



Fig. 1. Frontenac County Court House 1855-8. Edward Horsey.  
(Image courtesy of P. du Prey)

*For my father.*

*Venetia Stewart completed her BA Honours in art history at Queen's University and is currently completing a Master's Degree at Queen's University with Professor Volker Manuth, working on the 17th century Portrait Painter, John Michael Wright.*

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## Martin Eli Weil Prize Essay, 2002

Venetia Stewart

### Justice Done: The Restitution of the Frontenac County Court House within the Classical Tradition

The Frontenac County Court House (fig. 1) and its adjoining buildings, those still standing and those since destroyed, make up one of Kingston's finest architectural and historical complexes.<sup>1</sup> An unpublished floor plan of the main building, signed by its architect Edward Horsey (1806-1869), sheds new light on the architect's original intentions and clarifies the original stylistic relationship between the exterior and interior of the building (fig. 2).<sup>2</sup> The use of the Classical Orders and the meaning they convey is vital to the comprehension of this building which, until now, had only been partial because of a lack of surviving information about the original interior of the building.

Originally, the complex consisted of the Court House, Registry Office (fig. 4 for depiction of the Registry Office without the extension), Gaoler's House (fig. 17), and the adjacent Gaol, which was surrounded by a magnificent limestone wall two storeys high (fig.3). The Gaol and wall all disappeared in 1973 (see fig. 5 for a depiction of the old Gaol and fig. 6 for the Hanging Window where executions were performed and which was formerly the Easternmost end of the Gaol).<sup>3</sup> Although these buildings were not all designed or constructed at the same time, their builders took great care to keep the complex as a stylistic whole within the Classical tradition. In the past, this magnificent structure has been somewhat neglected by art historians in favour of its more famous, and publicly situated neighbour, the Kingston City Hall (1842-1844) by George Browne (1811-1885) (fig. 7).<sup>4</sup> Although the Frontenac County Court House is clearly related to the City Hall in its use of the Classical Orders, its program is unique and conveys a meaning related to its function, which was formerly displayed both inside and out.

In the nineteenth century, Kingston was a flourishing city whose prosperity was expressed by Classical-style architecture. In England at that time, the Gothic revival style was growing in popularity. In Kingston however, it was the Classical that won out as the accepted style for the important public buildings, including the City Hall, the Court House, the Penitentiary, the Old Post Office, and the Customs House to name the most prominent (see fig. 8 for a depiction of the Customs House).<sup>5</sup> The influence of architecture books on artists in the colonies should not be un-

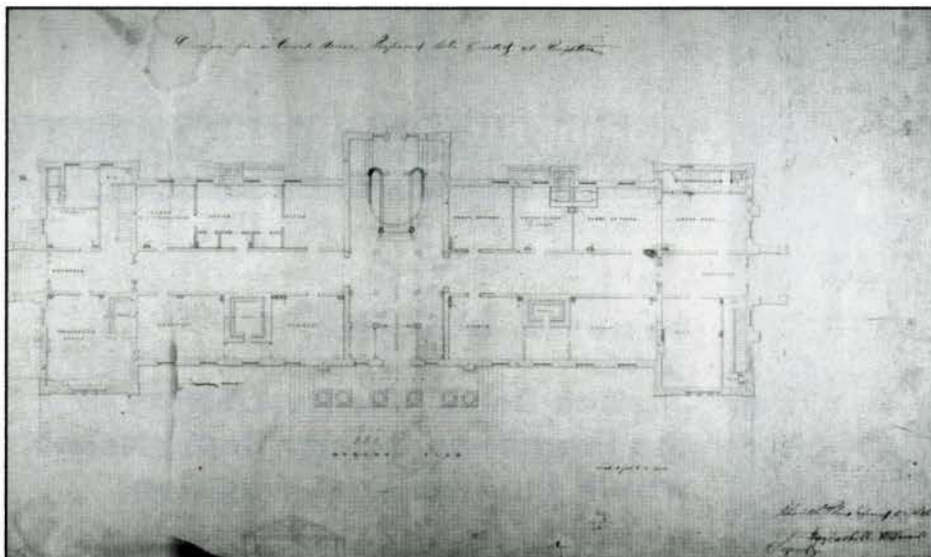


Fig. 2. Plan of Ground Floor of Frontenac County Court House c. 1855. Signed, bottom right, by Edward Horsey. (Collection of Queen's University Archives)



