of Canada was discussed and selection made. Unfortunately, Watts's letters to Fowler, along with many others to the artist, appear not to have survived.

EXTRACT FROM 'THE LAST WILL AND TESTAMENT OF ME, DANIEL FOWLER OF AMHERST ISLAND' (16 JUNE 1891):

I give and bequeath to my Executors hereinafter mentioned my drawings and sketches, the work of my own hand and direct the same to be divided and disposed of by them according to a memorandum hereto annexed signed by me and duly witnessed. To my children in like manner I give all my books to be equally divided among them. In case of any difficulty arising as to the division of my books it shall be made by my executors.

Memorandum for my Executors for the disposal of my drawings and sketches, my own original work. They

¹ *Daniel Fowler of Amherst Island 1810-1894* (Agnes Etherington Art Centre, Kingston, 14 January–25 February 1979). The exhibition and its catalogue are reviewed below, pp. 121–23.

² R.H. Hubbard, *The National Gallery of Canada. Catalogue of Paintings and Sculpture, III: Canadian School* (Toronto, 1960).



FIGURES 1 and 2. Obverse and reverse of the medal awarded to Daniel Fowler at the International Exhibition, Philadelphia, 1876.

consist at the present date of 1st Pictures in frames some of which are in the house and others in the hands of Messrs. Matthews Brothers, 93 Yonge Street, Toronto and others in the hands of Mr. T. Pike, 316 Yonge Street, Toronto. There may also be some unframed in the hands of the Art Union Society in Toronto. The following large ones are to be offered for acceptance for the National Gallery at Ottawa namely 'Dead Hare in November'³ 'Group of dead Canadian Game'⁴ 'View of Cologne on the Rhine' (with windmill)⁵ 'Street Scene at Trarbach on the Moselle' (upright shape)⁶ 'Group of Flowers.'⁷ The Cologne and the Trarbach to be reframed at Ottawa at the cost of my estate, the mat of the Cologne to be reduced one inch in width. With these five pictures are also to be offered my Portrait in chalk by myself,⁷ my Diploma and Medal [Figs. 1, 2] from the International Exhibition at Philadelphia U.S. in 1876 and my Diploma from the Royal Canadian Academy, and I wish it to be distinctly stated that these latter objects are offered not for any interest that they may have at the present time but for the interest that they may acquire as time goes on, as memorials of the early history of Canadian Art, the Philadelphia Diploma and Medal uniform in all cases of award in that the exhibition being the first international recognition of Canadian Art and one of only twelve in all awarded to competition from eleven countries in the water colour class of fine art. The remaining pictures in frames (and this is to be understood as applying to those of my own original work only, and not to the work of other men which may be in my possession) are to be offered for public sale at Toronto under whatever circumstances of time or otherwise may be deemed most advantageous and with them two packages of drawings and sketches not

in frames marked 'for sale,' the proceeds of the sale to form part of the residue of my estate. I also desire that the Dominion and Ontario Official Report of the Philadelphia Exhibition and more especially that of the United States as to 'Group xxvii' which will be found tied up together, may be placed temporarily in the hands of the Auctioneer for verification.

2nd. All my other drawings and sketches and with them some few prints photographs etc. are contained in seven portfolios all labelled according to their respective destinations namely one to each of my children and also to my daughter Fanny of scraps which her knowledge of Art will enable her to appreciate more than others might, also three other portfolios of which the contents are to be divided equally among my children as they may agree among themselves and in case of any difficulty in the division it shall be made by my Executors. And I direct that in no

3 *Daniel Fowler*, cat. no. 58. The source recorded by the National Gallery as 'Ex coll. J.W.H. Watts, Ottawa/Acquired 1889' is presumed incorrect.

4 *Ibid.*, cat. no. 59. Similarly, the source listed as 'Acquired about 1889' must be incorrect.

5 These two works are in all likelihood the two that are considered by the National Gallery as having been destroyed in the burning of the Parliament Buildings, Ottawa, in 1916. Records indicate simply: *The Windmill* (148), source 'J.W.H. Watts and Dickson and Townsend, Toronto, acquired 1895,' and *Flowers* (153), source 'J.W.H. Watts.'

6 Catalogued but not illustrated in Hubbard, p. 189, as *Street in Edinburgh*; reidentified as *Street Scene, Probably in the Moselle Region*, in *Daniel Fowler*, cat. no. 43. Source recorded as 'Ex Coll. J.W.H. Watts, Ottawa/Acquired about 1889' is thus incorrect.

7 Undoubtedly the *Portrait of the Artist* (NGC 190), recorded as 'Gift of the artist,' which would be more accurately described as 'Bequest of the artist.'

case even if desired should any one or more of these drawings and sketches thus given to my children be offered for sale along with those before mentioned for sufficient reasons. Finally there is an eighth portfolio marked 'Rubbish' as to which I can give no instructions.

In witness whereof I have herunto set my hand and Seal this Sixteenth day of June A.D. 1891

D. Fowler (sgd.)

Fowler died on 14 September 1894. In 1895, we find a copy of a memorandum of 25 February from Watts to the Secretary, Department of Public Works,⁸ announcing receipt from the estate executor of:

five pictures, portrait, Medal and Diplomas as directed and set forth in his will, an extract of which is herewith attached.

The pictures are a great acquisition to the Gallery. The late Mr. Fowler consulted me about the matter some five years ago and the pictures sent are the result of the arrangement made at that time.

The Academy Diploma and Medal are of no interest to the Gallery and would recommend that they be returned to the family.

⁸ Public Archives of Canada, RG 11, Vol. 1027, document 158440. I am indebted to Mr. Charles C. Hill, Curator of Post-Confederation Art, National Gallery of Canada, for calling my attention to this document and to the following one.

⁹ Public Archives of Canada, RG 11, Vol. 1030, document 158816.

Subsequent to this recommendation, however, we find a copy of a letter dated 15 April 1895 from the Minister of Public Works to R.A. Fowler, as executor of his father's estate,⁹ accepting graciously the whole of the gift, including the diplomas and medal. Nor does the story end at this point, as the medal and diplomas are not now in the possession of the National Gallery of Canada. It would seem that they must have been returned to the descendants of Fowler at some time, although we have as yet no written evidence of this.

Accordingly, the medal awarded by the United States Centennial Commission at the International Exhibition at Philadelphia (1876) was located in the possession of a great-great-grandson of the artist and was lent for record and photography. In like manner, this descendant also holds the medal awarded to Fowler by the Dominion of Canada at the same exhibition (for 'Landscapes'), and the medal from the Colonial and Indian Exhibition in London in 1886. As to the works on paper, the Certificate of Award which accompanied the International Exhibition Medal of 1876 and the Diploma from the Canadian Commission, inscribed as for 'Drawings in Water Colour (Flowers and Landscape),' are now in the Art Gallery of Ontario, presented in April 1955 by Reginald Charles Fowler, a grandson of the artist. The whereabouts of the Diploma from the Royal Canadian Academy is not known.