Fig. 3. Aerial View of Court House Complex, before demolition of Jail and Wall. (Image courtesy of P. du Prey)

derestimated. Indeed it is possible that an advertisement of May 1840 that refers to a library of architecture books for sale was that of Edward Horsey.<sup>8</sup> A book that may well have been known to Horsey is Sir William Chambers' *Treatise on the Decorative Part of Civil Architecture* (first published in London in 1759), a highly regarded publication which has since been described as "the Englishman's Palladio and Vignola."<sup>8</sup> This work made reference, at the end of the chapters on each order of architecture, to the building types to which they should be applied.<sup>9</sup> Knowledge of the appropriate use of the orders was available, even to those architects working in the colonies, including Edward Horsey.

In early January 1854, a competition was announced requesting designs for a new Court House, and Edward Horsey was the winner.<sup>10</sup> That mode of soliciting designs for a public building was not new: plans for the Kingston City Hall (1842-1844) had emerged from a competition of which George Browne was the winner.<sup>11</sup> In the case of the Frontenac County Court House, it has been impossible to tell if the winning design was the best, as none of the other competition drawings has survived. The only surviving drawing that relates to the competition is the

floor plan for the Court House, signed by Edward Horsey, which I will discuss in more detail.

Horsey came to Kingston from England in 1831 and, although he trained as a carpenter, he gained a reputation as a builder in Belleville where he and the architect Thomas Rogers (1778-1853) received the contract for the Court House and Gaol. Horsey here had the opportunity to learn first hand the appropriateness of the use of the Classical orders in designing a Court House.<sup>12</sup>

On October 24<sup>th</sup>, 1855, the cornerstone of the new Frontenac, Lennox and Addington County Court House was laid. The Court House was carefully placed in a position of prominence, atop a hill looking down across City Park towards Lake Ontario. The siting is an important one as, like the City Hall which was visible to anyone who sailed by, the Court House would have been an imposing physical reminder of the power and strength of the judicial system. Its position on a hill makes it something to look up to both physically and metaphorically.<sup>13</sup>

The building follows a low-lying Classical design only two stories high, even though its elevated position makes it seem taller and grander than it actually is. The horizontal nature of the building is undeniable, with its Ionic portico from which extend two wings of four bays that culminate in a pedimented pavilion at either end. Today, however, the building seems to have more of a vertical emphasis than was originally intended, because of the "unnatural" height of the dome, which is crowned by a cupola. This dome is not the original designed by Horsey. A hitherto unpublished photograph of the building (fig 9) indicates the original dome, which was more squat than the present one.<sup>14</sup> It did not draw attention away from the façade, unlike its replacement.<sup>15</sup> The new dome is totally unsympathetic to the overall sty-



Fig. 4. Registry Office 1876. (Photo: Venelia Stewart)

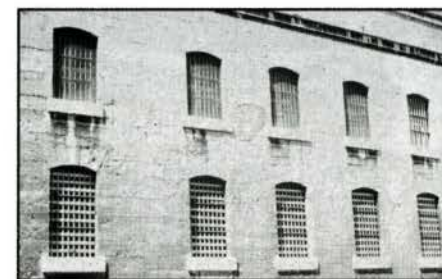


Fig. 5. Frontenac County Jail House. (Image courtesy of Margaret Angus)



Fig. 6. Frontenac County Jail, Hanging Window. (Image courtesy of Margaret Angus)



Fig. 7. Kingston City Hall 1842-44. George Browne, architect. (Image courtesy of Scholastic Slide Service [H. Schade])

little sense. Besides adding a vertical thrust that was not there previously, Power has used the Corinthian order on his dome which, upon examining the use of the orders on the lower parts of the Court House, one realizes has no business being there at all. Although the Corinthian is used properly when looking at the Court House from the front, i.e. it is above Tuscan, then Ionic (portico), when viewed from the sides and rear of the Court House it looks out of place. (fig.10) The contrast of the decorative Corinthian order with the heavily rusticated Tuscan found on both the rear and sides of the building is noticeably awkward.<sup>16</sup>

The exterior of the Court House displays elements of the Tuscan order and Greek Doric, both of which embody aspects of the theory of Primitivism. The writings of such thinkers as the French eighteenth century theorist Abbé Marc Antoine Laugier (1713-1769) had influenced the mainstream of architecture into the nineteenth century. They conveyed the belief that the simpler the order displayed on a building, especially a public one, the purer society would be. It was an attempt to impose certain values on society through architecture, and what better place to attempt it than in a colony in its infancy? The first storey windows of the centre block have (correctly for Ionic) pulvinated friezes (fig. 11), while the windows in the side wings have plain friezes (appropriate for Tuscan) (fig. 12). The mouldings at the tops of the second storey side wing windows are faintly pedimental in form, a sort of “primitive” touch (fig. 13). The main doorway on the central pavilion is a simple post and lintel design with rusticated blocks making up the posts all crowned by a huge, heavily rusticated keystone (fig. 14). The lintel is the only part of the façade that is made of wood, which is appropriate as the Tuscan is the only order that allows wood to be used, as it is the most primitive.<sup>17</sup>

listic nature of the building. Its vertical thrust is out of place atop a building that, as we have seen, is clearly horizontal in nature. Moreover, when Power’s “new” dome is examined in relation to the rest of the Court House, it makes

Fig. 8. Custom’s House, Kingston 1856. (Photo: Venetia Stewart)



This raises the question of the architect’s choice of these “primitive” styles. George Browne’s City Hall can be seen as a model for this building in several ways, including the low-lying two-storey bays that culminate in pavilions (fig. 7). Moreover, it is the appropriateness of the use of the Tuscan and Greek Doric orders that Browne firmly established in Kingston. In the 1850’s, Canada was still regarded as the “backwoods” of the Empire and its relative youth as a settlement was undeniable.

Thus, the use of the most basic of the Orders would be seen as appropriate. Both Horsey and Browne had been born over the ocean, one in England, the other in Ireland, and that was an opportunity to develop a new style that could be associated with this new settlement.

The use of the Tuscan continues around the sides of the main building where it is treated in a heavily rusticated fashion (fig.15). Although there are no freestanding porticos, both ends display piers (with no capitals) that support an attached pediment. That is the Tuscan found in its most primitive fashion. Rusticated piers are also evident on the corners of the end pavilions of the front of the façade. The use of rustication continues on the rear façade where it abounds (fig. 16). That is extremely appropriate, as the back façade was not a public entrance. It looks out onto the Gaoler’s House (fig. 17) and once onto the Gaol itself, enclosed by a large, stone wall. The main traffic that would have used the back entrance (fig. 18) consisted only of those going between the back of the Court House, which is aligned with it, and either the Gaoler’s House or the Gaol itself—mainly convicts and their lawyers. Thus, the use of the earthy and simple rustication was highly appropriate in this specific context and the simple treatment of the Gaoler’s House doorframe seems to echo this



Fig. 9. Photograph of the Frontenac County Court House with Horsey’s original dome c. 1855. (Collection Queen’s University Archives)



Fig. 10. Detail of Power’s dome from the back of the Court House. (Photo: Venetia Stewart)



Fig. 11. First storey, centre block window with a pulvinated frieze. (Photo: Venetia Stewart)



Fig. 12. First storey, side wing window with a plain frieze (window to the left). (Photo: Venetia Stewart)

highlight the rear windows on the upper story. The pedimented window tops do continue however, as does the display of the "primitive."

The portico on the central façade of the front of the building displays the Ionic Order (fig. 20). That was a careful choice on Horsey's part, and one that is highly appropriate for a Court House, and stems from a long tradition (see footnote 8). The "feminine" qualities associated with the Ionic Order can be seen to refer to Justice, traditionally personified as a woman, a statue of whom can often be found on Court Houses in England, for example the Old Bailey, in London (built 1902-1907).<sup>18</sup> The Court House was the centre for Justice in Kingston and the use of Ionic on the façade pays homage to her, displaying it as her dwelling place.

It is Horsey's arrangement for the interior of the Court House which has proven so elusive to art historians in the past, and until now has only been guessed at. The original interior has long since disappeared, due to several fires.<sup>19</sup> A newly discovered drawing (fig. 2) allows a tantalizing glimpse at Horsey's intentions and helps to understand the building as a stylistic whole.<sup>20</sup>

The pen and ink drawing measures 54.4 x 94.8 cm (21 3/8 x 37 in.) with a scale of 8 feet to 1 inch and is inscribed "Design for a Court House Proposed to be Erected at Kingston." It is covered in notes including faint measurements and sums, as well as some red pencil markings that seem to relate to air circulation. In the bottom right-hand corner is written, "This is the Plan Referred to in the Specifications!". Signed "Sidney Scobell & R. Tossell Edwd. Horsey Archt." (see fig. 21) Scobell and Tossell were the contractors for the new Court House.<sup>21</sup>

The interior follows the horizontal nature of the exterior, with two symmetrical wings extending from a grand entrance

(fig. 19). Here everything is brought to its most basic stylistic form, even to the window surrounds, which seem almost to have disappeared. Instead of the stone window surrounds found on the front façade, quoining has been used to

hall. The floor plan of the ground level of the building labels all the functions of the different rooms including Crown Officer, Sheriff, Register, and even a Bar and Grand Jury room located in the far right pavilion. In the left pavilion, back stairs adjoins a rather spacious toilet marked "W.C.," in the English manner. No records have been found that describe the entrance hall but now, from this drawing, we are able to discern that Horsey at least designed (if not constructed) a grand, four-columned, Palladian-style entrance hallway, examples of which abound in Andrea Palladio's *I Quattro Libri dell'architettura* (Venice, 1570), such as the Palazzo Angarano, Vicenza, as well as a Palazzo for Count Giovanni Battista Della Torre in Verona<sup>22</sup> (fig. 22). The portico in Kingston would indicate the entrance to the building and once inside, the four-columned hallway would direct one to the grand double staircase at the end of the hall (directly across from the doors). There is a staircase standing there today, but unfortunately the columns were lost in one of the fires. However, we can be fairly certain that the four columns were actually erected in the hallway since the supports for them in the basement are indicated in the later plans.<sup>23</sup>

What is fascinating to note is that the columns proposed for the main hallway in the drawing are not surrounded by a square, unlike the Ionic columns in the plan which survive today on the exterior of the Court House. That could suggest the use of Greek Doric, which is the only one of the Orders to have no base; however it is important to note that in other drawings, columns of differing Orders are often depicted with no base.<sup>24</sup>

The floor plan also allows us to note changes made to the exterior of the building. This includes a noticeable change at the rear of the building as to where the entrance once was. In the plan, the entrance to the rear of the building is located behind the staircase, directly in the centre of the rear façade. It has since been moved off to the side, upsetting the Classical symmetry of the building (fig.18). Also interesting to note is the later addition of a staircase on the right side that has been created to allow for

Fig. 13. Second storey, side wing window with a slight pediment. (Photo: Venetia Stewart)

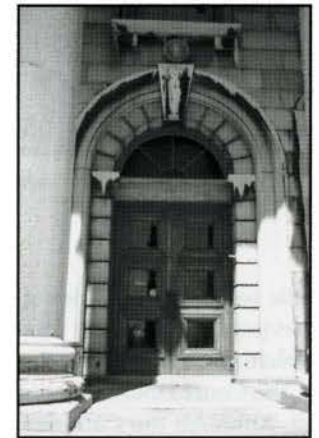
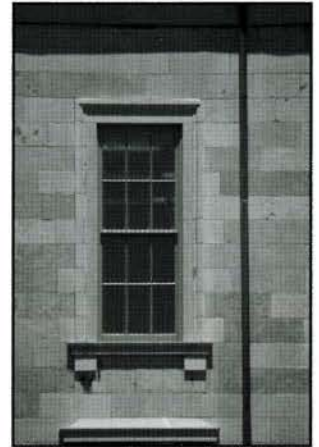


Fig. 14. Main doorway, centre block, heavily rusticated keystone. (Photo: Venetia Stewart)



Fig. 15. West end entrance.  
(Photo: Venetia Stewart)



Fig. 16. Back of east wing.  
(Photo: Venetia Stewart)



Fig. 17. Gaoler's House as it stands today, 1858.  
(Photo: Venetia Stewart)

Horse, due to fires and (senseless) demolition. The ground plan and early photograph published here for the first time shed light on what Horse had intended for the interior of this building. But it also adds to the mounting evidence that this building's exterior was carefully designed and constructed within the Classical tradition to create a harmonious and profound message about the place of justice in a pioneer society in its infancy.

## Notes

1. I would like to take this opportunity to thank several people whose assistance with this project was always immense and immeasurably cheerful, including Professor P. du Prey, Professor Emeritus J.D. Stewart, and Paul Banfield of the Queen's University Archives.
2. The drawing, part of the Robert Gage collection (Queen's University Archives), was acquired in 1985 from the estate of

the late Ada Spooner, a great niece of Robert Gage, architect (c. 1841-c. 1888) (information J.D. Stewart). Margaret Angus (1963, *Architects and Builders of Early Kingston, Historic Kingston*, vol. II, 1963, p. 24-25) gives life and death date 27 March 1869 but no birth date. Jennifer McKendry (1995, *With Our Past Before Us*, University of Toronto Press) is the source for his birth date.

3. The Gaol and surrounding wall were destroyed by the Coun-

ty, despite strong protest, in 1973-74. The Gaoler's house remains and is the well-cared for Red Cross Headquarters in Kingston.

4. A notable omission of a discussion of this building is Kalman's text, where it does not appear at all.

5. All of these buildings, although by different architects, kept stylistically to the Classical tradition. Thus it is safe to assume that the Classical style was seen to have associations with power and strength which, it was felt, were not as effectively communicated by the Gothic.

6. See McKendry (p. 19), where she suggests that the gentleman who advertised in the Kingston newspapers that he was returning to England and was selling to gentlemen of "the profession" his library "consisting of the best standard works extant," was Edward Horse. This theory is indeed plausible as Horse returned to England for a short period, leaving in 1840.

7. Chambers, W., *A Treatise on the Decorative Part of Civil Architecture*, London, 1825 and New York, 1968 editions.

8. This is how the book is described in the introduction to the 1968 edition.

9. Chambers (1825 : 183), states that "The Tuscan order, as it conveys ideas of strength and rustic simplicity is very proper for rural purposes [...] Serlio recommends

the use thereof in prisons, arsenals, treasuries etc." and (p. 210) "[...] the Ionic is principally used in such as are consecrated females, of the maternal state. It is likewise

Fig. 18. Back entrance to Court House.  
(Photo: Venetia Stewart)

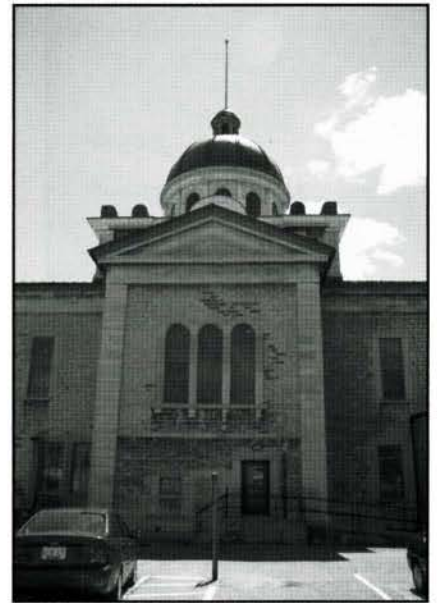


Fig. 19. Detail of the doorframe of the Gaoler's House.  
(Photo: Venetia Stewart)

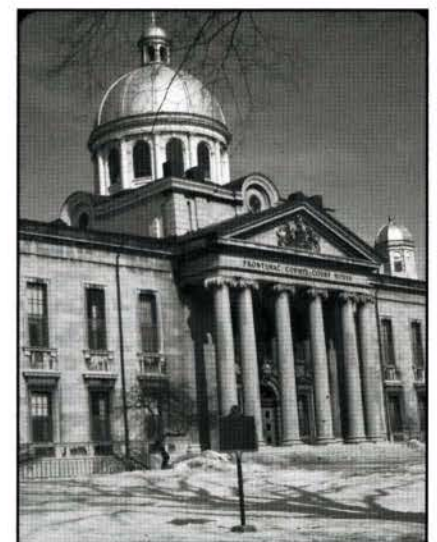
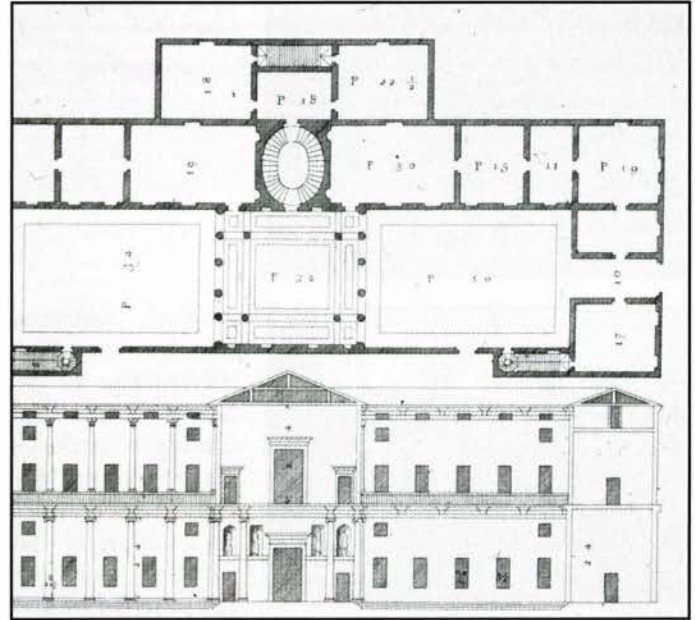


Fig. 20. Detail of the central portico of the Court House.  
(Photo: Venetia Stewart)



Fig. 21. Detail of the signature of Edward Horsey from the contract drawing now in the Queen's University Archives, Kingston. (Collection of Queen's University Archives)

Fig. 22. Plan and elevation of a Palazzo for Giovanni Battista della Torre in Verona c. 1570. (Andrea Palladio)



employed in courts of justice." These quotations give proof that the Tuscan was seen as appropriate for "rural" and thus colonial settings, and that the Ionic order was already associated with Courts of Justice, i.e. Court Houses.

10. The first Court House was built in 1796 (Crossman, K., 1978, *The Early Court Houses of Ontario*, Parks Canada, p. 138-139). A second Court House built in 1824, designed by John Leigh Okill, received substantial changes and additions from Thomas Rogers in 1839 (see Stewart, J.D., 1985, "Thomas Rogers" *Dictionary of Canadian Biography*, vol. VIII (1851-1860), University of Toronto Press, p. 761). For descriptions of the early Court Houses see Stewart, J.D., and Ian Wilson, 1973, *Heritage Kingston*, Agnes Etherington Art Centre, Queen's University, Kingston, p. 44, 97-98. For a general description of the old Court House see Kalman, H., 1994, *A History of Canadian Architecture*, 2 vols., Oxford University Press, p. 145.

11. Stewart, J.D., 1976, « Architecture for a Boom Town: The Primitive and Neo-Baroque in George Browne's Kingston Buildings », In *To Preserve and Defend - Essays on Kingston in the Nineteenth Century*, McGill-Queen's University Press, p. 52. In June of 1842, that competition announced it intended to pay the winner £50.

12. Horsey returned to England briefly, but in 1853 he was awarded the post as architect to the provincial penitentiary in succession to William Coverdale. Thus it was with the experience as an architect of penal institutions that Horsey designed the Court House and adjoining Gaol.

13. It is interesting to note that the land was bought in 1840, when Kingston was the Capital of the United Provinces of Canada, by

Lord Sydenham who intended it for the Parliament Buildings of Canada.

14. This photograph was only recently discovered in the Queen's University Archives. On the back of the frame was written: W.S. MacGregor, 147 Russell Street, Kingston, Ontario.

15. The old dome was replaced in 1874 by John Power and Sons, due to a fire that had destroyed the original dome that, according to McKendry (p. 141), was made of tin and wood. That fire also gutted the interior of the building.

16. McKendry claims that Horsey's original drum was "rather disappointing" and that Power rebuilt the dome "in a more emphatic profile" (p. 173). However, I would argue that Power's new dome has now become the focus of the building, because of its height, which was clearly not Horsey's intention. Also evident is the addition of two cupolas on the roof of the end pavilions. These were not there before 1875 and were clearly an attempt by Power to balance the great height of his "new" dome.

17. See Palladio, Book 1, Chapter 14 "On the Tuscan Order," and Vitruvius *De Architectura*, Book 4, Chapter VII "Tuscan Temples."

18. Britton, J., and A. Pugin (1828, *Illustrations of the Public Buildings of London: With Historical and Descriptive Accounts of Each Edifice* London, p. 58), state that at old Newgate prison "in niches, within the intercolumniations on both sides, were statues of liberty, [...] Justice, Mercy, and Truth" [italics mine]. Here we have an old example of the regular display of the personification of Justice, on Courts of Justice and Gaols.

19. The first fire occurred in 1874 when Power was hired to supervise reconstruction of the interior

including the addition of the dome. Another fire in 1931 meant that slight restorations were made and, in 1965, renovations made the interior of the building what it is today.

20. Three other floor plans for the various floors of the Court House are in the Queen's University Archives today. However, they are clearly from a later period, as the uses of the various rooms are different. Also worthy of note is that the four-columned entrance hallway on the ground floor has disappeared, although it is still evident in the basement level. This suggests that the plans are from a later date, after one of the various fires that gutted the interior. It is evident from these plans that Horsey's four-columned entrance hallway was constructed as the supports for the main floor are found in a plan of the basement (Crossman, vol. 1 : 146).

21. Angus, M., (1966, *The Old Stones of Kingston: Its Buildings before 1867*, University of Toronto Press, p. 58) states that Scobell and Tossell were the contractors. There is very little in the literature on either Scobell or Tossell; however, McKendry (p. 8) refers to Scobell as part of a family of "well-known merchants, builders, and architects."

22. Palladio, A., 1997, *The Four Books on Architecture*, MIT Press, p. 140-141.

23. Crossman, vol. 1 : 146.

24. An excellent surviving example of the Greek Doric and its baseless columns can be found in the Parthenon.

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